

# Maryland

DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT

1100 North Eutaw Street  
Baltimore, Maryland 21201  
(301) 333-5033



William Donald Schaefer, Governor  
J. Randall Evans, Secretary

**BOARD OF APPEALS**

Thomas W. Keech, Chairman  
Hazel A. Warnick, Associate Member  
Donna P. Watts, Associate Member

**— DECISION —**

	Decision No.:	165-BR-89
	Date:	March 3, 1989
Claimant:	Appeal No.:	88-UCX-94
	S. S. No.:	
Employer:	L. O. No.:	40
	Appellant:	EMPLOYER
Issue:	Whether the claimant left 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 MAYBE 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.

April 2, 1989

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

**— APPEARANCES —**

FOR THE CLAIMANT:

FOR THE EMPLOYER:

**REVIEW ON THE RECORD**

Upon review of the record in this case, the Board of Appeals reverses the decision of the Hearing Examiner. The claimant did not voluntarily quit her job. She took a maternity leave

of absence, effective November 4, 1988, and the employer's witness confirmed at the hearing before the Hearing Examiner that the claimant was still on leave and still considered an employee of the school system.

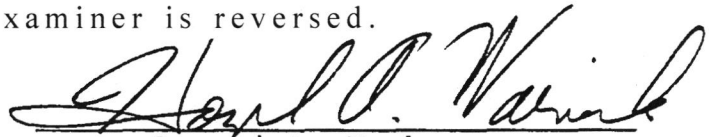
The Board has held that generally, a claimant who takes a voluntary leave of absence has not voluntarily quit her employment pursuant to Section 6(a) of the law. Muller v. Board of Education, 144-BH-83. However, the claimant is generally not considered available for work, within the meaning of Section 4(c) of the law, for the duration of the leave.


The Board notes that, according to agency records, the claimant has been disqualified under Section 4(c) of the law from October 23, 1988, until she meets the requirements of Section 4(c), and that determination has not been appealed. Since the claimant's eligibility under Section 4(c) was determined separately and was not appealed to the Board, it will not be further addressed in this decision.

#### DECISION

The claimant did not leave work voluntarily, without good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. No disqualification is imposed under this section fo the law.

The decision of the Hearing Examiner is reversed.

  
Associate Member

  
Chairman

HW:K

kbm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - EASTPOINT

Sheldon Flomenbaum - Room 522

STATE OF MARYLAND  
APPEALS DIVISION  
1100 NORTH EUTAW STREET  
BALTIMORE, MARYLAND 21201  
(301) 383-3040

STATE OF MARYLAND  
William Donald Schafer  
Governor

- DECISION -

Clamant: Pamela D. Battv  
Date: Mailed: 1/12/89  
Appeal No: 88-UCX-94  
S.S. No.:  
Employer: Baltimore School Teachers  
c/o Personnel Tech  
LO. No.: 40  
Appellant: Employer

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.

---

- NOTICE OF RIGHT TO PETITION FOR REVIEW -

ANY INTERESTED PARTY TO THE DECISION MAY REQUEST A REVIEW AND SUCH PETITION FOR REVIEW MAY BE FILED IN ANY EMPLOYMENT SECURITY OFFICE OR WITH THE APPEALS DIVISION, ROOM 818, 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

NOTICE: APPEALS FILED BY MAIL, INCLUDING SELF-METERED MAIL, ARE CONSIDERED FILED ON THE DATE OF THE U.S. POSTAL SERVICE POSTMARK. 1/27/89

---

- APPEARANCES -

FOR THE CLAIMANT:

Not Present

FOR THE EMPLOYER:

Charles Spinner  
Personnel Tech.  
Supervisor

FINDINGS OF FACT

The claimant's first day of work was September 9, 1988 and her last day was November 4, 1988. She worked at the rate of \$7.00 an hour as a Temporary Clerk Typist, two days a week. The weight of the credible evidence reveals that the claimant took a maternity leave of absence and gave birth to a child. The claimant's job is still available. Initially, she was hired to work from September 9, 1988 until June 16, 1989.

CONCLUSIONS OF LAW

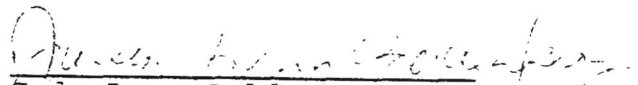
The preponderance of the credible evidence demonstrates that the claimant formulated the requisite intent to separate from the employment voluntarily, without good cause attributable to the actions of the employer or the conditions of the employment. However, the evidence does show a substantial cause connected with the conditions of the employment so as to constitute a valid circumstance supporting a reduced disqualification as provided for in Article 95A, Section 6(a). In the instant case, the valid circumstance consists of the claimant's pregnancy. No evidence was presented at this hearing to answer the question of whether the claimant remained able, available and actively seeking employment while she is on her maternity leave of absence. The medical verification that the claimant apparently submitted to the Claims Examiner was not included in the Agency's file for the Hearing Examiner to peruse to determine whether or not the claimant was and is meeting the requirements of Section 4(c) of the Law.

DECISION

It is held that the unemployment of the claimant was due to leaving work voluntarily, without good cause, within the meaning of Section 6(a) of the Law. She is disqualified from receiving benefits for the weeks beginning October 23, 1988 and for the nine weeks ending December 31, 1988.

Additionally, it is held that the claimant should be called in by the Eastpoint local office for an Eligibility Review hearing to determine whether or not she is in compliance with Section 4(c) of the Law with regard to being able, available and actively seeking employment.

The determination of the Claims Examiner is hereby affirmed.

  
Judy-Lynn Goldenberg  
Hearing Examiner

Date of hearing: 12/22/89  
kac/Specailist ID: 40309/73355  
Copies mailed on January 12, 1989 to:

Claimant  
Employer  
Unemployment insurance - Baltimore (MABS)

Sheldon Flomenbaum - Room 518