

 **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.:	313-BR-90
	Date:	March 30, 1990
Claimant: Alexis Drury (Armbrester)	Appeal No.:	8914046
	S. S. No.:	
Employer: Sinai Hospital of Balto., Inc.	L.O.No.:	15
	Appellant:	CLAIMANT/ EMPLOYER

Issue:

Whether the claimant was discharged for misconduct, connected with her work, within the meaning of Section 6(c) of the law; whether the claimant was able to work, available for work and actively seeking work within the meaning of Section 4(c) of the law; whether the claimant left work voluntarily, without good cause, within the meaning of Section 6(a) of the law.

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—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, 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 AT MIDNIGHT ON April 29, 1990

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— 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 in part and affirms it in part. In making this decision, the Board has not considered or entered into evidence the additional documentation submitted with the employer's letter of appeal.

As to the issue of the claimant's separation from work, the Board of Appeals finds that the claimant voluntarily quit her employment without good cause or valid circumstances. The claimant failed to return to work after having been out on a medical leave of absence. The claimant never contacted her employer to request an extension of her leave. The claimant's leave of absence expired on May 1, 1989. The employer had no contact with the claimant until October 18, 1989, when the claimant responded to a mailgram from the employer. The Board has long held that where an employee has been out from work for a long period of time, due to illness or injury, the burden is on the employee to notify his employer that he is ready to return to work. Failure to do so constitutes a voluntary quit, without good cause and without valid circumstances. Lawson v. Security Fence Company, 1101-BH-82.

As to the issue of whether or not the claimant was able, available and actively seeking work, the Board of Appeals affirms the Hearing Examiner's decision.

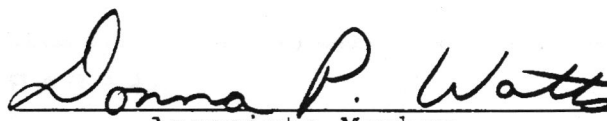
#### DECISION

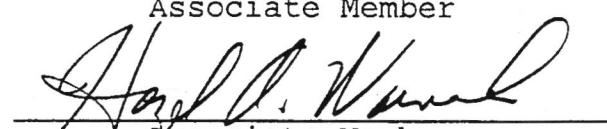
The claimant voluntarily quit her job, without good cause or valid circumstances, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. She is disqualified from receiving benefits from the week beginning April 30, 1989 and until she becomes re-employed, earns at least ten times her weekly benefit amount (\$1,740) and thereafter becomes unemployed through no fault of her own.

The decision of the Hearing Examiner with regard to Section 6(c) of the law is reversed.

The claimant has not been able to work, available for work and actively seeking work within the meaning of Section 4(c) of the Maryland Unemployment Insurance Law. Benefits are denied from October 8, 1989 and until she meets the requirements of Section 4(c) of the law.

The decision of the Hearing Examiner with regard to Section 4(c) is affirmed.

  
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Associate Member

  
\_\_\_\_\_  
Associate Member

DW:W  
kbn

COPIES MAILED TO:

CLAIMANT

EMPLOYER

Dale R. Reid, Esq.

UNEMPLOYMENT INSURANCE - WESTMINSTER

 **Maryland**  
Department of Economic &  
Employment Development

*William Donald Schaefer, Governor*  
*J. Randall Evans, Secretary*

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*1100 North Eutaw Street*  
*Baltimore, Maryland 21201*

*Telephone: 333-5040*

**— DECISION —**

Date: Mailed: January 26, 1990

Appeal No.: 8914046

S. S. No.:

Claimant: Alexis C. Drury

Employer: Sinai Hospital of Baltimore,  
Inc.

Lo. No.: 15

Appellant: Employer

Issue: Whether the claimant was discharged for misconduct connected with the work, within the meaning of Section 6(c) of the Law.

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**— NOTICE OF RIGHT TO PETITION FOR REVIEW —**

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A REVIEW AND SUCH PETITION FOR REVIEW MAYBE 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

February 12, 1990

THE PERIOD FOR FILING A PETITION FOR REVIEW EXPIRES AT MIDNIGHT ON

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**— APPEARANCES —**

FOR THE CLAIMANT:

Claimant - Present  
Dale R. Reid - Attorney at Law

FOR THE EMPLOYER:

Christine Beach,  
Employee Relations  
Specialist  
Essie Kershner,  
Employment Interviewer

**FINDINGS OF FACT**

The claimant had been employed by Sinai Hospital of Baltimore, Inc. from June 2, 1986 until June of 1989. The claimant went

on a leave of absence from April 10, 1989 to May 1, 1989 due to a medical disability.

