



DEPARTMENT OF HUMAN RESOURCES
EMPLOYMENT SECURITY ADMINISTRATION

1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

STATE OF MARYLAND

HARRY HUGHES
Governor

KALMAN R. HETTLEMAN
Secretary

383 - 5032
- DECISION -

BOARD OF APPEALS

THOMAS W. KEACH
Chairman

HAZEL A. WARNICK
MAURICE E. DILL
Associate Members

SEVERN E. LANIER
Appeals Counsel

DECISION NO.: 595-BR-82
DATE: May 14, 1982
APPEAL NO.: 03302
S. S. NO.:

CLAIMANT: Mary A. Hoffman Cole

EMPLOYER: Boys' and Girls' Homes of Montgomery County, Inc. NO.: 43

APPELLANT: EMPLOYER

ISSUE Whether the Claimant was discharged for misconduct connected with the work within the meaning of Section 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 MAY BE TAKEN IN PERSON OR THROUGH AN ATTORNEY IN THE SUPERIOR 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

June 13, 1982

- APPEARANCES -

FOR THE CLAIMANT:

FOR THE EMPLOYER:

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, in October, 1981, had expressed to her supervisor an intent to resign her position. Further, she chose not to sign the renewal contract offered by the Employer. This clearly shows an intent not to continue her in her employment. The Claimant's refusal to sign the contract amounts, in these circumstances, to voluntary abandonment of her job. Her letter of resignation, dated January 19, 1982, is further evidence of her feeling in the matter.

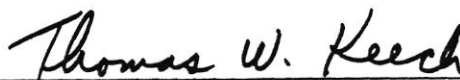
The Board is not ruling that any refusal of an employee to sign a long-term contract is necessarily a voluntary quit, without good cause. In the circumstances of this case, however, the Claimant clearly intended to quit, and the Claimant failed to show good cause.

The Board finds that the Claimant's leaving was without good cause and that there were no valid circumstances. Therefore, the maximum disqualification is warranted in this case.

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. She is disqualified from receiving benefits from the week beginning January 10, 1982 and until she becomes re-employed, earns at least ten times her weekly benefit amount (\$620.00) and thereafter becomes unemployed through no fault of her own.

The decision of the Appeals Referee is reversed.


Chairman


Associate Member

K:D
zvs

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - WHEATON



DEPARTMENT OF HUMAN RESOURCES
 EMPLOYMENT SECURITY ADMINISTRATION
 1100 NORTH EUTAW STREET
 BALTIMORE, MARYLAND 21201
 383 - 5040

BOARD OF APPEALS

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 Chairman

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 HAZEL A. WARNICK
 Associate Members

SEVERN E. LANIER
 Appeals Counsel

STATE OF MARYLAND
 HARRY HUGHES
 Governor
 KALMAN R. HETTLEMAN
 Secretary

- DECISION -

CLAIMANT: Mary Ann Offman Cole
 DATE: April 8, 1982
 APPEAL NO.: 03302
 S. S. NO.:
 EMPLOYER: Boys & Girls Homes of Montgomery County, L.O. NO.: 43
 APPELLANT: Claimant
 ISSUE: Whether the claimant was discharged for misconduct connected with his work within the meaning of Section 6(c) 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 FURTHER APPEAL EXPIRES AT MIDNIGHT ON April 23, 1982

- APPEARANCES -

FOR THE CLAIMANT: Present, Represented by Patrick J. Cole, husband
 FOR THE EMPLOYER: Represented by Quanah Parker, Executive Director & Cherise Baker, Whitehead Executive Assistant

EVALUATION OF EVIDENCE

The claimant had been employed by the Boys and Girls Home of Montgomery County Inc. from August 1980 to December 1981. The claimant left for vacation on December 28, 1981 and was due to return to work on Wednesday, January 13, 1982. The claimant informed her employer on January 13, 1982 due to the weather conditions and difficulty with the claimant's problem with an

automobile that the claimant would not be reporting back to work as scheduled on January 13, 1982. The claimant had a meeting with her employer on January 15, 1982.

