



DEPARTMENT OF EMPLOYMENT AND TRAINING

BOARD OF APPEALS
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

(301) 383-5032

BOARD OF APPEALS

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Chairman

HAZEL A. WARNICK
MAURICE E. DILL
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SEVERN E. LANIER
Appeals Counsel

MARK R. WOLF
Chief Hearing Examiner

STATE OF MARYLAND

HARRY HUGHES
Governor

— DECISION —

Decision No.: 241-BH-86

Date: April 11, 1986

Claimant: Patricia L. Schlimm

Appeal No.: 8506425 & 8506426

S. S. No.:

Employer: Aetna Shirt Company

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 Section 6(a) of the law and whether the claimant was actively seeking work within the meaning of Section 4(c) 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 MAYBE 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.

May 11, 1986

THE PERIOD FO AN APPEAL EXPIRES AT MIDNIGHT ON

—APPEARANCES—

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Patricia L. Schlimm - Claimant
Veta Richardson - Student Attorney
Richard North - Attorney
Joseph Schlimm - Husband/Witness

EVALUATION OF THE EVIDENCE

The Board of Appeals has considered all of the evidence presented, including the testimony offered at the hearings. The Board has also considered all of the documentary evidence introduced in this case, as well as the Department of Employment and Training's documents in the appeal file.

FINDINGS OF FACT

The claimant was employed by the Aetna Shirt Company as a collar maker from November 3, 1984 until she quit her job on or about May 3, 1985.

The claimant suffers from a medical syndrome known as Meniere's disease, a disease of the inner ear. Some of the symptoms of this disease, from which the claimant suffers, are loss of hearing, dizziness, lightheadedness and extreme sensitivity to heat. Further, as a result of the medication the claimant is required to take, she cannot tolerate an extremely hot environment, remaining in such an environment for a long period of time could result in a stroke. Although the claimant has suffered from Meniere's disease since approximately 1979-1980, her symptoms got worse in the year and a half prior to her quitting her job.

In May, 1985, the weather and the working environment at Aetna Shirts was extremely hot and there was little or no air conditioning. For several days the claimant felt lightheaded and dizzy. As a result she feared that if she stayed in this environment any longer she would get a stroke.

Therefore, on or about May 3, 1985, she informed her supervisor that she was resigning. She did not tell her employer the reason. Nor did she see any point in asking for a transfer because there wasn't any other place on the premises that would have been better.

She did plan at that time to attend training at the Eastside Occupational Center. This training is approved by the unemployment insurance agency.

Although the claimant planned to start this training on May 7, 1985, unfortunately this had to be postponed due to the sudden and untimely death of her son on May 4, 1985. As a result of the shock and grief suffered by the claimant she had to seek medical care for depression and anxiety and had to postpone attending this training until approximately June 19, 1985. In addition, although she returned to the employer's

premises the week after she quit and her supervisor asked her to continue working, she refused the offer and again did not fully explain the medical reasons behind it.

Eventually, the claimant attended the Eastside Occupational Center for training. She was granted a waiver of the requirement of seeking work under Section 4(c) of the law, from the periods June 19, 1985 to August 24, 1985 and August 26, 1985 to September 26, 1985, at which time she completed the course.

CONCLUSIONS OF LAW

The Board of Appeals concludes that the claimant voluntarily quit her job for a compelling personal reason, her medical problem, and that this left her no reasonable alternative other than to quit, considering the nature of her illness and the environment in which she was working. The claimant has provided medical documentation of this problem. Therefore her voluntary quit, while not good cause, certainly was a serious, valid circumstance within the meaning of Section 6(a) of the law. Although the claimant did not explain her real reason for quitting to her employer, her reasons are certainly understandable, especially in view of her unrefuted testimony that there was no place for her to transfer. Therefore a minimum disqualification under Section 6(a) is appropriate.

With regard to Section 4(c) of the law, that section provides that notwithstanding any other provisions, a claimant shall not be denied benefits for any week because he is in training with the approval of the Secretary of the Department nor shall he be denied benefits with respect to any week in which he is in training with said approval by reason of the application of the provisions of subsection 4(c) relating to the availability for work and the active search for work. Since the evidence is clear that the training that the claimant was attending between June 19, 1985 and September 26, 1985 was approved training her disqualification under Section 4(c) should be reversed.

