



*William Donald Schaefer, Governor
Mark L. Wasserman, Secretary*

*Board of Appeals
1100 North Eustaw Street
Baltimore, Maryland 21201
Telephone: (410) 333-5032*

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

— DECISION —

	Decision No.:	1740-BR-92	
	Date:	October 7, 1992	
Claimant:	Marilyn L. Woollard	Appeal No.:	9212449
		S. S. No.:	
Employer:	Peoples Service Drug Stores	L. O. No.:	4
		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 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

November 6, 1992

— 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 law of the Hearing Examiner.

The Board concludes that the claimant had valid circumstances for leaving the employment. The fact that it was common knowledge that the employer was selling its equipment and closing its operations was a substantial cause, connected with the conditions of employment. The fact that the employer did not replace the claimant shows that the shutdown was imminent at the time the claimant left. In fact, the equipment was sold a few days later. The claimant had an offer of employment with the person who was planning to buy the equipment and start up a new operation. Rather than wait for her current employment to disappear, she moved to the new employer prior to being given a termination date.

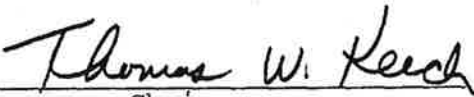
The claimant's action was somewhat premature and therefore her reason for leaving does not amount to good cause. It does amount to valid circumstances, however.

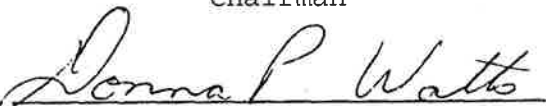
DECISION

The claimant left work voluntarily, without good cause, but for valid circumstances, within the meaning of §8-1001 of the Labor and Employment Article. She is disqualified from receiving benefits from the week beginning April 19, 1992 and the four weeks immediately following.

This penalty will also disqualify the claimant from receiving federal extended benefits, unless he has been employed after the date of his disqualification.

The decision of the Hearing Examiner is modified.


Chairman


Associate Member

K:D
kmb

COPIES MAILED TO:

CLAIMANT
EMPLOYER
UNEMPLOYMENT INSURANCE - HAGERSTOWN

M. S. Cerstvik
c/o MSC Associates

The Frick Company



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, 1992

Claimant: Marilyn L. Wollard

Appeal No. 9212449

S.S.No:

Employer: People's Service Drug Stores, Inc. No: 4
C/O The Frick Company
No

Appellant: Employer

Issue: Whether the claimant was discharged for gross misconduct or misconduct connected with the work, within the meaning of Maryland Code, Labor and Employment Article, Title 8, Section 1002 or 1003.

— 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 24, 1992

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:
Not Present

FOR THE EMPLOYER:
Brian Winiecki,
District Sales Manager
M. S. Cerstvik,
The Frick Company

FINDINGS OF FACT

The claimant was employed from May 31, 1989 as a fountain employee at Peoples Service Drug Store, Incorporated #1432 in

Hagerstown at a pay rate of \$4.55 per hour for full-time employment. On April 21, 1992, while continuing work existed for her she quit her employment because she and the other five fountain employees had found another job which was to start the following Monday. Although the employer was negotiating to sell off the fountain equipment and eventually close down its operation, these negotiations were ongoing and the closure had not occurred when the claimant and other employees quit. The employer has no knowledge of the details of the claimant's new employment.

The claimant, duly notified of the time and place of the hearing, was not present.

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 of Maryland Code, Labor and Employment Article.

In the present case, the claimant quit her employment to accept other employment which under the evidence presented cannot be considered a better job. Therefore, she quit for reasons which do not constitute good cause under the above cited provision of the Statute. She will be disqualified accordingly.

DECISION

The claimant voluntarily quit employment, without good cause, within the meaning of Section 1001 of the Maryland Code, Labor and Employment Article, Title 8. Benefits are denied for the week beginning April 19, 1992 and until re-employed, earning at least ten times her weekly benefit amount.

The determination of the Claims Examiner allowing benefits is hereby reversed.

P. J. Hackett MB

P. J. Hackett
Hearing Examiner

Date of Hearing: July 6, 1992
vlb/Specialist ID: 04457
Cassette in File
Copies mailed on July 9, 1992 to:

Claimant
Employer
Unemployment Insurance - Frederick - (MAX)

Brian Winiecki, District Sales Mgr
People's Service Drug Stores, Inc.

M S C Associates
M S Cerstvik, Human Resource Mgr