

 **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.:	598-BR-90
	Date:	June 18, 1990
Claimant: Barbara Durst	Appeal No.:	9004142
	S. S. No.:	
Employer: W. Bell & Company, Inc. ATTN: Linda Nahin Personnel Director	L. O. No.:	50
	Appellant:	CLAIMANT

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 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.

July 18, 1990

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

— APPEARANCES —

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 Hearing Examiner.

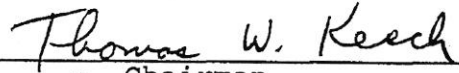
The Board finds as a fact that the claimant quit her employment because of compelling financial circumstances. Despite the fact that the claimant worked at two jobs for a period of two years and had made serious efforts to economically survive in the area (after she had been suddenly left with the sole financial responsibility for her children), the claimant found herself simply unable to afford living in the area and left to move in with a relative who resided out of the state. The Board concludes that the claimant's reasons were compelling, and that she had explored every reasonable alternative to quitting, but that there were none available.

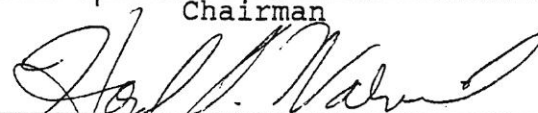
The claimant's reason for quitting constitutes a "valid circumstance" as that term is used in Section 6(a) of the law, and a lesser penalty will be imposed.

DECISION

The claimant left work voluntarily, without good cause but for valid circumstances, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. She is disqualified from receiving benefits from the week beginning December 17, 1989 and the "four weeks immediately following.

The decision of the Hearing Examiner is reversed.


Chairman


Associate Member

K:HW

kbm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

OUT-OF-STATE CLAIMS

 **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

— D E C I S I O N —

Claimant:	Barbara J. Durst	Date:	Mailed: 4/20/90
		Appeal No.:	9004142
		S. S. No.:	220-60-4543
Employer:	W. Bell & Company, Inc.	L.O. No.:	050
		Appellant:	Claimant

Issue: Whether the unemployment of the claimant 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 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 PETITION FOR REVIEW EXPIRES AT MIDNIGHT ON May 7, 1990

— A P P E A R A N C E S —

FOR THE CLAIMANT:

Claimant - Present
(Telephone Hearing)

FOR THE EMPLOYER:

Linda Nahin,
Personnel Director
John Kendig,
Director of
Merchandising

FINDINGS OF FACT

The claimant was employed in February 1985. At the time of her separation she was functioning as an office manager and a data entry clerk. The claimant became divorced from her husband and financial pressures on her as a single parent became severe. She received semi-annual increases at her job but found these

insufficient to keep pace with expenses. She communicated the difficulties to her employer in October 1989 and advised she would probably have, to leave. At that time they increased her responsibilities making her advertising coordinator and increased her annual salary from \$20,500 to \$25,000. Even with this increase, and a second job, the claimant found it impossible to meet expenses. She resigned her position on December 22, 1989 and moved to California to live there with a family member.

CONCLUSIONS OF LAW


Article 95A, Section 6(a) provides that an individual shall be disqualified for 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 or without serious, valid circumstances. The preponderance of the credible evidence in the record will support a conclusion that the claimant voluntarily separated from employment, without good cause or valid circumstances, 'within the meaning of Section 6(a) of the Law.

No action of the employer or condition of the employment caused the claimant to leave her job. Neither can it be said the claimant had not reasonable alternative other than to leave her employment.

DECISION

The claimant's unemployment 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 December 17, 1989 and until the claimant becomes re-employed and earns at least ten times her weekly benefit amount (\$2,050) and thereafter becomes unemployed through no fault of her own.

The determination of the Claims Examiner is affirmed.


Henry M. Rutledge
Hearing Examiner

Date of Hearing: April 10, 1990
lr/Specialist ID: 50507
Cassette No: 2885
Copies mailed on April 20, 1990 to:

Claimant
Employer
Out of State Claims - (MABS)