In June of 1989, employer's Exhibit #1 indicated that due to business necessity, Sinai Hospital of Baltimore hired a permanent replacement in the claimant's absence. The claimant took a leave of absence from Sinai Hospital due to high blood pressure, stomach and emotional problems. The Hearing Examiner finds as a fact, that the letter from Sinai Hospital of Baltimore, Inc. in June of 1989 wherein Sinai Hospital of Baltimore hired a permanent replacement for the claimant's position of a secretary constitutes a separation within the meaning of Section 6(c) of the Maryland Unemployment Insurance Law.

The claimant filed a claim for unemployment insurance benefits effective October 8, 1989. The claimant submitted a medical document to the State of Maryland dated October 23, 1989 which indicated that the claimant was released for full-time work as of October 1, 1989 and the claimant was advised to work in a non-pressured atmosphere. The claimant submitted a medical document dated July 3, 1989 which indicated that claimant has been hypertensive since the early 1980's and certainly one could not blame her employment for the hypertension.

On October 18, 1989 the claimant had a telephone conversation with an employment interviewer at Sinai Hospital of Baltimore, Inc.; the claimant was told of the positions of a Secretary in the psychiatric department, customer service representative and a patient account representative, and a position as a professional billing representative. On October 18, 1989 the claimant did not get into specifics as to the rate of pay for the position at Sinai Hospital of Baltimore, Inc. The claimant has been seeking employment as a bookkeeper clerk typist, and secretary. Since the claimant filed her claim at the Westminster, Maryland local office in October of 1989 the claimant has gone to the Maryland State job Service on two occasions to seek work. Since the claimant has filed for unemployment insurance benefits with the State of Maryland, the claimant has been sending two to three resumes per week and the claimant has been making five telephone calls per week. Since the claimant has filed a claim for unemployment insurance benefits in October of 1989, the claimant has not made any in-person job contacts.

## CONCLUSIONS OF LAW

Article 95A, Section 6(c) provides for disqualification from benefits where a claimant is discharged for actions which constitute a transgression of some established rule or policy of the employer, a forbidden act, a dereliction of duty or a course of wrongful conduct committed within the scope of the employment relationship, during hours of employment or on the employer's premises. The preponderance of the credible evidence in the instant case will support a conclusion that the claimant's actions do not rise to the level-of misconduct within the meaning of, the Statute.

The claimant went on a disability leave of absence from April 10, 1989 until May 1, 1989. As of June, 1989 Sinai Hospital of Baltimore sent the claimant a letter wherein the claimant was informed that Sinai Hospital of Baltimore had hired a permanent replacement for the claimant's position as a secretary in the data center operations. It will be held the claimant was discharged, but not for misconduct connected with the work within the meaning of Section 6(c) of the Maryland Unemployment Insurance Law.

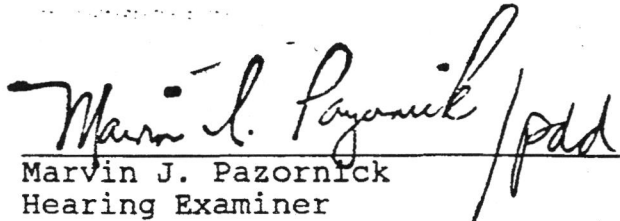
Section 4(c) of the Law requires one to be able, available and actively seeking work to be eligible for unemployment insurance benefits. The claimant submitted a document which indicated that the claimant was released from full-time work as of October 1, 1989. The claimant had been seeking work as bookkeeper, clerk typist, and secretary. Since October 8, 1989 when the claimant filed a claim for unemployment insurance benefits, the claimant has not made any in-person job contacts. The claimant has only made contacts by telephone calls and resumes. Since the claimant has not made any in-person job contacts since October of 1989, it will be held that the claimant has not been actively seeking work within the meaning of Section 4(c) of Maryland Unemployment Insurance Law.

## DECISION

The claimant was discharged, but not for misconduct connected with her work, within the meaning of Section 6(c) of the Maryland Unemployment Insurance Law. No disqualification is imposed based on her separation from her employment with Sinai Hospital.

The determination of the Claims Examiner within the meaning of Section 6(c) of the Maryland Unemployment Insurance Law is affirmed.

It is held that the claimant has not been actively seeking work within the meaning of Section 4(c) of the Maryland Unemployment Insurance Law. Benefits are denied from October 8, 1989 and until the claimant is actively seeking work within the meaning of Section 4(c) of the Law.

  
Marvin J. Pazornick  
Hearing Examiner

Date of Hearing: 01/12/90  
pdd/Specialist ID: 15703  
Cassette No: 11197A - B, 11198A  
Copies mailed on 01/26/90 to:

Claimant  
Employer  
Unemployment Insurance - Westminster (MABS)

Dale R. Reid, Attorney at Law