



DEPARTMENT OF HUMAN RESOURCES

EMPLOYMENT SECURITY ADMINISTRATION

1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

383-5032

- DECISION -

BOARD OF APPEALS

JOHN J. KENT
Chairman

HENRY G. SPECTOR
HAZEL A. WARNICK
Associate Members

SEVERN E. LANIER
Appeals Counsel

STATE OF MARYLAND

HARRY HUGHES
Governor

KALMAN R. HETTLEMAN
Secretary

DECISION NO.: 1245-BH-82

DATE: August 24, 1982

APPEAL NO.: 06231

S. S. NO:

CLAIMANT: Carolyn K. Hickerson

EMPLOYER: McDonald's

L. O NO: 45

APPELLANT: EMPLOYER

ISSUE Whether the Claimant's unemployment was due to leaving work voluntarily, without good cause, within the meaning of Section 6(a) of the Law.

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 SUPERIOR COURT OF BALTIMORE CITY, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT September 23, 1982

-APPEARANCES -

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Carolyn K. Hickerson - Present
Ronald Silkworth - Attorney
Lisette Suariz - Witness

Suzanne Wright-
Personnel Supervisor
Robert Mills
R. E. Barrington

EVIDENCE CONSIDERED

The Board of Appeals has considered all of the evidence presented, including the testimony offered at the hearings. The Board has also considered all of the documentary evidence introduced into this case, as well as the Employment Security Administration's documents in the appeal file. The Board consolidated the hearing on this case with case No. 06230, but the Board is issuing separate decisions, since these are separate cases.

FINDINGS OF FACT

The Claimant was employed from October 4, 1980 to March 22, 1982 at the McDonald's fast food chain outlet in Laurel, Maryland. Her last position was as second assistant manager at a salary of \$14,500.00 per year. Although the Claimant's performance was satisfactory until approximately February, 1982, the new area supervisor began to criticize her performance at about that time. Shortly thereafter, the area supervisor called the Claimant into his basement office and told her that she could not leave the premises until she had submitted a written resignation. The Claimant was not charged with any misconduct at the time this demand was made. The Claimant refused to resign.

The Claimant was afraid of a certain employee who was much bigger than her and who had threatened her with bodily harm in the past. In March 19, 1982, this employee again threatened the Claimant and at least one other person, mentioning that he had a loaded pistol in the glove compartment of his car. The Claimant reported this to the manager. This employee was told to leave the premises, but he later returned to the drive-in window and repeated a threat to a co-worker of the Claimant. As the Claimant left the premises that night, this employee followed her car with his own car with the lights out. The Claimant also made her manager aware of this incident.

The Claimant's manager terminated this threatening employee, but the manager's order was countermanded by higher authorities within the company. The Claimant requested that her manager request that this threatening employee at least be transferred. The manager made this request, but this request was also denied. The Claimant learned that the threatening employee was to be allowed to return to the premises on following work day. The Claimant had a reasonable fear that this threatening employee would cause her bodily harm if he returned. She resigned upon hearing that he would be returning.

CONCLUSIONS OF LAW

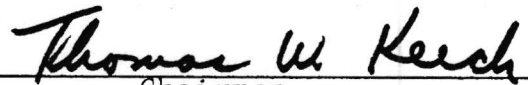
The Board concludes that the Claimant voluntarily quit her employment, with good cause within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. The Claimant en-

tertaind a reasonable fear of serious bodily harm on account of the actions of another employee. The Claimant went through all reasonable steps she could through the management of the company to alleviate this problem. Since the Claimant's fear was reasonable, and since the Claimant's manager's order terminating the threatening employee was countermanded by higher authorities in the company, the Claimant really had no choice but to resign. Since she presence of the threatening employee was necessitated by the direct act of the management of the company, this condition is a condition attributable to the actions of the Employer and the conditions of employment.

DECISION

The Claimant voluntarily quit her employment, with good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. No disqualification is appropriate based on her sepration from employment which took place on March 22, 1982.

The decision of the Appeals Referee is affirmed.


Chairman


Associate Member

K:W
gm

DATE OF HEARING: August 3, 1982

COPIES MAILED TO:

CLAIMANT

EMPLOYER

Ronald Silkworth

Ann E. Thompson
R. E. Barrington, Inc.

UNEMPLOYMENT INSURANCE - PIMLICO



STATE OF MARYLAND
 HARRY HUGHES
 Governor
 KALMAN R. HETTLEMAN
 Secretary

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 383 - 5040

BOARD OF APPEALS

THOMAS W. KEACH
 Chairman

HAZEL A. WARNICK
 MAURICE E. DILL
 Associate Members

SEVERN E. LANIER
 Appeals Counsel

— DECISION —

DATE: June 10, 1982 MARK R. WOLF
 Administrative Hearings Examiner

CLAIMANT: Carolyn K Hickerson

APPEAL NO.: 06231

S. S. NO.:

EMPLOYEES: McDonald's

L. O. NO.: 45

APPELLANT: Claimant

ISSUE: Whether the claimant's unemployment was due to leaving work voluntarily, without good cause, within the meaning of Section 6 (a) of the Law.

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 EMPLOYMENT SECURITY OFFICE, OR WITH THE APPEALS DIVISION, ROOM 515, 1100 NORTH EUTAW STREET, BALTIMORE, MARYLAND 21201, EITHER IN PERSON OR BY MAIL.

THE PERIOD FOR FILING A FURTHER APPEAL EXPIRES AT MIDNIGHT ON June 25, 1982

—APPEARANCES —

FOR THE CLAIMANT:

Present, accompanied by Lissette L. Suariz, Witness

FOR THE EMPLOYER:

Not Represented

FINDINGS OF FACT

The claimant was employed by the McDonald's Corporation from October 4, 1980 until her last day of work, March 22, 1982. She was earning \$240 per week at the time of her separation from employment.

The claimant had worked for a period of time at the Laurel outlet of the McDonald's fast food chain. Her work had always been satisfactory and she had no problems on the job until a new

area supervisor was appointed in February, 1982. The new area supervisor set about immediately to force the claimant and the manager of the store from their jobs. On one occasion, he took them into a room on the premises, demanded their resignations, even though he did not charge them with misconduct or failure to perform.

Finally, one of the employees of the chain threatened the claimant and followed her home. When this was reported to the supervisor and to the company, no action was taken to protect the claimant. The claimant, thereafter, sought an investigation from the home office. An investigation was conducted, but it was superficial and did not include the examination of the party guilty of the threatening conduct.

CONCLUSIONS OF LAW

The claimant was forced to resign by the actions of her area supervisor who put pressure upon her seeking her resignation. Under these circumstances, her resignation is voluntary and under the failure of the employer to protect her from the threats of co-employees, was for good cause. For these reasons, the claimant is entitled to unemployment insurance benefits under the Law.

DECISION

The unemployment of the claimant is due to a non-disqualifying reason within the meaning of Section 6 (a) of the Maryland Unemployment Insurance Law. She is eligible for unemployment insurance benefits for the week beginning March 21, 1982 and thereafter, if otherwise eligible under the Law.

The determination of the Claims Examiner is reversed.

Date of Hearing - 5/27/82
cd/2779
(2421/Wheeler)

COPIES MAILED TO:

Claimant

Employer

Unemployment Insurance - Pimlico