



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

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

— DECISION —

	Decision No.:	21-BR-93	
	Date:	January 8, 1993	
Claimant:	Clarence Appleman, Jr.	Appeal No.:	9222580
	S. S. No.:		
Employer:	B & J Pool Contractor, Inc.	L. O. No.:	40
	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

February 7, 1993

— 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 Board adopts the findings of fact of the Hearing Examiner. However,

the Board concludes that these facts warrant a different conclusion of law.

Although transportation to and from work is the responsibility of the employer, valid circumstances, as defined in §8-1001 of the Labor and Employment Article exist in this case.

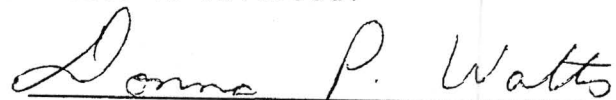
The claimant did not have his own transportation to work when he was hired. The claimant rode to work with a co-worker. When his co-worker quit, the claimant was allowed to use a company vehicle. The employer knew when he later prohibited the claimant from using the company vehicle, that the claimant had no way to get to and from work. Public transportation was not available to get the claimant to work by 7:00 a.m. on a regular basis.

The claimant had worked for the employer for a year without his own transportation, but was incapable of continuing once the conditions had changed. The claimant's reason for leaving was a necessitous personal reason which left him no reasonable alternative but to resign. This reason amounts to a "valid circumstance" as that term is used in §8-1001 of the law.

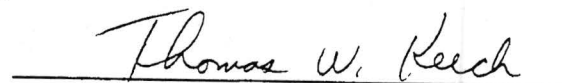
DECISION

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 July 12, 1992 and the nine weeks immediately following.

The decision of the Hearing Examiner is reversed.



Associate Member



Chairman

DW:K
kbm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - EASTPOINT



Maryland

Department of Economic & Employment Development

William Donald Schaefer, Governor
Mark W. Wasserman, Secretary

Gary W. Wiedel, Administrator
Louis Wm. Steinwedel, Chief Hearing Examiner

Room 511
1100 North Eutaw Street
Baltimore, Maryland 21201

Telephone: (410) 333-5040

— D E C I S I O N —

	Date Mailed	11/23/92
Claimant: Clarence J. Appleman, Jr.	Appeal No.:	9222580
	S. S. No.:	
Employer: B&J Pool Contractor, Inc.	LO. No.:	40
	Appellant	Claimant

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

— 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 BOARD OF APPEALS, ROOM 515, 1100 NORTH EUTAW STREET, BALTIMORE, MARYLAND 21201, EITHER IN PERSON OR BY MAIL

December 8, 1992

THE PERIOD FOR FILING A PETITION FOR REVIEW EXPIRES ON

NOTE: APPEALS FILED BY MAIL INCLUDING SELF-METERED MAIL, ARE CONSIDERED FILED ON THE DATE OF THE U.S. POSTAL SERVICE POSTMARK

— A P P E A R A N C E S —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

PRESENT

NOT REPRESENTED

FINDINGS OF FACT

The claimant was employed from July, 1991 through July 18, 1992 as a laborer at the rate of pay of \$7.00 per hour. The claimant had initially obtained rides from his home in Essex to his employers base location in Cockeysville from a fellow employee at the start of his employment. The person who the claimant had been getting a ride to work with separated from the employer at which time the employer let the claimant use the company truck

for approximately two months. The employer changed the company policy in regards to the trucks and required that the trucks be parked each evening at the employer's location of business. The claimant was unable to obtain other transportation to his place of work and, therefore, left his employment because of lack of transportation.

CONCLUSIONS OF LAW

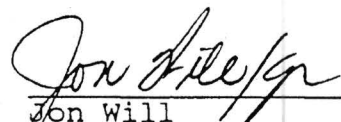
The Maryland Code, Labor and Employment Article, Title 8, Section 1001 provides that an individual shall be disqualified for benefits where his unemployment is due to leaving work voluntarily, without good cause arising from or connected with the conditions of employment or actions of the employer or 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, within the meaning of Title 8, Section 1001.

Transportation is the responsibility of the claimant generally. There is nothing in the claimant's employment which required that the employer would provide the claimant with transportation, therefore, the claimant voluntarily separated from employment without good cause within the meaning of Title 8, Section 1001.

DECISION

It is held that the unemployment of the claimant was due to leaving work voluntarily, without good cause, within the meaning of Maryland Unemployment Insurance Law, Title 8, Section 1001. Benefits are denied from the week beginning July 12, 1992 and until the claimant becomes re-employed, earns at least ten times his weekly benefit amount (\$2,000.00) in covered wages and thereafter becomes through no fault of his own.

The determination of the Claims Examiner is affirmed.


Jon Will
HEARING EXAMINER

DATE OF HEARING: 11/17/92
Specialist ID: 40310
gr/CASSETTE IN FILE

COPIES MAILED ON 11/23/92 TO:

Claimant
Employer
Unemployment Insurance - Eastpoint (MABS)

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FOR THE EMPLOYER:

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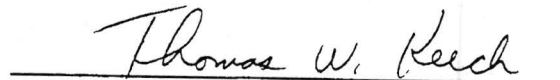
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Associate Member



Chairman

DW:K
kbm

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