DECISION

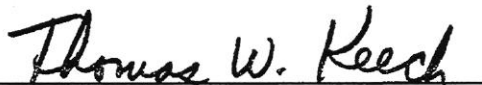
The claimant's unemployment was due to leaving work voluntarily, without good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. She is disqualified from receiving benefits from the week beginning May 5, 1985 and the four weeks immediately following.

The claimant is not disqualified under Section 4(c) of the law as she was in approved training.

The decisions of the Hearing Examiners and the prior decisions of the Board of Appeals are reversed.


Associate Member


Associate Member


Chairman

W:D:K

kmb

DATE OF HEARING: March 4, 1986

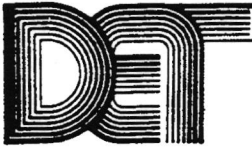
COPIES MAILED TO:

CLAIMANT

EMPLOYER

Veta Richardson, Clinical Law Office
University of Maryland School of Law
510 W. Baltimore Street
Baltimore, MD 21201

UNEMPLOYMENT INSURANCE - EASTPOINT



DEPARTMENT OF EMPLOYMENT AND TRAINING

**STATE OF MARYLAND
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Appeals Counsel**

**MARK R. WOLF
Chief Hearing Examiner**

— DECISION —

Claimant:	Patricia L. Schlimm	Date Mailed:	July 15, 1985
		Appeal No.:	06425
		S.S. No.:	
Employer:	Aetna Shirt Company	LO. No.:	40
		Appellant:	Claimant

Issue: Whether the claimant's unemployment was due leaving work voluntarily, without good cause, within the meaning of Section 6(a) of the Law.
Whether the appealing party filed a timely appeal or had good cause for an appeal filed late within the meaning of Section 7(c)(ii) 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 **July 30, 1985**

— APPEARANCES —

FOR THE CLAIMANT:	FOR THE EMPLOYER:
Patricia L. Schlimm - Claimant	Not Represented

FINDINGS OF FACT

The claimant wrote her appeal on June 6, 1985, the day before the appeal was due. On June 7, 1985, the claimant brought in her written appeal and put it in the box at the Eastpoint Local Office. The Eastpoint Local Office did not process her appeal until June 10, 1985, the following Monday. It is found that the claimant's appeal was timely filed within the meaning of Section 7(c) (ii) of the Law.

The claimant was employed by Aetna Shirt Company from November 3, 1984 until May 3, 1985 as a collar maker. At the time of her separation from employment, the claimant was earning \$3.75 per hour.

The claimant told her supervisor on May 3, 1985 that she would be quitting her job. The claimant's supervisor had not told management, however. The claimant enrolled in the East Side Training Center, but because of her son's death, she could not attend at that time.

The employer paid the claimant three days' bereavement pay which, in effect, paid her through May 8, 1985.

The claimant enrolled in the East Side Training Center three weeks ago. She currently attends classes from 8:00 A.M. to 4:00 P.M. on Monday, Tuesday, Thursday and Friday and from 8:00 A.M. to 12:30 P.M. on Wednesday. She is in a GED program and then she will enroll in modern office technology. Under this program, the claimant works at her own pace and will receive help in finding a job after she becomes qualified.

CONCLUSIONS OF LAW

The claimant's appeal was timely filed within the meaning of Section 7(c) (ii) of the Law.


Section 6(a) of the Maryland Unemployment Insurance Law provides specifically that leaving work to enter or return to school is neither good cause nor a valid circumstance for voluntarily leaving work. Thus, based upon the evidence produced at the appeals hearing, the claimant is not entitled to benefits. Therefore, the determination of the Claims Examiner under Section 6(a) of the Law will be affirmed.

DECISION

The claimant's appeal was timely filed within the meaning of Section 7(c) (ii) of the Law.

The claimant voluntarily left her employment, without good cause or a valid circumstance connected with the work, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. The claimant is disqualified from receiving unemployment insurance benefits for the week beginning May 5, 1985 and until the claimant becomes reemployed and earns at least ten times her weekly benefit amount (\$870) and thereafter becomes unemployed through no fault of her own.

