

ND



DEPARTMENT OF EMPLOYMENT AND TRAINING

BOARD OF APPEALS
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

(301) 383-5032

BOARD OF APPEALS

THOMAS W. KEECH
Chairman

HAZEL A. WARNICK
MAURICE E. DILL
Associate Members

SEVERN E. LANIER
Appeals Counsel

MARK R. WOLF
Chief Hearing Examiner

STATE OF MARYLAND
HARRY HUGHES
Governor

DECISION

Decision No.: 24-BR-85

Date: January 18, 1985

Claimant: Betty M. Easten
12/2/85

Appeal No.: 07122

S. S. No.:

Employer: Gaithersburg Day Nursery
ATTN: Jennifer Toomey
Assistant Director

L.O. No.: 50 (PA)

Appellant: CLAIMANT

Issue: Whether the unemployment of the claimant was due to leaving work voluntarily, without good cause, within the meaning of §6(a) of the Law.

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, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON February 17, 1985

APPEARANCES

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals affirms the decision of the Appeals Referee.

The Board of Appeals agrees with the decision of the Appeals Referee that the claimant's husband does not meet the definition of "another person who must be cared for by the individual" in §6(a) of the law.

The claimant's husband, though not as healthy as previously, is ambulatory and is in fact able to work full time at a job offering normal working hours without a great deal of stress. It was in order to obtain such a job that the claimant's husband moved to Pennsylvania. The claimant's husband is simply not a person who must be cared for by the claimant in a medical sense, and the Board concludes that this is the sense intended by the authors of the statute. Had the claimant's husband found a non-stressful, 40-hour job in the Washington, D.C. area, the claimant clearly would not have had to quit her job.

This case appropriately falls under that section of the statute which disqualifies claimants who "accompany or join one's spouse in a new locality" under §6(a) of the law.

DECISION

The unemployment of the claimant was caused by the claimant leaving work voluntarily, without good cause, within the meaning of §6(a) of the Maryland Unemployment Insurance Law. She is disqualified from receiving benefits for the week beginning May 20, 1984 and until she becomes re-employed and earns at least ten times her weekly benefit amount (\$1,410) and thereafter becomes unemployed through no fault of her own.

The decision of the Appeals Referee is affirmed.



Chairman



Associate Member

K:W

kbm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

OUT-OF-STATE CLAIMS



DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

(301) 383-5040

STATE OF MARYLAND
HARRY HUGHES
Governor

BOARD OF APPEALS

THOMAS W. KEECH
Chairman
HAZEL A. WARNICK
MAURICE E. DILL
Associate Members
SEVERN E. LANIER
Appeals Counsel
MARK R. WOLF
Chief Hearing Examiner

DECISION

Claimant: Betty M. Eastep
Date: 8/1/84
Appeal No.: 07122
S. S. No.:
Employer: Gaithersburg Day Nursery
L.O. No.: 50(Pa.)
Appellant: Claimant

Issue: 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.

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 EMPLOYMENT SECURITY OFFICE, 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 August 16, 1984

APPEARANCES

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Claimant-Present via telephonic hearing on 7/24/84 in Duncanville, Pa.

Jennifer Toomey, Assistant Director Present at telephonic hearing on 7/24/84 in Gaithersburg, Maryland

FINDINGS OF FACT

The claimant worked for approximately six years as a Nursery School Teacher teaching two year olds toward the end of her employment. Her last day of work was May 25, 1984, and at that time was working full-time and earning \$5 hourly salary. She

quit her job because her husband had a heart attack and was hospitalized in 1984, and he could not continue in his line of work. He had been working for a greeting card company as an outside salesman covering the territory of Maryland. He was told by his attending physician that he could no longer drive the extensive distance that he had previously driven, and so he decided that he had to leave that job and find new employment. He answered an ad to take a job in the area of Duncansville, Pennsylvania. He is now working at that job, which requires less hours and much less driving. The claimant then left her employment at the Gaithersburg Day Nursery in Gaithersburg, Maryland to accompany her husband to Duncansville, Pennsylvania.

CONCLUSIONS OF LAW

The evidence reveals that the claimant voluntarily left work in order to accompany her spouse to another geographic location. By Statutory enactment, this fails to constitute good cause and fails to constitute valid circumstances for leaving otherwise suitable employment. The Maryland Legislature has decreed that leaving work under these circumstances is disqualifying under Section 6(a) of the Law.

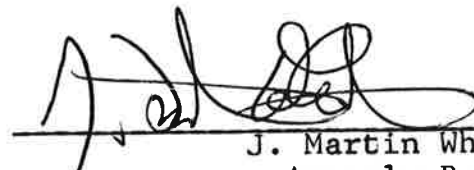
DECISION

The unemployment of the claimant was caused by the claimant 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 for the week beginning May 20, 1984 and until she becomes re-employed and earns at least ten times her weekly benefit amount (\$1,410) and thereafter becomes unemployed through no fault of her own.

The determination of the Claims Examiner is hereby affirmed.

Date of hearing: 7/24/84
rc
(5545)-Griffin
Copies mailed to:

Claimant
Employer
Out of State Claims



J. Martin Whitman
Appeals Referee