



# 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.:	4-BR-90
Date:	January 5, 1990
Claimant: Jan A. Murphy	Appeal No.: 8911100
	S. S. No.:
Employer: Loiederman Associates, Inc.	L.O. No.: 8
	Appellant: EMPLOYER
Issue:	Whether the claimant was discharged for gross misconduct or misconduct, connected with his work, within the meaning of Section 6(b) or 6(c) 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

February 4, 1990

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**— APPEARANCES —**

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record of this case, the Board of Appeals reverses the decision of the Hearing Examiner.

The Board makes the following findings of fact. The claimant was terminated for several reasons, which include:

1. The claimant failed to prepare a course of instruction for other drafters. This was a primary duty for which the claimant was hired.
2. The claimant continued to receive and make excessive personal calls, even after having received warnings. Many of the claimant's calls were long distance calls for which the claimant did not reimburse the employer.
3. The claimant failed to perform her work in a satisfactory manner. The claimant became unproductive, her work was incomplete and filled with errors. The claimant wandered around the office disturbing others instead of contacting the person who would assign her work.
4. The claimant was excessively tardy and absent. During the twenty-four weeks the claimant worked for this employer, she only worked six of the 40-hour weeks required.

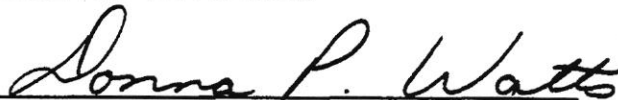
The conduct of the claimant amounted to (1) a deliberate and willful disregard of standards of behavior, which her employer had a right to expect, showing a gross indifference to the employer's interest, and (2) a series of repeated violations of employment rules proving that the employer has regularly and wantonly disregarded her obligations. This conduct warrants a finding of gross misconduct as defined in Section 6(b) of the Maryland Unemployment Insurance Law.

The fact that the claimant had many personal problems does not relieve her of her obligations to her employer.

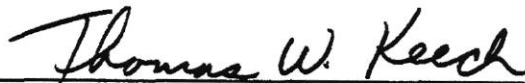
#### DECISION

The claimant was terminated from her employment for gross misconduct in connection with her work, within the meaning of Section 6(b) of the Maryland Unemployment Insurance Law. The claimant is disqualified from receiving unemployment insurance benefits from the week beginning August 6, 1988 and until she becomes re-employed, earns at least ten times her weekly benefit amount, 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

Loiederman Associates, Inc.  
ATTN: Pearl A. Oscar  
15200 Shady Grove Road, #202  
Rockville, MD 20850

UNEMPLOYMENT INSURANCE - ANNAPOLIS



# 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*

### — DECISION —

Date:	Mailed: 11/7/89
Claimant:	Appeal No.: 8911100
Jan A. Murphy	S. S. No.:
Employer:	Loiederman Associates, Inc. #202
	8
	EO. No.: Claimant
	Appellant:

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

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### — NOTICE OF RIGHT OF FURTHER APPEAL —

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A FURTHER APPEAL AND SUCH APPEAL 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

THE PERIOD FOR FILING A FURTHER APPEAL EXPIRES AT MIDNIGHT ON 11/22/89

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### — APPEARANCES —

FOR THE CLAIMANT:

Jan A. Murphy - Present  
Stewart F. Murphy - Father

FOR THE EMPLOYER:

Pearl A. Oscar  
Meg Droegemeyer,  
Secretary/Witness

### FINDINGS OF FACT

The claimant filed an original claim for unemployment insurance benefits, effective February 5, 1989.

The claimant was employed by Loiederman Associates, Inc. from February 14, 1989 until August 8, 1989, her last job classification as a Senior Drafts person at an hourly wage of \$12.50.

The claimant was terminated for her failure to prepare a course of instructions to give to other drafters, a primary duty she was hired to perform at the time of hire.

In addition, due to a lack of work given to the claimant, the claimant would talk to co-workers, interfering with their job performance.

The claimant lost a lot of time due to personal reasons. The employer was compassionate concerning the claimant's personal problems such as problems with her daughter and lack of transportation and went along with the claimant with this problem.

Due to the personal problems, the claimant was using the employer's telephone for many personal calls. The claimant was warned about the many personal calls being received or initiated by the claimant.

#### CONCLUSIONS OF LAW

The claimant actions in missing time from work, interfering with co-workers' job assignments by talking to them, and many personal calls either initiated or received by the claimant demonstrate acts of misconduct in connection with one's work within the meaning of Section 6(c) of the Maryland Unemployment Insurance Law.


Her actions do not demonstrate gross misconduct in connection with one's work, especially in view of the fact that the employer was compassionate and allowed the claimant to miss time from work due to her personal reasons.

In the instant case, the claimant's interference with her co-workers while working and her failure to prepare a course of instructions, a primary assignment at the time of hire, is misconduct in connection with one's work.

#### DECISION

The claimant was terminated from her employment for acts demonstrating misconduct in connection with her work, within the meaning of Section 6(c) of the Maryland Unemployment Insurance Law. The claimant is denied unemployment insurance benefits from the week beginning August 6, 1989 and the nine weeks immediately following thereafter.

The determination of the Claims ~~Examiner~~ is reversed.

  
\_\_\_\_\_  
Selig A. Wolfe  
Hearing Examiner

Date of Hearing Examiner  
kac/Specialist ID: 08006/7380  
Copies mailed on November 7, 1989 to:

Claimant  
Employer  
Unemployment insurance - Annapolis (MABS)