



DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND

HARRY HUGHES  
Governor

BOARD OF APPEALS  
1100 NORTH EUTAW STREET  
BALTIMORE, MARYLAND 21201  
383-5032

THOMAS W KEECH  
Chairman

HAZEL A WARNICK  
MAURICE E DILL  
Associate Members

SEVERNE E LANIER  
Appeals Counsel

-DECISION-

CLAIMANT: Vivian E. Best

DECISION NO.: 550-BR-84  
DATE: June 7, 1984  
APPEAL NO.: 15374  
S.S.NO.:

EMPLOYER Kelly Girl Temporary  
Services

LO.NO.: 2  
APPELLANT: CLAIMANT

ISSUE Whether the unemployment of the claimant was 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 July 7, 1984

-APPEARANCE-

FOR THE CLAIMANT

FOR THE EMPLOYER

REVIEW ON THE RECORD

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

The claimant did not voluntarily quit her job with Kelly Girl Temporary Services. She refused a three-day assignment on November 25, 1983 because her husband was sick. Considering the reason for her refusal and the fact that the assignment was only

for three days, the Board concludes that the claimant had good cause within the meaning of §6(d) of the law to refuse the offer of work. Although the employer became suspicious of the claimant's true motives, there is no evidence to contradict the claimant's testimony.

Subsequently, on November 30, 1983, the claimant went on "inactive status" with the employer. This meant that she was not available for assignments and is somewhat akin to what would be termed a leave of absence in a regular, permanent employment situation. The claimant did not intend to quit, as evidenced by her return to active status one week later, on December 5, 1983. The claimant accepted and began a new assignment for the employer on December 19, 1983.

The proper disqualification in this case is under §4(c) of the law. The claimant was not available for work from November 25, 1983 until December 5, 1983. This is also consistent with recent Board decisions involving claimants on leaves of absence. See, e.g., Muller v. Board of Education, Board Decision No. 144-BH-83.

#### DECISION

The claimant did not quit her employment voluntarily, within the meaning of §6(a) of the Maryland Unemployment Insurance Law. No disqualification is imposed based on her separation from her employment with Kelly Girl Temporary Services.

The claimant refused, with good cause, to accept available, suitable work within the meaning of §6(d) of the law. No disqualification is imposed under this section of the law.

The claimant is disqualified from receiving unemployment benefits, within the meaning of §4(c) of the law, for the two weeks ending November 26, 1983 and December 3, 1983 only.

The decision of the Appeals Referee is reversed.

  
\_\_\_\_\_  
Associate Member

  
\_\_\_\_\_  
Chairman

W:K  
kbm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - GLEN BURNIE



**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 -

DATE: February 15, 1984

APPEAL NO.: 15374

S. S. NO.:

L.O.NO.: 2

APPELLANT: Claimant

CLAIMANT: Vivian E. Best

EMPLOYER: Kelly Girl Temporary Services

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

March 1, 1984

- APPEARANCES -

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Present - Accompanied by Samuel  
 T. Best, claimant's husband

Represented by Dee  
 Sansing, Account Representative

FINDINGS OF FACT

The claimant was originally employed by Commercial Credit until September 16, 1983. The claimant went to work for Kelly Girl in October. This employer contracts its employees out to employers or clients who are in search of temporary, short or long-term help. The claimant was offered an assignment handing out samples of 7-Up. This assignment was for two days. The claimant did not take the assignment, because her husband was ill. This employer

requires that their employees contact them two times a week to see if there is any work available. After the claimant refused the two-day assignment with 7-Up, and failed to contact the employer, the employer felt that the claimant had quit her employment. The claimant was struck from the assignment list as of November 30, 1983. However, the claimant shortly after that got in touch with Kelly Girl and was reinstated on their assignment list.

As of the time of the hearing, the claimant was on assignment with Kelly Girl.

CONCLUSIONS OF LAW

The failure of the claimant to keep in touch with the employer after she refused a two-day assignment was a voluntary quit within the meaning of the Maryland Unemployment Insurance Law. Therefore, the determination of the Claims Examiner will be affirmed.

There appearing no valid compelling circumstances for the claimant to quit this employment, only the maximum disqualification may be imposed.

DECISION

The unemployment of the claimant was due to leaving work voluntarily, without good cause, within the meaning of Section 6 (a) of the Maryland Unemployment Insurance Law. Benefits are denied from the week beginning November 20, 1983 and until she becomes re-employed, earns at least ten times her weekly benefit amount ( \$1600) , and thereafter becomes unemployed through no fault of her own.

The determination of the Claims Examiner is affirmed.

  
John G. Hennegan  
APPEALS REFEREE

Date of Hearing - 1/17/84  
cd/8992  
(212/Gallagher)

COPIES MAILED TO:

- Claimant
- Employer
- Unemployment Insurance - Glen Burnie