



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.:	240-BR-91
	Date:	March 1, 1991
Claimant: Bobby J. Avery	Appeal No.:	9014604
	S. S. No.:	
Employer: Robert A. Kinsley, Inc. ATTN: Wendy Ebersole Personnel Administrator	L O. No.:	50
	Appellant:	CLAIMANT
Issue:	Whether the claimant's unemployment was due to leaving work voluntarily, without good cause, within the meaning of Section 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, 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

March 31, 1991

— 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 attempted to find alternative methods of transportation after his car broke down. For a few weeks he rode with a fellow employee, until that employee's car also broke down. The claimant was unable to continue to ride in with the employee who was driven to work by a son who owned a sports car with only two seats. The claimant made numerous attempts to secure a loan to repair his car but to no avail.

The Board has previously ruled that a claimant's utter inability to find transportation to a work site was a necessitous and compelling reason for leaving a job, leaving the claimant no alternative but to do so. Randall v. Beta Construction, 196-BH-88.

The claimant made every attempt to get to the job but was unable to do so. Therefore, the claimant voluntarily quit his job under valid circumstances as defined in Section 6(a) of the law.

DECISION

The claimant left work voluntarily, without good cause connected with the work, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. He is disqualified from receiving benefits from the week beginning August 5, 1990 and the nine weeks immediately following.

The decision of the Hearing Examiner is reversed.

Thomas W. Keech
Chairman

Donna P. Watts
Associate Member

K:D

kmb

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CLAIMANT

EMPLOYER

OUT-OF-STATE CLAIMS

 **Maryland**
Department of Economic &
Employment Development

William Donald Schaefer, Governor
J. Randall Evans, Secretary

William R. Merriman, Chief Hearing Examiner
Louis Wm. Steinwedel, Deputy Hearing Examiner

1100 North Eutaw Street
Baltimore, Maryland 21201

Telephone: 333-5040

— DECISION —

Claimant:	Bobby J. Avery	Date:	Mailed: 1/16/91
		Appeal No.:	9014604
		S. S. No.:	
Employer:	Robert A. Kinsley, Inc.	L.O. No.:	050
		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 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 31, 1991

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Claimant - Present
(Telephone Hearing)

Wendy Ebersole,
Personnel
Administrator

FINDINGS OF FACT

The claimant was employed in 1987 as a carpenter. In this job, he was required to travel to his various job sites and provided his own transportation. At the time of separation, he was receiving an hourly wage of \$10.50 plus a travel allowance. Approximately in July 1990, the claimant's personal vehicle, which was his means of transportation to the job sites, broke down. He advised his employer of this and for a while rode with

a co-worker who lived near him. In August 1990, the co-worker's vehicle broke down, and there was no transportation available for the claimant. The claimant asked his employer for a loan to repair his vehicle but this was denied. On August 9, 1990, the claimant resigned because he had no way of getting to work.

CONCLUSIONS OF LAW

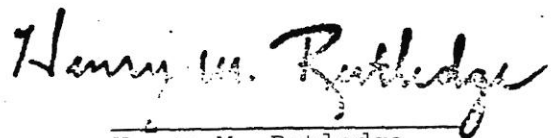
Article 95A, Section 6(a) provides that an individual shall be disqualified for benefits where his unemployment is due to leaving work voluntarily, without good cause arising from or connected with the conditions of employment or actions of the employer or without serious, valid circumstances. The preponderance 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.

It was a condition of employment that the claimant provided his own transportation to and from the job sites. His inability to satisfy this condition even though it was not his fault, led him to resign his position. Since the reason for resignation is essentially a personal problem, it cannot be considered good cause.

DECISION

The claimant's unemployment was due to leaving work voluntarily, without good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. Benefits are denied for the week beginning August 5, 1990 and until the claimant becomes re-employed and earns at least ten times his weekly benefit amount (\$2,150) and thereafter becomes unemployed through no fault of his own.

The determination of the Claims Examiner is affirmed.



Henry M. Rutledge
Hearing Examiner

Date of Hearing: November 28, 1991
lr/Specialist ID: 50496
Cassette No: 9696
Copies mailed on January 16, 1991 to:

Claimant
Employer
Out of State Claims - (MABS)