

 **Maryland**  
Department of Economic &  
Employment Development

*William Donald Schaefer, Governor*  
*J. Randall Evans, Secretary*

*Board of Appeals*  
*1100 North Eutaw Street*  
*Baltimore, Maryland 21201*  
*Telephone: (301) 333-5032*

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

**— DECISION —**

	Decision No.:	195-BR-90	
	Date:	Feb. 23, 1990	
Claimant:	Judith A. Heavner	Appeal No.:	8914785
		S. S. No.:	
Employer:	Auto Trader Company ATTN: Catheline Walsh, Gen. Mgr.	L O. No.:	2
		Appellant:	CLAIMANT

Issue: Whether the claimant's unemployment was do to leaving work voluntarily, without good cause, within the meaning of Section 6(a) of the law.

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**— 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 AT MIDNIGHT ON

March 25, 1990

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**— 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 was hired as a bookkeeper. She was expected to work the hours from 9:00 a.m. to 5:00 p.m. five days per week. The job included bookkeeping duties, but the claimant was told that the furniture would be delivered one day and that she should wear blue jeans to work on that one day.

Shortly after the claimant was hired, the starting time was changed from 9:00 a.m. to 8:30 a.m. The claimant had made clear in her initial interview that a starting time of 9:00 a.m. was crucial to her daily schedule. In addition, the claimant was required to perform all types of janitorial duties on each day of her employment, not only the day on which the furniture was delivered. The claimant complained to some extent to her immediate supervisor. At one point, she attempted to contact a higher supervisor by the use of a beeper, but she was berated for doing so.

#### CONCLUSIONS OF LAW

The Board concludes that the claimant had good cause, connected with the conditions of the employment, for voluntarily leaving her job. Two of the important conditions of employment, the starting time and the actual duties, were quite different from those duties that she had agreed to accept. A substantial detrimental change in the employment conditions is considered good cause within the meaning of Section 6(a) of the Law.

The Board will thus eliminate the penalty on the claimant based upon her leaving her job at Auto Trader Company. The claimant should note, however, that another penalty, imposed in case number 8914786, will remain in effect.

#### DECISION

The claimant left work voluntarily, but for good cause connected with the work, within the meaning of Section 6 (a) of the Maryland Unemployment Insurance Law. No disqualification is imposed based on her separation from employment with Auto Trader Company.

The claimant should note, however, that a penalty still remains under Section 4(c) of the Law, according to the results of appeal number 8914786.

The decision of the Hearing Examiner with respect to this case is reversed.

Thomas W. Keech  
Chairman  
Raymond A. Warrick  
Associate Member

K:H  
kmb

COPIES MAILED TO:  
CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - GLEN BURNIE



 **Maryland**  
Department of Economic &  
Employment Development

*William Donald Schaefer, Governor*  
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*Telephone: 333-5040*

**— DECISION —**

Date: Mailed: January 5, 1990

Claimant: Judith A. Heavner Appeal No.: 8914785

S. S. No.:

Employer: Auto Trader Company LO. No.: 2

Appellant: Claimant

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.  
Whether the appeal was late under Section 7(c)(3) if the Law.

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**— 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 OFFICE OF THE DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT, 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 January 22, 1990

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**— APPEARANCES —**

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Judith A. Heavner - Claimant

Catheline Walsh,  
General Manager

**FINDINGS OF FACT**

A benefit determination mailed to the parties provided that the last date to file a timely appeal was November 3, 1989. In this case the appeal was filed in person on November 27, 1989. The appellant offers as a reason for late appeal that she never

received a notice of benefit determination. It was only when she came into the local office to discuss another matter that she learned of the determination and she immediately filed the appeal.

The claimant was employed on September 19, 1989, as a bookkeeper for accounts receivable. She understood that the employer was setting up a new location and that employees would be expected to pitch in as necessary to get the enterprise on the way. On several days of her first week the claimant was required to do clean up work which was basically janitorial in nature. On September 22, 1989 she telephoned her employer and advised that she was not cut out for the job and would not be returning to work. The claimant was experiencing some stress relating to some previous oral surgery but did not miss any time from work due to this stress.

#### CONCLUSIONS OF LAW

The claimant has shown good cause within the meaning of Section 7(c)(3) of the Maryland Unemployment Insurance Law why her appeal was not filed within the time originally permitted.

Article 95A, Section 6(a) 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 or without serious, valid circumstances. The preponderance of the credible evidence in the record will support a conclusion that the claimant voluntarily separated from employment, without good cause or valid circumstances, within the meaning of Section 6(a) of the Law.

The claimant recognized that the office was just opening and that some housekeeping matters would be necessary at the beginning. She decided to leave the job without making any determination as to the extent and duration of the additional duties that she found distasteful.

#### DECISION

The claimant has shown good cause within the meaning of Section 7(c)(3) of the Maryland Unemployment Insurance Law for the filing of a late appeal and the appeal will be permitted.

The unemployment of the claimant was due to leaving work voluntarily without good cause within the meaning of Section 6(a) of the Maryland unemployment Insurance Law. She is disqualified

from receiving benefits from the week beginning September 17, 1989, and until she becomes re-employed, earns at least ten times her weekly benefit amount (\$1850.00) and thereafter becomes unemployed through no fault of her own.

The determination of the Claims Examiner is **affirmed**.

*Henry M. Rutledge*  
Henry M. Rutledge  
Hearing Examiner *rab*

Date of Hearing: December 20, 1989

rab/ Specialist ID: 02417

Cassette Number 10666

Copies Mailed on January 5, 1990 to:

Claimant

Employer

Unemployment Insurance - Glen Burnie (MABS)