 **Maryland**  
Department of Economic &  
Employment Development

*William Donald Schaefer, Governor*  
*Mark L. Wasserman, Secretary*

*Board of Appeals*  
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*Baltimore, Maryland 21201*  
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*Board of Appeals*  
*Thomas W. Keech, Chairman*  
*Hazel A. Warnick, Associate Member*  
*Donna P. Watts, Associate Member*

— DECISION —

Claimant:	Donna M. Turner	Decision No.:	1189-BR-92
		Date:	July 22, 1992
		Appeal No.:	9200207
		S. S. No.:	
Employer:	Prince George's Bd. of Ed.	L. O. No.:	7
		Appellant:	CLAIMANT

Issue: Whether the claimant's unemployment was due to leaving work voluntarily, without good cause, within the meaning of Section 8-1001 of the Labor and Employment Article.

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— NOTICE OF RIGHT OF APPEAL TO COURT —

YOU MAY FILE AN APPEAL FROM THIS DECISION IN ACCORDANCE WITH THE LAWS OF MARYLAND. THE APPEAL MAY BE TAKEN IN PERSON OR THROUGH AN ATTORNEY IN THE CIRCUIT COURT OF BALTIMORE CITY, IF YOU RESIDE IN BALTIMORE CITY, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

August 21, 1992

THE PERIOD FOR FILING AN APPEAL EXPIRES

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— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals modifies the decision of the Hearing Examiner.

The claimant voluntarily quit her employment on or about January 24, 1992.

The credible evidence indicates that the claimant was having difficulty with students in her classroom from November, 1991 through January, 1992.

The claimant had a difficult classroom which became exacerbated in late November, 1991, when a parent observed the classroom. From late November, 1991 onward, the claimant asked the administrator of her school to change her classroom. The administrator said that she would file the necessary paper and it would have to be reviewed by the proper offices. The claimant continued to have difficulties in her classroom in December, 1991. The claimant survived through the Christmas holidays and figured that she would be able to get some rest during the holidays. The claimant had been exhibiting some symptoms of nausea and diarrhea from her job stress.

The claimant returned to school on or about January 2 and 3, 1992. On January 3, 1992, the claimant found that the students were particularly verbally abusive. The claimant called her union representative on that date, and told her that she was going to a doctor. The claimant was excused from work January 3, 1992 through January 14, 1992.

The claimant returned to work on or about January 14, 1992 and taught all day. The claimant did say she experienced some verbal abuse and some physical abuse from the students. The physical abuse was having papers and chalk thrown at her. The claimant allegedly did not have much administrative support from the school office.

The claimant left early on or about January 15, 1992, because she was physically ill.

The claimant received an evaluation from her principal and from an assistant superintendent in area four by the name of Patricia Green, who told her that she must improve certain conditions, in order to continue in employment. The claimant did meet the conditions in an attempt to follow back with the plans. The claimant was told that she must report back to work in order to keep her job. The claimant went back to work on or about January 24, 1992. The claimant was told on that date that the administrative office would not grant her transfer, and she would not be able to change classroom. The claimant became upset with this information and developed physical symptoms. The claimant went to her doctor later in the day very upset. The claimant had

the office obtain a substitute teacher for her.

The claimant did not provide any medical documentation from a medical doctor describing her physical symptoms. The claimant did provide documentation from a psychologist stating that it was his opinion that the claimant could not return to work at the Potomac Landing Elementary School, due to the situation as described by Ms. Turner. This Hearing Examiner does not accept the psychologist's letter as a medical verification of her inability to perform her work.

The claimant later told the Prince George's County Board of Education that she would not return to work unless she had a transfer.

#### CONCLUSIONS OF LAW

The Maryland Code, Labor and Employment Article, Title 8, Section 1001 provides that an individual shall be disqualified for benefits where his unemployment is due to leaving work voluntarily, without good cause arising from or connected with the conditions of employment or actions of the employer. The preponderance of the credible evidence in the record will support a conclusion that the claimant voluntarily separated from employment, without good cause, within the meaning of Title 8, Section 1001.

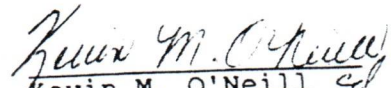
In the instant case, the claimant voluntarily quit her employment when she demanded a transfer which was not granted. The school board hired her to teach in that sixth grade classroom, and the claimant was not willing to teach in that classroom. Insufficient, medical documentation was provided to show that the claimant had valid, medical reasons to leave her position. The claimant voluntarily left her employment without good cause or valid circumstances attributable to the employer.

