



DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

383 - 5032

-DECISION-

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

CLAIMANT: Hilton L. Dunn

DECISION NO.: 286-BR-84

DATE: March 16, 1984

APPEAL NO.: 13996

S.S. NO.:

EMPLOYER: Goodwill Industries
c/o The Gibbens Co., Inc.

L.O. NO.: 22

APPELLANT: EMPLOYER

ATTN: Edward McNulty

ISSUE: Whether the Claimant's unemployment 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 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.

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT April 15, 1984

-APPEARANCE-

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

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

The Claimant performed services for the employer in a trailer which was over one thousand feet away from the nearest restroom. The Claimant was informed of this condition when he accepted the job.

Many years before coming to this employment the Claimant had an operation to alleviate a stomach problem. The stomach problem persisted and, as a result of the problem, the Claimant was required to be near a restroom at all times.

The Claimant did not inform the employer of his special need to be near a restroom. However, when he was unable to work with the restroom so far away, he quit his job, and became unemployed.

We feel that the employer should have been informed of the special need which the Claimant had to be near a restroom before we can conclude that good cause directly attributable to the actions of the employer or conditions of employment were present in this case. If the employer had been so informed, arrangement may have been made to accommodate the Claimant thereby eliminating the need for the Claimant to leave work.

However, we conclude that valid circumstances were present in this case in that one thousand feet is a considerable distance to travel to use a restroom even for one without a special need to be near one. Thus, there was a substantial cause attributable to the conditions of employment within the meaning of §6(a) of the Law which prompted the Claimant to leave work when he did.

DECISION

The unemployment of the Claimant was due to leaving work voluntarily, without good cause, but with valid circumstances, within the meaning of §6(a) of the Maryland Unemployment Insurance Law. He is disqualified from receiving benefits from the week beginning October 28, 1983 and the four weeks immediately following.

The decision of the Appeals Referee is reversed.

This denial of unemployment insurance benefits for a specified number of weeks will also result in ineligibility for Extended Benefits, and Federal Supplemental Compensation, unless the Claimant has been employed after the date of the disqualification.

D:K
dp

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - BALTIMORE



DEPARTMENT OF HUMAN RESOURCES
 EMPLOYMENT SECURITY ADMINISTRATION
 1100 NORTH EUTAW STREET
 BALTIMORE, MARYLAND 21201
 383 - 5040

BOARD OF APPEALS
 THOMAS W. KEECH
 Chairman
 MAURICE E. DILL
 HAZEL A. WARNICK
 Associate Members
 SEVERN E. LANIER
 Appeals Counsel
 MARK R. WOLF
 Administrative
 Hearings Examiner

STATE OF MARYLAND
 HARRY HUGHES
 Governor
 KALMAN R. HETTLEMAN
 Secretary

- DECISION -

CLAIMANT: Hilton L. Dunn
 DATE: Jan. 4, 1984
 APPEAL NO.: 13996
 S. S. NO.:
 EMPLOYER: Goodwill Industries
 c/o The Gibbens Company
 L. O. NO.: 22
 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 FURTHER APPEAL

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A FURTHER APPEAL AND SUCH APPEAL MAYBE 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 FURTHER APPEAL EXPIRES AT MIDNIGHT ON Jan. 19, 1984

-APPEARANCES -

FOR THE CLAIMANT:
 Present

FOR THE EMPLOYER:
 Represented by
 John Dudnanski,
 Personnel &
 Grace Kilchenstein,
 Gibbens Company

FINDINGS OF FACT

The claimant filed a claim for benefits effective August 28, 1983.

The claimant was employed by Goodwill Industries from October 22, 1983 until October 27, 1983. He was bagging clothes in a trailer and earned \$3.35 hourly.

The claimant is 63 years old. He had a stomach operation over 20 years ago which, in effect, affected his elimination problem. There was no restroom at the trailer and the claimant had to go over 1,000 feet or so to the nearest restroom at the mall. This required that he lock up his trailer and get in his car and drive over. This created problems. The claimant also complained that there was no water in the trailer. He had to work there from 10 to 5 daily.

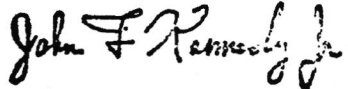
CONCLUSIONS OF LAW

It is found that the claimant voluntarily left work for reasons directly attributable to the employer and the employment. The determination of the Claims Examiner must be reversed. The employer in this instance did not provide reasonable restroom facilities for this claimant.

DECISION

The claimant left his employment voluntarily, but for good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. No disqualification is imposed based on his separation from his employment with Goodwill industries. The claimant may contact the local office about the other eligibility requirements of the Law.

The determination of the Claims Examiner is reversed.



John F. Kennedy, Jr.
Appeals Referee

Date of hearing: Dec. 13, 1983

jlt

(9483-Bowers)

Copies mailed to:

Claimant
Employer
Unemployment Insurance - Belair

Grace Kilchenstein
The Gibbens Co.