



# 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.:	422-BR-91
	Date:	April 15, 1991
Claimant: Fonda Ellinger	Appeal No.:	9016732
	S. S. No.:	
Employer: Howard County Govt.	L. O. No.:	23
	Appellant:	EMPLOYER

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.

THE PERIOD FOR FILING AN APPEAL EXPIRES May 15, 1991

**— APPEARANCES —**

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

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

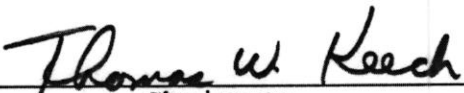
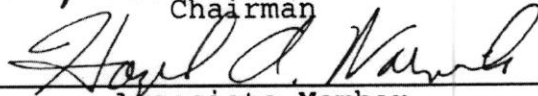
The claimant in this case worked for approximately three months for the Howard County government as a clerk. She made \$8.00 an hour. She missed three days in late September because of the death of a friend. She missed October 1 and 2 because of car trouble. On the third of October, more problems were discovered with her car. She did not immediately have the money to fix the car. Her employer did not threaten immediate termination, but did warn the claimant that it was important that she appear for work regularly. Feeling that she would soon be fired, the claimant quit.

The Hearing Examiner found that the claimant had "valid circumstances" for quitting her job due to transportation problems. The Board disagrees. Transportation problems, like any personal problems, can be a valid circumstance if they are necessitous and compelling and leave no reasonable alternative then to quit the employment. The claimant has simply not met her burden of proving these elements in this case. There is no evidence that she explored alternative means of getting to work (such as car pooling). There is not a sufficiently detailed explanation of her car repair and financial troubles. To the extent that the problems were financial, there is no explanation as to why quitting the job would make the problems better. The claimant quit her job after only three days' of car trouble, without making any extensive investigation of transportation alternatives, without any extensive explanation of why the problem was intractable, and without being given even a final warning by the employer. Under these circumstances, the Board concludes that her voluntary quit was without either good cause or valid circumstances.

#### DECISION

The claimant left work voluntarily, without good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. She is disqualified from receiving benefits from the week beginning September 30, 1990 and until she becomes re-employed, earns at least ten times her weekly benefit amount (\$2,150), and thereafter becomes unemployed through no fault of her own.

The decision of the Hearing Examiner is affirmed.

  
Chairman  
  
Associate Member

K:HW

kbm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - COLUMBIA



# 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: 2/14/91
Claimant: Fonda K. Ellinger	Appeal No.:	9016732
	S. S. No.:	
Employer: Howard County Gov't.	L.O. No.:	23
	Appellant:	CLAIMANT

Issue: Whether the claimant voluntarily quit his employment, without good cause, within the meaning of Section 6(a) of the Law. Whether there is good cause to reopen this dismissed case under COMAR 24.02.06.02N.

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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

March 1, 1991

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### — APPEARANCES —

FOR THE CLAIMANT:

Claimant Present

FOR THE EMPLOYER:

Charles Rinaudo -  
Division Chief  
James Stuller -  
UTS

### FINDINGS OF FACT

A hearing was initially scheduled for January 4, 1991 at which time the claimant failed to appear because the claimant was having dental surgery on that date and had previously requested a postponement.

The claimant worked for the employer from September 10, 1990 until October 3, 1990 as a clerk earning \$8.00 per hour. The claimant voluntarily resigned her position. At the time that she resigned, she was not going to be terminated although she had been told that she was placing her job in jeopardy because of a series of absences. The claimant was absent on September 24, 1990 to and including September 27, 1990 due to emotional upset over the death of a close friend. The claimant presented a doctor's slip to her employer upon her return to work. The claimant was absent shortly thereafter beginning on October 1, 1990 until the time of her resignation on October 3, 1990 because her automobile broke down and the claimant did not have the funds to repair the car. The place of employment was not within walking distance of the claimant's residence and public transportation was not available. The claimant did not have any money to repair the car and did not have any money to take a cab to work.

#### CONCLUSIONS OF LAW

There is good cause to reopen this dismissed case under COMAR 24.02.06.02N.

Article 95A, Section 6(a) provides that an individual shall be disqualified from benefits where his unemployment is due to leaving work voluntarily, without good cause, arising from or connected with the conditions of employment or actions of the employer. The facts established in the instant case do not demonstrate such good cause under the Law. However, Section 6(a) provides that a reduced disqualification may be imposed where the separation is precipitated by (1) a substantial cause connected with the conditions of employment or (2) another cause of such a necessitous or compelling nature that the claimant had no reasonable alternative but to leave the employment. The facts in this case demonstrate such valid circumstances, and therefore, a reduced disqualification is appropriate.

Although the claimant was not terminated at the time of her separation from work, she had been told that she was placing her job in jeopardy by her continued absences. She chose to resign almost in lieu of termination when her automobile broke down and she found that she had no mode of transportation to work. Because the claimant's reasons for her resignation were purely personal, the claimant's resignation was without good cause but valid circumstances are warranted.

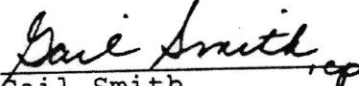
The determination of the Claims Examiner is modified.

DECISION

There is good cause to reopen this dismissed case under COMAR 24.02.06.02N.

The unemployment of the claimant was due to her voluntarily leaving work, without good cause but with valid circumstances, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. Benefits are denied for the week beginning September 30, 1990 and the nine weeks thereafter.

The determination of the Claims Examiner is modified.

  
Gail Smith  
Hearing Examiner

Date of Hearing: February 6, 1991  
kmb/Parker/1072

Copies mailed on February 14, 1991 to:

Claimant

Employer

Unemployment Insurance - Columbia (MABS)