



DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

383-5032

—DECISION—

STATE OF MARYLAND
HARRY HUGHES
Governor

BOARD OF APPEALS
THOMAS W. KEECH
Chairman

HAZEL A. WARNICK
MAURICE E. DILL
Associate Members

SEVERN E. LANIER
Appeals Counsel

DECISION NO.: 438-BR-84
DATE: April 30, 1984

CLAIMANT: Jacqueline Green

APPEAL NO.: 15402

S.S.NO.:

EMPLOYER: Highland Health Facility

LO. NO.: 1

APPELLANT: CLAIMANT

ISSUE Whether the claimant's unemployment as due to leaving work voluntarily, without good cause, within the meaning of §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, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT May 30, 1984

- APPEARANCE -

FOR THE EMPLOYER:

FOR THE CLAIMANT:

REVIEW ON THE RECORD

Upon a review of the record in this case, the Board of Appeals reverses the decision of the Appeals Referee

The claimant's health problem was as a result of an on-the-job injury; therefore her reason for quitting is connected with her employment and is good cause within the meaning of §6(a).

DECISION

The unemployment of the claimant was due to leaving work voluntarily, but for good cause, within the meaning of §6(a) of the Maryland Unemployment Insurance Law. No disqualification is imposed based on her separation from her employment with Highland Health Facility. The claimant may contact the local office about the other eligibility requirements of the law.

The decision of the Appeals Referee is reversed.



Associate Member



Chairman

W:K

kbm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - BALTIMORE



DEPARTMENT OF HUMAN RESOURCES

EMPLOYMENT SECURITY ADMINISTRATION
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201
383-5040

STATE OF MARYLAND
HARRY HUGHES
Governor
KALMAN R. HETTLEMAN
Secretary

BOARD OF APPEALS
THOMAS W. KEECH
Chairman
MAURICE E. DILL
HAZEL A. WARNICK
Associate Members
SEVERN E. LANIER
Appeals Counsel
MARK R. WOLF
Administrative
Hearings Examiner

- DECISION -

CLAIMANT: Jacqueline Green
DATE: February 8, 1984
APPEAL NO.: 15402
S. S. NO.:
EMPLOYER: Highland Health Facility
L.O. NO.: 1
APPELLANT: Claimant

ISSUE: Whether the claimant's unemployment 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 THIS DECISION MAY REQUEST A REVIEW AND SUCH PETITION FOR REVIEW MAY BE FILED IN ANY EMPLOYMENT SECURITY OFFICE, 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 PETITION FOR REVIEW EXPIRES AT MIDNIGHT ON February 23, 1984

-APPEARANCES-

FOR THE CLAIMANT: Present
FOR THE EMPLOYER: NOT REPRESENTED

FINDINGS OF FACT

The claimant first began employment with the Highland Health Facility on September 15, 1982. The claimant last worked as a Licensed Practical Nurse II on October 26, 1983, and was separated through resignation.

On or about July 28, 1983, the claimant was assaulted on-the job by a patient. This incident aggravated a previous injury incurred by the claimant while working at Spring Grove Hospital. As a result of the accident on July 28, 1983, the claimant required medical treatment for an upper back injury, and an arm

injury. The claimant's treating physician prescribed three separate prescription medications. These made the claimant sick, dizzy, and rendered her unable to function. In addition, these medications caused the claimant to incur a peptic ulcer.

The claimant was advised by her physician to resign this employment due to her orthopedic back and arm problem, because she could no longer perform the duties of a Licensed Practical Nurse. Prior to her separation from this employment, the claimant contacted the State personnel office to inquire about employment in health-related fields other than nursing. The claimant has made applications to several such positions.

CONCLUSIONS OF LAW

Under Section 6 (a) of the Maryland Unemployment Insurance Law, an individual shall be disqualified from receiving benefits if that individual's unemployment is due to leaving work voluntarily, without good cause. Only a cause which is directly attributable to, arising from, or connected with the conditions of employment or actions of the employer may be considered good cause. Only a substantial and compelling reason such that the individual had no reasonable alternative other than to leave the employment may be considered a valid circumstance for the imposition of less than the maximum penalty.

There is no dispute in this case that the claimant resigned her employment. The claimant did so for personal health reasons as described above. The claimant's resignation was due to reasons of her own health, it cannot be held that her reasons constitute good cause within the meaning of Section 6 (a) of the Law. However, the facts in this case warrant a mitigation of the maximum penalty.

DECISION

The claimant left work voluntarily, without good cause, within the meaning of Section 6 (a) of the Law. Benefits are denied for the week beginning October 23, 1983 and the four weeks immediately following.

The determination of the Claims Examiner is modified.

This denial of unemployment insurance benefits for a specified number of weeks will also result in ineligibility for Extended Benefits, and Federal Supplemental Compensation (FSC), unless the claimant has been employed after the date of the disqualification.


Judith S. Singleton
APPEALS REFEREE

Date of Hearing - 1/13/84
cd/9269
(225/Sowbel)

COPIES MAILED TO:

Claimant

Employer

Unemployment Insurance - Baltimore