

 **Maryland**  
Department of Economic &  
Employment Development

*William Donald Schaefer, Governor*  
*J. Randall Evans, Secretary*

*Board of Appeals*  
*1100 North Eutaw Street*  
*Baltimore, Maryland 21201*  
*Telephone: (301) 333-5032*

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

— DECISION —

	Decision No.:	129-BH-91	
	Date:	Jan. 31, 1991	
Claimant:	Robin Y. Leonard	Appeal No.:	9009484
		S. S. No.:	
Employer:	Sinai Hospital of Baltimore	L O. No.:	45
	ATTN: Christine Beach, Employee Relations Specialist	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.		

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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.

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

March 2, 1991

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— APPEARANCES —

FOR THE CLAIMANT:

Robin Leonard - Claimant

FOR THE EMPLOYER:

Christine Beach-  
Emp. Rel. Spec.  
Pam Scott -  
Director of  
Admitting  
Evelyn Oberender  
Emp. Rel. Mgr.

#### EVALUATION OF THE EVIDENCE

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 in this case, as well as the Department of Economic and Employment Development's documents in the appeal file.

#### FINDINGS OF FACT

The claimant was employed as an ambulatory outpatient scheduler at Sinai Hospital from approximately January 9, 1989 until February 13, 1990, her last day of work. At that time she went on a leave of absence for personal reasons in order to care for her father, who was seriously ill at the time. The claimant was granted a leave of absence until April 2, 1990.

The claimant's father was suffering from meningitis and was in and out of the Veteran's Hospital. She was needed both to help in travel arrangements back and forth to the hospital and to take care of her father at home.

The claimant attempted to arrange for other family members to help take care of her father, when she realized that care for him would be needed beyond April 2, 1990. However, no other family members were able to take time off in order to care for her father. Therefore, on March 29, she contacted her employer and asked for an extension of her leave of absence. This extension was not granted by the employer. Consequently, the claimant handed in her letter of resignation.

#### CONCLUSIONS OF LAW

The Board concludes that the claimant voluntarily quit her job, for reasons that do not constitute good cause, connected with her work, but do constitute valid circumstances within the meaning of Section 6(a) of the Law. The claimant has provided substantial evidence, both through her own testimony and through medical documentation of her father's illness, that the need to stay home and care for her father was a cause of such a necessitous or compelling nature that she had no reasonable alternative other than to leave her employment. This is one of the definitions of valid circumstances under Section 6(a).

The claimant attempted to get an extension of a leave of absence but that was rejected by the employer. She also attempted to get other family members to assist in the care, but none was available. The Board does not find the employer's allegations that they could have provided such care if the

claimant had asked them, to be a valid alternative for the claimant. Although the employer might have been able to provide assistance in transportation or some limited assistance, such as a visiting nurse once in a while, the Board does not believe that the employer could have provided round the clock home care for the claimant's father. The employer's own witness said she was "fuzzy" as to exactly what kind of care the claimant said was needed, and the employer's records only reflect that she had trouble with transportation. Clearly, the claimant's situation was far more than just arranging transportation.

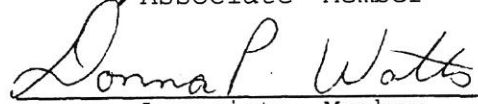
The Board concludes that the claimant should only be subject to a minimum disqualification under Section 6(a) of the Law.

#### DECISION

The claimant voluntarily quit her employment, without good cause, but for valid circumstances within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. She is disqualified from receiving benefits from February 11, 1990 and the four weeks immediately following.

The decision of the Hearing Examiner is modified.

  
\_\_\_\_\_  
Associate Member

  
\_\_\_\_\_  
Associate Member

  
\_\_\_\_\_  
Chairman

H:D:K

kmb

DATE OF HEARING: November 20, 1990

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - NORTHWEST



# Maryland

## Department of Economic & Employment Development

*William Donald Schaefer, Governor*  
*J. Randall Evans, Secretary*

*William R. Merriman, Chief Hearing Examiner*  
*Louis Wm. Steinwedel, Deputy Hearing Examiner*

*1100 North Eutaw Street*  
*Baltimore, Maryland 21201*

*Telephone: 333-5040*

### — DECISION —

Claimant:	Robin Y. Leonard	Date:	Mailed:	8/13/90
		Appeal No.:		9009484
		S. S. No.:		
Employer:	Sinai Hospital Balto., Inc. Attn: Personnel Dept.	LO. No.:		45
		Appellant:		Claimant

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

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### — 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 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

August 28, 1990

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### — APPEARANCES —

FOR THE CLAIMANT:

Claimant-Present

FOR THE EMPLOYER:

Christine -Beech,  
Employee Relations  
Specialist;  
Pamela Scott,  
Dir. of Admissions

### FINDINGS OF FACT

The claimant was employed from January 9, 1989 as an ambulatory out-patient scheduler at a pay rate, at the time of separation, of \$7.03 per hour for full-time employment. Her last day of work was February 13, 1990. On or about that time, she went on leave of absence for personal reasons and was due to return from that

leave on April 2, 1990. At the time the leave was granted, it was understood that if the claimant could not return on April 2, 1990, she could ask for an extended leave of absence, which could be renegotiated with the employer at that time. On or about March 29, 1990, the claimant called the employer to explain that her father's physical condition had not improved, and therefore, she could not return on April 2. She was requesting another week to work out details of his care. The employer, who needed the claimant at that time, denied her request for the extended leave. The claimant called the employer on April 3 and explained that she could not return to her employment at that time.

The claimant has provided medical documentation concerning her father's care.

#### CONCLUSIONS OF LAW

It is held that the claimant voluntarily quit her employment for reasons which do not constitute good cause for so doing in that they are not directly attributable to the employer and/or the employment. However, in evaluating the situation, it is held that valid circumstances, sufficient to warrant a weekly disqualification, have been presented and medically verified to warrant a weekly disqualification. The determination of the Claims Examiner will be modified.

#### DECISION

The claimant voluntarily quit her employment, without good cause, within the meaning of Section 6(a) of the Law. Benefits are denied for the week beginning February 11, 1990 and for the nine weeks immediately thereafter.

The determination of the Claims Examiner is hereby modified.



P. J. Hackett  
Hearing Examiner

Date of Hearing: 8/02/90  
alma/Specialist ID: 45541  
Cassette No: 5566 A  
Copies mailed on 8/13/90 to:

Claimant  
Employer  
Unemployment Insurance Northwest (MABS)