



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.: | 356-BR-90 |
| Date: | April 9, 1990 |
| Claimant: Karen D. Vernon | Appeal No.: 9001282 |
| | S. S. No.: |
| Employer: Salpstix Comedy Club ATTN: Christopher Cahill Owner | L O. No.: 45 |
| | Appellant: EMPLOYER |

Issue:

Whether the claimant was discharged for gross misconduct or misconduct, connected with her work, within the meaning of Section 6(b) or 6(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 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.

May 9, 1990

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

— 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 Board finds that the claimant was discharged for gross misconduct connected with the work, as defined in Section 6(b) of the Maryland Unemployment Insurance Law.

The Board adopts the findings of fact of the Hearing Examiner and makes the additional finding that the claimant was drinking alcoholic beverages while on the job. This was strictly forbidden by the employer's policy.

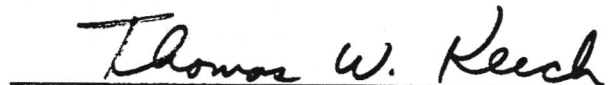
The actions of the claimant were a deliberate and willful disregard of the standards of behavior, which her employer had a right to expect, showing a gross indifference to the employer's interest and a series of repeated violations of employment rules, proving that the employee has regularly and wantonly disregarded her obligation.

DECISION

The claimant was discharged for gross misconduct, connected with her work, within the meaning of Section 6(b) of the Maryland Unemployment Insurance Law. She is disqualified from receiving benefits from the week beginning December 17, 1989 and until she becomes re-employed, earns at least ten times her weekly benefit amount (\$710) and thereafter becomes unemployed through no fault of her own.

The decision of the Hearing Examiner is reversed.


Associate Member


Chairman

DW:K

kbm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - NORTHWEST

 **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

— D E C I S I O N —

Mailed: February 21, 1990

Claimant: Karen D. Vernon

Date: 9001282

Appeal No.:

S. S. No.:

Employer: Slapstix Comedv Club

LO. No: 45

Employer

Appellant

Issue: Whether the claimant was discharged for misconduct connected with the work, within the meaning of Section 6(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) (3) 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

March 8, 1990

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

— A P P E A R A N C E S —

FOR THE CLAIMANT

Not Present

FOR THE EMPLOYER:

Chris Kayhill,
Owner

FINDINGS OF FACT

The employer's appeal was postmarked on January 26, 1990. Since it was in the hands of the post office on the last day to file an appeal, it will be considered timely filed.

The claimant was employed by Slapstix Comedy Club as a cocktail server for approximately two weeks. Her last day of work was December 10, 1989. She was a part-time employee.

The claimant was terminated on December 10, 1989, because she did not follow the correct checkout procedures. She was short \$58 at that time and had alienated customers on previous occasions by not providing proper service. The employer had discussed with her when these complains were received. The claimant was terminated while on probation.

CONCLUSIONS OF LAW

It has been held that dissatisfaction with an employee's work on the part of the employer, mere inefficiency, incapacity, or ordinary negligence on the part of the employee in isolated instances does not constitute misconduct within the meaning of Section 6(c). (See Chambers v. J.P. Mancini, Inc., 408-BH-84, Albaugh v. Good Samaritan Hospital, 186-BH-83, and Ellis v. Lana Fab Corp., 497-BH-85).

The employer terminated the claimant for violations of checkout procedures but did not enunciate how the policies were violated. Additionally, the fact that the claimant was \$58 short does not establish any misconduct on her part either. Therefore, the determination of the Claims Examiner will be affirmed.

DECISION

The claimant was separated from her employment but not for any acts that demonstrate misconduct or gross misconduct, within the meaning of Section 6 of the Law.

Benefits are allowed the claimant based upon her separation from employment with Slapstix Comedy Club.

The determination of the Claim Examiner is affirmed.


Seth Clark
Hearing Examiner

Date of Hearing: February 12, 1990

bch/Specialist ID: 45555

Cassette No: 1006

Copies mailed on February 21, 1990 to:

Claimant

Employer

Unemployment Insurance - Northwest (MABS)