

Maryland

DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT



William Donald Schaefer, Governor
J. Randall Evans, Secretary

BOARD OF APPEALS

Thomas W. Keech
Chairman

Hazel A. Warnick
Associate Member

1100 North Eutaw Street
Baltimore, Maryland 21201
(301) 333-5033

Decision No.:	684-BR-87
Date:	October 6, 1987
Claimant:	Helen Hurd
Appeal No.:	8612399
S. S. No.:	
Employer:	Franklin Square Hospital
ATTN:	Cindy Naresky
L.O. No.:	50 (TN)
Appellant	REMAND FROM COURT

Issue: Whether the claimant filed a timely appeal or had good cause for an appeal filed late within the meaning of Section 7(c)(3) of the law; 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 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.

November 5, 1987

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Procedural Statement

This case was originally decided by the Board under Section 7(c)(3) of the law. The claimant was denied benefits because

she had filed a late appeal under that section. The Circuit Court found that the claimant had "good cause" for a late appeal under Section 7(c)(3) and remanded the case to the Board for a decision on the merits.

Findings of Fact

The claimant voluntarily left her part-time employment as a Sterile Processing Aide for the Franklin Square Hospital on March 15, 1986. She had worked part time, about sixteen hours per week, at a salary of \$6.17 an hour for about four and a half years.

The claimant's husband was in an auto accident and developed disc problems and arthritic problems in his spine. He became disabled from working. His doctor recommended that he move to Tennessee for the drier climate and the company of his relatives.

The claimant resigned to go with her husband and take care of him. Her husband was able to eat without assistance and to drive the car, but the claimant was required to take him to the doctor's office every other night. He needed continuing spinal operations.

Conclusions of Law

Where a claimant leaves his or her job to relocate out of state with a spouse who is seriously ill, the important issue is whether the claimant left primarily just to join the spouse or in order to tend to the medical needs of the spouse. Stidham v. Kelly Health Care (650-BR-86). Where a claimant's spouse was not as healthy as previously, but where he was ambulatory and able to work full time at a new, less stressful job, the spouse did not need to be "cared for" in the medical sense, and the claimant's reason for leaving employment was found to constitute neither good cause nor valid circumstances. Eastep v. Gaithersburg Day Nursery (24-BR-85). Where the claimant did not need to tend to the medical needs of the claimant on a daily basis, neither good cause nor valid circumstances were found. Stidham, supra.

In this case, the claimant's spouse was unable to work but was apparently ambulatory and could drive a car. He did need to have continuing surgery on his spine. The claimant was required to take him to the doctor's office every other day. This appears to be a very close case, but the Board will conclude that the claimant's spouse's inability to work, the requirement that the claimant take him to the doctor every other day and the necessity for further surgery constitute valid circumstances for the claimants leaving of employment.



DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND

BOARD OF APPEALS
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

(301) 383-5032

-DECISION-

THOMAS W. KEECH
Chairman

HAZEL A. WARNICK
MAURICE E. DILL
Associate Members

SEVERN E. LANIER
Appeals Counsel

DATE: January 30, 1987

DECISION NO.: 66-DR-87

CLAIMANT : Helen S. Hurd
Route 1, Box 1157
Church Hill, TN

APPEAL NO.: 8612399

S. S. NO.: 215-34-0384

EMPLOYER: Franklin Square Hospital
ATTN: Cindy Naresky
9000 Franklin Square Drive
Baltimore, MD 21-237

L. O. NO.: 50

APPELLANT: CLAIMANT

After receipt of your Petition for Review of the decision of the Hearing Examiner, the Board of Appeals has considered all of the facts and records in your case.

The Board notes that unemployment insurance taxes are paid by employers, not employees.

The Board of Appeals has concluded that the decision of the Hearing Examiner is in conformity with the Maryland Unemployment Insurance Law and, accordingly, your Petition for Review is denied.

YOU may file an appeal on or before the date below stated. Since you are not a resident of Maryland, you may appeal in person or through an attorney to the Circuit Court of Baltimore City.

The period for filing an appeal to court expires at midnight, March 1, 1987.

Thomas W. Keech
Chairman
Hazel A. Warnick
Associate Member

K:W
kmb

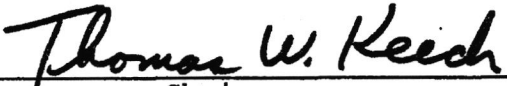
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DECISION

In accordance with the order of the Circuit Court for Baltimore City, the claimant had good cause for her late appeal within the meaning of Section 7(c)(3) of the Law. The previous decision of the Board on this issue is reversed.

The claimant left work voluntarily, without good cause but with valid circumstances, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. Benefits are denied from the week beginning March 9, 1986 and the six weeks immediately following.



Chairman



Associate Member

K:W

kbm

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