

Maryland

DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT

1100 North Eutaw Street
Baltimore, Maryland 21201
(301) 333-5033



William Donald Schaefer, Governor
J. Randall Evans, Secretary

BOARD OF APPEALS

Thomas W. Keech, Chairman
Hazel A. Warnick, Associate Member
Donna P. Watts, Associate Member

— DECISION —

	Decision No.:	390 -SE-89
	Date:	May 12, 1989
Claimant: Christina Deale	Appeal No.:	8810463
	S. S. No.:	
Employer: Simpson Land Company	L. O. No.:	33
	Appellant:	CLAIMANT
Issue:	Whether the claimant left 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.

June 11, 1989

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

— APPEARANCES —

FOR THE CLAIMANT:

Christina Deale, Claimant
Belinda Ragin, Legal Assistant
Michael Genz, Attorney

FOR THE EMPLOYER:

John Simpson, Owner

EVALUATION OF 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 Economic and Employment Development's documents in the appeal file.

FINDINGS OF FACT

The claimant worked at the Holiday Inn Solomons from August 24, 1987 to July 3, 1988 as a housekeeper. She was earning \$4.00 an hour, and she was required to work forty hours per week.

The claimant voluntarily quit her position, after verbally advising her immediate supervisor of her intention to do so, because she had developed an allergic reaction to a chemical used at the employer's premises.

As a housekeeper, the claimant came into daily contact with cleaning materials, cleaning solutions and water. From August, 1987 through June, 1988, she experienced no problems with the chemical solvents used in her position.

The employer changed the cleaning solution and the air freshener that the housekeeping staff was required to use.

While using these new products, the claimant began to experience problems with her hands, throat and eyes. Her hands began to blister, they became swollen and they began to bleed. Her throat became sore and her eyes became swollen. The most serious problem she experienced was with her hands, despite the fact that she wore gloves at work.

The claimant was examined by her family physician on June 1, 1988. He identified her problem as a reaction to the chemicals the claimant was using in the performance of her job duties. The claimant's physician gave her a cream to apply locally on her hands, and he advised her to secure a new position, one at which she would not repeatedly come into contact with chemicals and water.

The claimant advised her immediate supervisor, Ms. Spencer, of her medical problem. At the end of June, 1988, the claimant was transferred from the housekeeping department to the laundry. After several days in the new position, she noticed that the condition of her hands had not improved. On July 3, 1988, the claimant reported to work and advised her immediate supervisor that she would be voluntarily quitting her position because of her medical problem.

The claimant has presented a medical certificate to support her contention that her illness was related to the chemicals she was required to use at her employment.

CONCLUSIONS OF LAW

The claimant voluntarily quit her position because she suffered a severe allergic reaction to certain chemicals she was required to use at her position with the Holiday Inn Solomons. She verbally advised the employer of her intention to resign because of the diagnosed medical problem.

The Board finds that the claimant's reason for quitting was connected with the conditions of her employment. Therefore, it will be held she voluntarily quit her position with good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law.


The decision of the Hearing Examiner will be reversed.

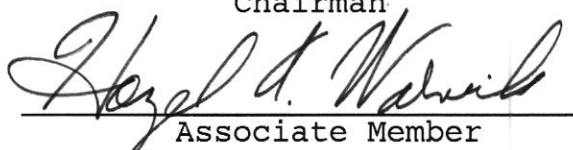
DECISION

The claimant voluntarily left her employment, with good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. No disqualification is imposed on her quitting based upon her reason for separation from Holiday Inn Solomons.

The decision of the Hearing Examiner is reversed.

The claimant may now contact her local office regarding the other eligibility requirements of the law.