#### DECISION

The claimant left work voluntarily, without good cause, within the meaning of Title 8, Section 1001 of the Maryland Code, Labor and Employment Article.

Benefits are denied for the week beginning January 19, 1992, and thereafter until she becomes re-employed, earns at least ten times her weekly benefit amount (\$2230), and thereafter becomes unemployed through no fault of her own.

The determination of the Claims Examiner is reversed.

  
Kevin M. O'Neill *cd*  
Hearing Examiner

Date of Hearing: 4/30/92  
Specialist ID: 07204  
cd/CASSETTE IN FILE

COPIES MAILED ON 5/4/92 TO:

Claimant  
Employer  
Unemployment Insurance - College Park (MABS)

James R. Whattan, Esquire

 **Maryland**  
Department of Economic &  
Employment Development

*William Donald Schaefer, Governor*  
*Mark L. Wasserman, Secretary*

*Gary W. Wiedel, Administrator*  
*Louis Wm. Steinwedel, Chief Hearing Examiner*

Room 501  
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Telephone: (410) 333-5040

**— DECISION —**

Mailed 5/4/92

Claimant: Donna M. Turner

Date:

Appeal No.: 92-CWC-207

S. S. No.:

Employer: Prince George's  
Board of Education

L.O. No.: 07

Appellant: Claimant

Issue: Whether the claimant was discharged for misconduct connected with the work within the meaning of MD Code, Labor and Employment Article, Title 8, Section 1003.

**— NOTICE OF RIGHT OF FURTHER APPEAL —**

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A FURTHER APPEAL AND SUCH APPEAL MAY BE FILED IN ANY OFFICE OF THE DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT, OR WITH THE BOARD OF APPEALS, ROOM 515, 1100 NORTH EUTAW STREET, BALTIMORE, MARYLAND 21201, EITHER IN PERSON OR BY MAIL

THE PERIOD FOR FILING A FURTHER APPEAL EXPIRES ON **May 19, 1992**  
NOTICE: APPEALS FILED BY MAIL INCLUDING SELF-METERED MAIL, ARE CONSIDERED FILED ON THE DATE OF THE U.S. POSTAL SERVICE POSTMARK.

**— APPEARANCES —**

FOR THE CLAIMANT:

Present - represented by James  
R. Whattam, Esquire

FOR THE EMPLOYER:

Represented by  
Albert Starr,  
Personnel Analyst

**FINDINGS OF FACT**

The claimant worked for the employer from August 17, 1991 through January 24, 1992. She was employed as a sixth grade teacher and earned approximately \$39,000.00 a year full-time.

The claimant quit her job because she could not handle the stresses of her job conditions, to the point that it affected her health. She sought medical help from her physician, who referred her to a psychologist. She also requested a job transfer, but none was forthcoming. Eventually, the claimant's job came into jeopardy. Charges for her removal were about to be placed against her, at the time she quit, due to the problems she was having.

The Board concludes that the claimant's reason for quitting, while not good cause, does amount to valid circumstances, warranting a reduced disqualification. In so doing, the Board is ruling that the letter from the claimant's psychologist is sufficient to meet the requirement of Section 8-1001 of a "written statement or other documentary evidence of the health problem from a hospital or physician."

In Rice v. Baltimore City Board of Education, 1025-BH-82, the Board held that it construes this requirement liberally to cover all health care professionals connected with physicians and hospitals.<sup>1</sup> The claimant's documentary evidence, while signed by a psychologist, is from Family and Child Centers, Joseph Marnell, M.D., clinical director. In addition, the claimant was referred there by her physician.

Under all these circumstances, the Board concludes that the claimant has produced documentary evidence that meets the requirements of Section 8-1001 of the law. Further, the Board concludes that the claimant has shown that her reason for quitting was of such a compelling nature that she had no reasonable alternative other than to leave.<sup>2</sup>

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<sup>1</sup>In Rice, the Board held that a chiropractor did not meet this requirement because of a Court of Special Appeals decision that specifically held that a chiropractor was not a physician. The Board specifically stated that this ruling did not necessarily apply to other health professionals.

<sup>2</sup>Her reason for quitting was also connected with the conditions of her employment, but the Board finds that it more appropriately fits the second definition of valid circumstances.