



Maryland

Department of Economic & Employment Development

William Donald Schaefer
Governor
Mark L. Wasserman
Secretary

Board of Appeals
1100 North Eutaw Street
Baltimore, Maryland 21201

Telephone: (410) 333-5032

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

- DECISION -

Decision No.:	1667-BR-93
Date:	October 4, 1993
Claimant: John H. Meyers	Appeal No.: 9311946
	S.S. No.:
Employer: Allen Family Foods, Inc.	L. O. No.: 25
	Appellant: CLAIMANT

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

- NOTICE OF RIGHT OF APPEAL TO COURT -

You may file an appeal from this decision in the Circuit Court for Baltimore City or one of the Circuit Courts in a county in Maryland. The court rules about how to appeal can be found in many public libraries, in the *Annotated Code of Maryland, Maryland Rules*, Volume 2, B rules.

The period for filing an appeal expires **November 3, 1993**

- 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 Board agrees that the claimant's reason for quitting his job does not amount to good cause, within the meaning of LE, §8-1001(b). However, the Board does find that the supervisor's repeated use of obscenities and his outbursts toward the claimant support a finding that the claimant left his job for a substantial cause, connected with the conditions of employment, one of the definitions of valid circumstances, under of LE, §8-1001(c)(1)(i).

The Hearing Examiner held that the claimant had not exhausted all reasonable alternatives and therefore his reason for leaving is neither good cause nor a valid circumstance. The Board disagrees with this conclusion.

Where the reason for quitting is work connected, as the claimant's reason here certainly was, a finding that the claimant had no reasonable alternative is not mandatory for a determination of valid circumstances. LE, §8-1001(c)(1)(ii) only applies where the reason for leaving is not work related.

Whether the claimant had a reasonable alternative to quitting is a relevant factor that may be considered when the reason for leaving is work related. The Board finds however, that the claimant did make several attempts to resolve the problem with his supervisor, prior to his quitting. His complaints to both the supervisor and the plant manager improved things for awhile, but then the supervisor returned to his old ways.

Therefore, the Board concludes that there are valid circumstances present, and only a weekly penalty is warranted.

DECISION

The claimant left work voluntarily, without good cause, but for valid circumstances, within the meaning of §8-1001 of the Labor and Employment Article. He is disqualified from receiving benefits from the week beginning May 23, 1993 and the nine weeks immediately following.

The decision of the Hearing Examiner is modified.


Associate Member

Associate Member

HW:W
kbm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - EASTON

Allen Family Foods, Inc.

 **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

1100 North Eutaw Street

Baltimore, Maryland 21201

Telephone: (410) 333-5040

— DECISION —

Date: July 9, 1993

Claimant: John H. Meyers

Appeal No.: 9311946

S. S. No.:

Employer: Allen Family Foods, Inc.

L.O. No.: 25

Appellant: Employer

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

— 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.

July 26, 1993

THE PERIOD FOR FILING A FURTHER APPEAL EXPIRES ON

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

Larry Cox, Witness

FOR THE EMPLOYER:

REPRESENTED BY:

Bobby Crossling, Personnel
Assistant

FINDINGS OF FACT

Claimant began working for Employer on November 2, 1992; his last day of work was May 25, 1993. He was employed full-time as a maintenance man and was compensated at the rate of \$7.75 per hour. Claimant voluntarily quit his job because of a personality conflict with a supervisor.

Claimant perceived a problem with his supervisor shortly after the commencement of Claimant's employment. Claimant was displeased with the belligerent manner in which the supervisor spoke to Claimant and the language used by the supervisor when speaking with Claimant. Claimant expressed his concerns to the supervisor on two occasions. He also spoke with the plant manager on two occasions regarding his concerns.

When the plant manager was subsequently demoted, Claimant believed that the problem would no longer exist. However, there was additional friction between the two men towards the end of Claimant's term of employment and Claimant quit his job on the spot when the final incident occurred on Claimant's last day of work. When he was hired, Claimant went through an orientation process, as do all employees. During that orientation, Claimant was told that any problem he might encounter should be taken through the chain of command, first to his supervisor, then to the plant manager, then to the superintendent, and then to the personnel office. Claimant did not look for or obtain other employment before he quit his job. He quit at the time of the final incident because he felt that there would have been an altercation had he remained. Although the supervisor used offensive language towards Claimant, Claimant did not quit because of the language use, but rather because of the supervisor's belligerent attitude. Claimant did not subsequently seek reinstatement of his job after he cooled off.

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.

The claimant knew, almost from the beginning of his employment, that there was a personality conflict between him and the supervisor. He did take some steps to have the problem corrected, however, he did not exhaust all alternatives available to him. Although Claimant was displeased with the manner in which he was treated by the supervisor, he did not look for or obtain other employment before he quit his job with Employer. Because he was not in a position where he had no reasonable alternative other than quitting his job, there is neither good cause nor a valid circumstance for Claimant's voluntary separation from employment.

DECISION

It is held that Claimant voluntarily left his employment, but not for good cause or due to a valid circumstance. He is disqualified from receiving unemployment insurance benefits beginning May 23, 1993 and until such time as he might become re-employed and earn wages for covered employment in an amount equal to or greater than fifteen times his weekly benefit amount of \$223.00.

The determination of the Claims Examiner is reversed.



Kevin C. Sippel
Hearing Examiner

Date of Hearing: 6/28/93
SPECIALIST ID: 25282
gr\CASSETTE IN FILE
SEQ: 03

Copies mailed on: 7/9/93 to:
Claimant
Employer
Unemployment Insurance - Easton (MABS)

Allen Family Foods, Inc.