



DEPARTMENT OF HUMAN RESOURCES
EMPLOYMENT SECURITY ADMINISTRATION

1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

BOARD OF APPEALS

STATE OF MARYLAND

383 - 5032
- DECISION -

JOHN J. KENT
Chairman

HARRY HUGHES
Governor

HENRY G. SPECTOR
HAZEL A. WARNICK
Associate Members

KALMAN R. HETTLEMAN
Secretary

DECISION NO.: 13-BR-82

SEVERN E. LANIER
Appeals Counsel

DATE: Jan. 8, 1982

APPEAL NO.: 22737

S. S. NO.:

CLAIMANT: Kathy Stevens

EMPLOYER: Harford County Schools

L. O NO.: 22

APPELLANT: EMPLOYER

ISSUE Whether the Claimant was discharged for misconduct connected with the work within the meaning of Section 6(c) 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

February 7, 1982

- APPEARANCES -

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

FINDINGS OF FACT

The Claimant was employed from September 1, 1970 until June 10, 1981 as a teacher. At the time of separation, her pay rate was \$209.00 per week.

On November 13, 1980, the Employer advised the Claimant that she needed to complete seventeen hours of additional course work in order to qualify for professional certification. She was informed at that time that she must complete at least twelve additional hours of schooling by September of 1981 in order for her contract to be renewed.

On May 12, 1980, the Claimant was laid off due to a "sizable reduction in staffing due to declining enrollments and fiscal constraints." Her last day of work was June 10, 1981.

CONCLUSIONS OF LAW

After a review of the entire record in this case, the Board concludes that the Claimant was laid off for lack of work. This is a non-disqualifying reason within the meaning of Section 6 of the Maryland Unemployment Insurance Law.

The Claimant was laid off in May of 1981, effective in June of 1981. The fact that the Employer may possibly have been able to fire the Claimant in September of 1981 is irrelevant. (Even this fact is speculative, because the Claimant, had she not been laid off, could possibly had been able to complete the required courses by September.) In any case, the Board concludes that an employee who has been genuinely laid off cannot be disqualified on the basis of speculations as to whether she would have been fired anyway in the future. The primary reason for separation from employment in this case was clearly a reduction in staff due to declining enrollments and financial constraints.

DECISION

The Claimant was separated from employment for a non-disqualifying reason within the meaning of Section 6 of the Maryland Unemployment Insurance Law. She is eligible for benefits for the week beginning June 7, 1981 and thereafter, if she is otherwise eligible.

The decision of the Appeals Referee is reversed.

Thomas W. Keech
Chairman

Ray A. Warrick
Associate Member

K:W
zvs
(Westervelt)

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - BEL AIR



DEPARTMENT OF HUMAN RESOURCES
 EMPLOYMENT SECURITY ADMINISTRATION
 1100 NORTH EUTAW STREET
 BALTIMORE, MARYLAND 21201
 383 - 3040

STATE OF MARYLAND
 HARRY HUGHES
 Governor
 KALMAN R. HETTLEMAN
 Secretary

BOARD OF APPEALS

JOHN J. KENT
 Chairman

HENRY G. SPECTOR
 HAZEL A. WARNICK
 Associate Members

SEVERN E. LANIER
 Appeals Counsel

GARY SMITH
 Chief Hearings Officer

— DECISION —

CLAIMANT: Kathy Stevens
 DATE: December 2, 1981
 APPEAL NO.: 22737-EP
 S. S. NO.:
 EMPLOYER: Harford County Schools
 Inc.
 L. O. NO.: 22
 APPELLANT: Employer

ISSUE: Whether the claimant was discharged from employment for misconduct connected with the work within the meaning of Section 6 (c) of the Law.

NOTICE OF RIGHT TO PETITION FOR REVIEW

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A REVIEW AND SUCH PETITION FOR REVIEW 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 PETITION FOR REVIEW EXPIRES AT MIDNIGHT ON December 17, 1981

— APPEARANCES —

FOR THE CLAIMANT:

Present

FOR THE EMPLOYER:

Represented by
 Lowman Daniels,
 Administrative
 Assistant Personnel
 Harford County
 Schools; and, James
 Stuller, Gibbens
 Company, Inc.

FINDINGS OF FACT

The claimant was employed from September 1, 1970 until June 10, 1971 as a teacher at a pay rate of \$209.00 per week at the time of separation. The claimant was terminated from employment because she did not pursue a course of credits to maintain her certification as a teacher. She did this knowingly, deciding to

go in to a different career from teaching.

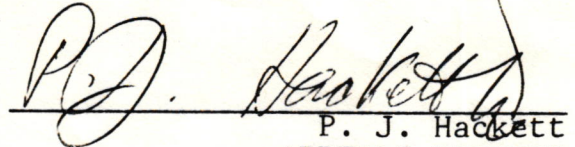
COMMENTS

Evidence shows that the claimant did not maintain accreditation for her employment and she did so knowingly. Under these circumstances, her separation from employment is properly within the purview of Section 6 (c) of the Maryland Unemployment Insurance Law, and the minimum disqualification of that Statute.

DECISION

The unemployment of the claimant is due to being discharged for misconduct connected with the work within the meaning of Section 6 (c) of the Law. Benefits are denied for the week beginning June 7, 1981 and the four weeks immediately following.

The determination of the Claims Examiner is affirmed.


P. J. Hackett
APPEALS REFEREE

Date of Hearing - 11/6/81
cd/6858
(10257/Westerwelt)

COPIES MAILED TO:

Claimant

Employer

Unemployment Insurance - Bel Air

The Gibbens Company, Inc.