Chairman


Associate Member

K:HW
kbm

Date of Hearing: April 14, 1989

COPIES MAILED TO:

CLAIMANT
EMPLOYER

Legal Aid Bureau

UNEMPLOYMENT INSURANCE - PRINCE FREDERICK

STATE OF MARYLAND
APPEALS DIVISION
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201
(301) 383-5040

STATE OF MARYLAND
William Donald Schaefer
Governor

— DECISION —

Claimant: Christina J. Deal
Employer: Simpson Land Company
Date: Mailed: 1/6/89
Appeal No: 8810463
S.S. No.:
L.O. No.: 33
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 THE DECISION MAY REQUEST A REVIEW AND SUCH PETITION FOR REVIEW MAY BE FILED IN ANY EMPLOYMENT SECURITY OFFICE OR WITH THE APPEALS DIVISION, ROOM 818, 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 23, 1989

NOTICE: APPEALS FILED BY MAIL, INCLUDING SELF-METERED MAIL, ARE CONSIDERED FILED ON THE DATE OF THE U.S. POSTAL SERVICE POSTMARK.

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Claimant - Present

Not Represented

FINDINGS OF FACT

The claimant was employed by the Simpson Land Co., T/A Holiday Inn, from September 1987 until July 3, 1988. The claimant performed the services of a Housekeeper earning \$4.00 hourly.

The claimant left this job because her hands broke out in a rash which the claimant attributes to chemicals and water that she was using in the performance of her duties. The problem increased to the point that the infection got into the claimant's eyes and throat and she was unable to continue working.

The claimant consulted a physician about this condition and he informed the claimant that she suffers from eczema and that the chemicals and water that she used for work aggravated this condition. The claimant gave to the physician a medical statement which had been given to the claimant by the claims office for completion by her physician. However, the physician refused to sign or to complete the form, and he told the claimant that this was because she was not entitled to either unemployment insurance or Workmen's Compensation benefits. The reason that the physician gave to the claimant for making this statement, was that in his opinion these benefits are payable only when the work causes the illness. Therefore, the claimant was unable to get a statement from her physician to support her position that she had to leave her job because the material with which she was working caused an out break of eczema.

There is another physician in the claimant's community but, the claimant is without funds for an examination from that physician. At the time of this hearing the hearing examiner observed that the claimant's hands were broken out in a rash.

CONCLUSIONS OF LAW

Section 6(a) of the Maryland Unemployment Insurance Law provides that benefits shall be denied until after re-employment when an individual leaves work voluntarily, without good cause or a valid circumstance. Good cause means a compelling reason that is work connected. Valid circumstance means a substantial work connected reason or, in the alternative, valid circumstance includes a non-job connected reason and is so necessitous or compelling that it leaves the work no reasonable alternative but to leave the job. The statute provides specifically that if an individual leaves employment because of a circumstance relating to his/her health, the individual must furnish a written statement or other documentary evidence of that health problem from a physician or hospital.

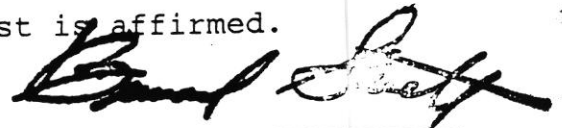
The provision of the Law requiring the presentation of documentary evidence of a health problem to support a voluntarily leaving of work is statutory, and it cannot be ignored or circumvented by the hearing examiner. This was the basis for the determination of the claims specialist which held that the claimant was unable to present the necessary medical certification and for that reason she cannot establish good cause or a valid circumstance for leaving her job. In the absence of the necessary medical documentation, I have no alternative but to affirm that determination.

The claimant is advised that she has the right to petition the Maryland Board Of Appeals for a review of this decision. I recommend that if she does that she should seek legal help through the free service offered by the Legal Aide Bureau. The claimant must file her request for a review of this decision within the time limits that are specified in this decision and she should request a hearing by a special examiner for the Board and for the purpose of presenting the necessary medical documentation. If the claimant obtains assistance from the Legal Aid, the Legal Aid attorney will know how to obtain the necessary medical documentation from the claimant's physician.

DECISION

The unemployment of the claimant was due to leaving work voluntarily without good cause or valid circumstances within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. The claimant is disqualified from receiving benefits from the week beginning July 3, 1988 and until she become re-employed and earns at least ten times her weekly benefit amount.

The determination of the Claims Specialist is affirmed.



Bernard Streett
Claims Examiner

Date of hearing: November 4, 1988
lr/Specialist ID: 33600/7321
Copies mailed on January 4, 1989 to:

Claimant
Employer
Unemployment Insurance - Prince Frederick (MABS)