The determination of the Claims Examiner is affirmed.



Seth Clark
Hearings Examiner

Date of hearing: July 9, 1985

ras

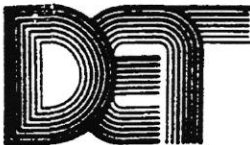
(4595 --- E. Wilson)

Copies mailed on July 15, 1985 to:

Claimant

Employer

Unemployment Insurance - Eastpoint



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STATE OF MARYLAND
1100 NORTH EUTAW STREET
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MARK R. WOLF
Chief Hearing Examiner

DECISION

Claimant: Patiiicia L. Schlimm
305 Retford Way, #c
Baltimore, Maryland 21220
Date: Mailed 7/8/85
Appeal No.: 06426
S. S. No.: 220-38-9321
Employer: LO. No.: 40
Appellant: Claimant

Issue: Whether the claimant is able to work, available for work, and actively seeking work within the meaning of Section 4(c) of the Law.
Whether the appealing party filed a timely appeal or had good cause for an appeal filed late within the meaning of Section 7(c) (ii) 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 July 23, 1985

APPEARANCES

FOR THE CLAIMANT:

Claimant-Present

FOR THE EMPLOYER:

Other: Eleanor Wilson-
Claims Specialist II

FINDINGS OF FACT

A Notice of Benefit Determinant ion, denying the claimant Maryland Unemployment Insurance benefits because she was not able, available, and actively seeking work within the meaning of Section 4(c) of the Maryland Unemployment Insurance Law, was mailed to the claimant at her address of record on May 23, 1985. The Benefit Determination contained a statement that the last day to file an appeal was June 7, 1985.

The claimant hand carried a letter of appeal to the Eastpoint Local Office on June 7, 1985 at approximately 1 p.m. The claimant's letter of appeal was stamped in at the Eastpoint Local Office on June 10, 1985.

The claimant filed a claim for unemployment benefits effective November 6, 1984. The claimant had been employed at the Aetna Shirt Company from November 13, 1984 to May 3, 1985. The claimant had been employed as a Collar Setter. The claimant had been employed at Misty Harbor from January 4, 1981 to October 1984.

The claimant has not been seeking employment because she is attending the Eastside Occupational Center. The claimant signed up to attend the Eastpoint Occupational Center as of April 1985. The claimant attends the Eastpoint Occupational Center on Monday through Friday from 8:30 a.m. to 4 p.m. The claimant's attendance at the Eastpoint Occupational Center is not an approved training course with the State of Maryland as of the date that she signed up for the training as of April of 1985.

CONCLUSIONS OF LAW

It will be held that the claimant/appellant did file a timely appeal within the meaning of Section 7(c) (ii) of the Maryland Unemployment Insurance Law.

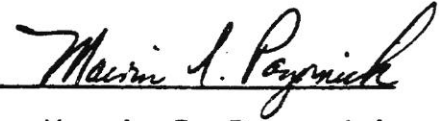
Section 4(c) of the Law requires one to be able, available and actively seeking full-time work to be eligible for benefits. The claimant has not been seeking employment because she is attending the Eastside Occupational Center; the claimant signed up for the Eastpoint Occupational Center as of April 1985. The claimant attends Eastside Occupational Center on Monday through Friday, 8:30 to 4:30 p.m. It will be held that the claimant has not been meeting the requirements of Section 4(c) of the Law. Therefore, the determination of the Claims Examiner will be affirmed.

DECISION

The claimant/appellant filed a timely appeal within the meaning of Section 7(c) (ii) of the Maryland Unemployment Insurance Law.

The claimant has not been meeting the eligibility requirements of Section 4(c) of the Maryland Unemployment Insurance Law. Benefits are denied from May 5, 1985 and until the claimant meets the requirements of Section 4(c) of the Law.

The determination of the Claims Examiner under Section 4(c) of the Law is affirmed.



Marvin I. Pazornick
HEARINGS EXAMINER

Date of hearing: 6/24/85

Cassette: 4328B

hf (E. Wilson)

COPIES MAILED ON 7/8/85 TO:

Claimant
Unemployment Insurance-Eastpoint