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STATE OF MARYLAND
DEPARTMENT OF LABOR, LICENSING AND REGULATION

PARRIS N. GLENDENING, Governor
EUGENE A. CONTI, JR., Secretary

Board of Appeals
Hazel A. Warnick, Chairperson

- DECISION -

Claimant:
AMAL L. KHOURI

Decision No.: 01768-BR-97

Date: May 22, 1997

Appeal No.: 9704361

Employer:
HAIR & THINGS INC

S.S. No.:

L.O. No.: 07

Appellant: Claimant

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

- 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 file the appeal can be found in many public libraries, in the Maryland Rules of Procedure, Title 7, Chapter 200.

The period for filing an appeal expires: June 21, 1997

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals adopts the findings of fact of the Hearing Examiner. However, the Board concludes that these facts warrant a different conclusion of law.



Section 8-1001 of the Labor and Employment Article provides that an individual shall be disqualified from the receipt of benefits where their unemployment is due to leaving work voluntarily, without good cause arising from or connected with the conditions of employment or actions of the employer, or without serious, valid circumstances. A circumstance for voluntarily leaving work is valid if it is a substantial cause that is directly attributable to, arising from, or connected with the conditions of employment or actions of the employing unit or of such necessitous or compelling nature that the individual had no reasonable alternative other than leaving the employment.

Section 8-1001(a)(2) of the law states:

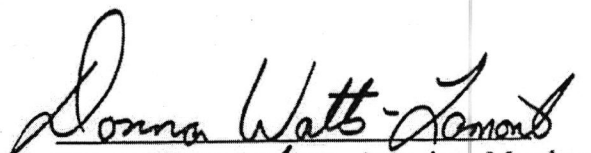
A claimant who is otherwise eligible for benefits from the loss of full-time employment may not be disqualified from the benefits attributable to the full-time employment because the claimant voluntarily quit a part-time employment, if the claimant quit the part-time employment before the loss of the full-time employment.


The claimant quit her part-time job in order to attend school. The claimant quit her part-time employment before the loss of her full-time employment.

DECISION

The claimant voluntarily quit, but for good cause connected with the work, within the meaning of §8-1001 of the Labor and Employment Article. No disqualification is imposed based upon the claimant's separation from employment with Hair & Things Inc.

The decision of the Hearing Examiner is reversed.


Donna Watts-Lamont, Associate Member


Clayton A. Mitchell, Sr., Associate Member

dt

Copies mailed to:
AMAL L. KHOURI
HAIR & THINGS INC
Local Office - #07

UNEMPLOYMENT INSURANCE APPEALS DECISION

AMAL L. KHOURI

Before the:

SSN ,

Claimant

vs.

HAIR & THINGS INC

Employer/Agency

Maryland Department of Labor,
Licensing and Regulation
Appeals Division
1100 North Eutaw Street
Room 511
Baltimore, MD 21201
(410) 767-2421

Appeal Number: 9704361
Appellant: Employer
Local Office: 07 / College Park

April 2, 1997

For the Claimant: PRESENT

For the Employer: PRESENT, BILL YATES

For the Agency:

ISSUE(S)

Whether the claimant's separation from this employment was for a disqualifying reason within the meaning of the MD. Code Annotated, Labor and Employment Article, Title 8, Sections 1001 (Voluntary Quit for good cause), 1002 - 1002.1 (Gross/Aggravated Misconduct connected with the work), or 1003 (Misconduct connected with the work).

FINDINGS OF FACT

The claimant began working for this employer on September 5, 1994 and separated on December 28, 1996. The claimant was employed as a shampoo girl and was earning \$5.50 per hour at the time of her separation.

The facts show that claimant held a full time job as a secretary for a telemarketing company. She held that job as well as this part-time employment. She decided to attend beauty school and quit the part-time job so she could attend class from 5 pm to 9 pm. Claimant did not know she would be terminated from her full time position on January 17, 1997. Claimant is presently attending beauty school as a full-time student and has applied for and received a waiver so that she is not required to perform work searches.

CONCLUSIONS OF LAW

Md. Code Ann., Labor & Emp., Section 8-1001 (Supp. 1994) provides that an individual shall be disqualified for benefits where unemployment is due to leaving work voluntarily without good cause arising from or connected with the conditions of employment or actions of the employer, or without valid circumstances. A circumstance is valid only if it is "(i) a substantial cause that is directly attributable to, arising from, or connected with conditions of employment or actions of the employing unit; or (ii) (a cause) of such necessitous or compelling nature that the individual has no reasonable alternative other than leaving the employment." Board of Educ. v. Paynter, 303 Md. 22, 491 A.2d 1186 (1985).

EVALUATION OF EVIDENCE

The Board of Appeals has addressed the issue of leaving part time employment while continuing a full-time job. When the part-time job interferes with one's ability to perform a full time job, there is good cause for the resignation. In the instant case, the claimant quit her job partly because she could not work the full time job, part-time job, and attend school. Had she not enrolled in school, the part-time may not have caused her to resign.

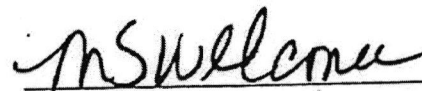
The claimant did not have good cause for quitting her part-time job, but valid circumstances has been shown.

The determination of the Claims Examiner will be modified.

DECISION

IT IS HELD THAT the claimant's unemployment was due to leaving work voluntarily without good cause but with valid circumstances within the meaning of Md. Code Ann., Labor & Emp., Section 8-1001 (Supp. 1994). The claimant is disqualified for the week beginning December 22, 1996 and for the six weeks immediately following.

The determination of the claims examiner is reversed.



M. S. Welcome, ESQ
Hearing Examiner

Notice of Right of Further Appeal

Any party may request a further appeal either in person or by mail which may be filed in any local office of the Department of Labor, Licensing and Regulation, or with the Board of Appeals, Room 515, 1100 North Eutaw Street, Baltimore, MD 21201. Your appeal must be filed by April 17, 1997.

Note: Appeals filed by mail are considered timely on the date of the U.S. Postal Service postmark.

Date of hearing: March 21, 1997

TH/Specialist ID: 07209

Seq. No.: 005

Copies mailed on April 2, 1997 to:

AMAL L. KHOURI
HAIR & THINGS INC
LOCAL OFFICE #07