The claimant received a letter from the employer dated January 15, 1982 which referred to the claimant's incompetency, inefficiency, negligence of performing her duty, insubordination, use of insulting words towards the public, and authorized absences from employment. The claimant after receiving the letter dated January 15, 1982 in regards to her job performance, chose to resign her employment on a letter dated January 19, 1982. The claimant in October 1981 had expressed to her supervisor an intent to resign her position due to lack of support from her employer and due to not being given sufficient support in regards to crisis situations. The claimant was given an inducement by her employer to stay and was informed that she was to be given more support in the future in regards to problems involving the Boys & Girls Homes of Montgomery County. The claimant submitted a letter dated January 19, 1982 which indicated that she was resigning her position due to the fact that stress of the job involving the care of the five adolescent males were greater than the claimant had anticipated and that the claimant was unable to sign a contract preferred by the Boys & Girls Home of Montgomery County, Inc. due to a disagreement of the terms and contracts as offered. The claimant did not voluntarily resign her employment but resigned her employment after been given a letter of termination dated January 15, 1982. The employer withdrew the letter of determination January 15, 1982; however, the claimant still resigned her position.

The employer alleged that the claimant was not forced to resign her employment at the Boys & Girls Home of Montgomery County, Inc.

FINDINGS OF FACT

The claimant filed a claim for unemployment insurance benefits effective January 24, 1982. She was employed by the Boys & Girls Home of Montgomery County, Inc. from August 1982 to January 1982 as a house mother. She earned \$5,200.00 per year. She worked seven days a week. She was off every other weekend.

The claimant resigned her employment at Boys & Girls Homes of Montgomery County, Inc. on a letter dated January 19, 1982. The claimant resigned her employment due to the stress on job and caring for the five adolescent males in the Kemp Mills Specialized Home. The claimant in October 1981 had expressed to the employer an intention to resign due to a lack of support from her employer. The employer informed the employer that there would be additional support given to the claimant involving crisis situations.

The employer, Boys & Girls Homes of Montgomery County, Inc. submitted a letter of evaluation dated January 15, 1982 in regards to the claimant's performance on the job. The employer chose to resign this letter of evaluation dated January 15, 1982 when the claimant chose to resign her employment. The claimant was never given any type of written evaluation in regards to her job performance nor was she given any type of detailed counsel-

ing sessions at which time to express the claimant any type of deficiencies that she had on the job in order to improve her job performance. The claimant worked for the best of her abilities.

The claimant did not resign her employment in a voluntary nature but was necessitated by the actions from her employer in submitting a letter of charges in regards to her job performance without ever discussing the work problems prior to January 15, 1982 in a detailed counseling session. The claimant previously had been given an inducement to continue her employment by added support on the job in handling the adolescent youngsters.

CONCLUSIONS OF LAW

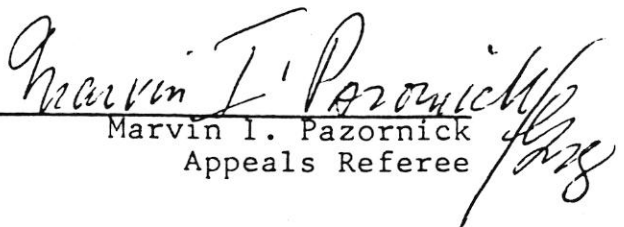
Section 6(a) provides an individual disqualified for benefits when her unemployment was due to leaving work voluntarily. This section of the Law has been interpreted by the Maryland Court of Appeals in the case of Allen vs. Core Target City Youth Program (275 Md. 69), and in that case the Court said: "As we see it, the phrase 'Due to leaving work voluntarily' has a plain, definite, and sensible meaning; it expresses a clear legislative intent that to disqualify a claimant from benefits the evidence must establish that the claimant, by her own choice, intentionally, of her own free will, terminated the employment'. In the instant case the evidence will not support a conclusion that the claimant did formulate a requisite intent to separate from her employment as contemplated by the Court of Appeals in the Allen case, supra.

It will be held that the claimant was separated for a non-disqualifying reason within the meaning of Section 6(c) of the Maryland Unemployment Insurance Law. The claimant after returning from a vacation had been presented a letter which described her job performance in regards to her absences, insubordination, and competency on the job. The claimant had never been given any type of written evaluation or sessions to correct the claimant on any type of problems that she was having on the job. The claimant did not resign her position within her own free will. Therefore, the determination of the Claims Examiner will be reversed.

DECISION

The unemployment of the claimant was due to a non-disqualifying reason within the meaning of Section 6(c) of the Maryland Unemployment Insurance Law. The disqualification imposed from January 10, 1982 and the nine weeks immediately following is rescinded.

The determination of the Claims Examiner is reversed.


Marvin I. Pazornick
Appeals Referee

Date of hearing: March 29, 1982
jlt
(1212B--Masche)

Copies mailed to:

Claimant

Employer

Unemployment Insurance - Wheaton