



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.:	48 -SE-90	
	Date:	January 17, 1990	
Claimant:	Sheryl Romesberg	Appeal No.:	8910412
		S. S. No.:	
Employer:	Shaffer Ford, Inc. ATTN: Randy Shaffer, Pres.	L. O. No.:	3
		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 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.

February 16, 1990

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

— APPEARANCES —

FOR THE CLAIMANT:

Sheryl Romesberg, Claimant

FOR THE EMPLOYER:

Randy Shaffer, Pres.

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 filed her original claim in the Cumberland local office with an effective date of July 30, 1989. Her weekly benefit amount was determined to be \$128. The claimant worked at Shaffer Ford, Inc. from October 5, 1987 to July 28, 1989 as a title clerk and payroll clerk. She was earning \$280 per week, and she was required to work forty hours per week.

The claimant was discharged on Friday, July 28, 1989 for insubordination. Specifically, the claimant was discharged for her refusal to train a fellow employee after being instructed to do so by Randy Shaffer, President of Shaffer Ford, Inc., on Thursday, July 27, 1989.

On Thursday, July 27, 1989, Mr. Randy Shaffer summoned the claimant to his office for a meeting. During this meeting, he advised the claimant that he wanted her to train two new employees on their payroll system. The two employees were Lori Burford and Donna Dolan. The employer wanted these employees cross-trained in their payroll system so they would be able to provide assistance to the company, in the event that the claimant was not available to perform her duties. In this meeting, the claimant advised Mr. Shaffer that she would train Lori Burford, but that she would not train Donna Dolan. Without questioning the claimant as to her motives, Mr. Shaffer restated his direct order to the claimant. The claimant made no further response, and each individual returned to their respective work duties. Later, during the afternoon of Thursday, July 27, 1989, although Donna Dolan was present and available, the claimant only trained Lori Burford.

Although the claimant had changed her mind concerning the issue of training Donna Dolan, she did not convey this to the Mr. Shaffer, or anyone else, during her work day on Friday, July 28, 1989. At approximately 4:00 p.m. on Friday, July 28, 1989, the claimant was called into Mr. Shaffer's office and advised that she was being discharged immediately.

CONCLUSIONS OF LAW

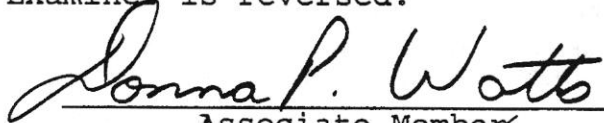
Gross misconduct is defined in Section 6(b) of the Maryland Unemployment Insurance Law as a deliberate and willful disregard of standards of behavior, which an employer has a right to expect, showing a gross indifference to the employer's interest or a series of repeated violations of employment rules, proving that the employer has regularly and wantonly disregarded his obligations.

In this case, the claimant's refusal to train an employee after being instructed to do so by her manager, was an insubordinate act on the part of the claimant. Such an act of insubordination is gross misconduct connected with the work within the meaning of Section 6(b) of the Maryland Unemployment Insurance Law.

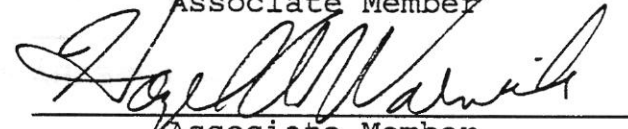
DECISION

The claimant was discharged for gross misconduct connected with the work, within the meaning of Section 6(b) of the Maryland Unemployment Insurance Law. She is disqualified from receiving benefits from the week beginning July 23, 1989 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



Associate Member

DW:W

kbm

Date of Hearing: December 14, 1989

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - CUMBERLAND

 **Maryland**
Department of Economic &
Employment Development

William Donald Schaefer
Governor

J. Randall Evans
Secretary

1100 North Eutaw Street
Baltimore, Maryland
21201

(301) 333-5040

— DECISION —

Claimant:	Sheryl L. Romesberg	Date:	Mailed: 9/21/89
		Decision No:	8910412
		S. S. No.:	218-74-9274
Employer:	Shaffer Ford, Inc.	L.O. No.:	3
		Appellant:	Claimant

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

— 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 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 10/6/89

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Claimant-Present

Not Represented

FINDINGS OF FACT

The claimant was employed from October 5, 1987, and at the time of separation was a Title Clerk at a pay rate of \$280 gross weekly salary for full-time employment. On July 28, 1989, the claimant was told by the employer that she no longer had employment. No reason was given for the employer's decision and

it came as a complete shock to the claimant. On the prior day, the claimant had been told to train another employee because that employee was getting a promotion that the claimant believed should have been hers. Despite this, the claimant agreed to train the other employee and would have done so if that employee had been present on that afternoon. The claimant did not refuse to train the employee. She would have continued in the employment and trained her on the following week if the employer's decision had not intervened.

During her employment, the claimant's job performance and/or attendance had not been criticized.

The employer, duly notified of the time and place of the hearing, was not present.

CONCLUSIONS OF LAW

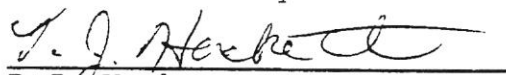
It is held that the claimant was discharged by decision of the employer under circumstances that do not constitute gross misconduct or misconduct connected with the work, within the meaning of Section 6(b) or 6(c) of the Maryland Unemployment Insurance Law. No disqualification will be imposed based on her separation from this employment.

The determination of the Claims Examiner will be reversed.

DECISION

The claimant was discharged, but not for gross misconduct or misconduct connected with the work, within the meaning of Section 6(b) or 6(c) of the Maryland Unemployment Insurance Law. No disqualification is imposed based on her separation from this employment on or about July 28, 1989.

The determination of the Claims Examiner is hereby reversed.



P.J. Hackett
Hearing Examiner

Date of hearing: 9/19/89

rc

(7758)-Specialist ID: 03264

Copies mailed on 9/21/89 to:

Claimant

Employer

Unemployment Insurance - Cumberland - MABS