

# Maryland

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DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT



**BOARD OF APPEALS**

Thomas W. Keech  
Chairman

Hazel A. Warnick

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

William Donald Schaefer, Governor  
J. Randall Evans, Secretary

Decision No.: 855-BR-87  
Date: December 4, 1987  
Appeal No.: 8707512  
S. S. No.:  
Employer: Sally T. Mejia, M.D. L.O. No.: 40  
Appellant: CLAIMANT  
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.

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— 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, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON January 3, 1988

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— 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 and concludes that the claimant had good cause for voluntarily quitting her job, within the meaning of Section 6(a) of the law.

The Board has held in a similar case that where a claimant left a part-time job of one night per week in order to conform to the requirements of her much more substantial part time job of 4-5 nights per week, the claimant had good cause connected with the total conditions of her employment for leaving the paid job. Pangborn v. Hannah's, 473-BR-82.

That reasoning is equally applicable here, where the claimant quit this part time job because it was interfering with her ability to perform her full time job. This is considered good cause for leaving the part time job. Therefore the decision of the Hearing Examiner will be reversed.

DECISION

The claimant left work voluntarily, but for good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. No disqualification is imposed based upon her separation from employment with Dr. Mejia which occurred on or about January 9, 1987.

The decision of the Hearing Examiner is reversed.

  
Associate Member

  
Chairman

W:K

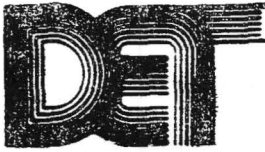
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COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - EASTPOINT



**DEPARTMENT OF EMPLOYMENT AND TRAINING**

STATE OF MARYLAND  
1100 NORTH EUTAW STREET  
BALTIMORE, MARYLAND 21201

(301) 383-5040

STATE OF MARYLAND  
**William Donald Schaefer**  
Governor

**BOARD OF APPEALS**

THOMAS W. KEECH  
Chairman

HAZEL A. WARNICK

Associate Member  
SEVERN E. LANIER  
Appeals Counselor

MARK R. WOLF  
Chief Hearing Examiner

**— DECISION —**

Date: Mailed September 18, 1987

Claimant: Veronica K. Pawlak

Appeal No.: 8707512

S.S.No.

Employee: Mejia, Sally T., M.D.  
c/o Comp. Acct. Serv.

L.O. No.: 40

Appellant: Claimant

Issue: Whether the Claimant voluntarily quit his employment, without good cause, within the meaning of Section 6(a) of the Law. Whether the Claimant is overpaid benefits within the meaning of Section 17(d) of the Law.

**— NOTICE OF RIGHT OF FURTHER APPEAL —**

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST 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 October 5, 1987

**— APPEARANCES —**

FOR THE CLAIMANT:

Present  
Francis J. Pawlak, Jr.

FOR THE EMPLOYER:

Not Represented

**FINDINGS OF FACT**

The Claimant filed an original claim for unemployment insurance benefits at Eastpoint effective April 12, 1987.

The Claimant is presently employed by Dr. Sally Mejia on a full-time basis effective June 8, 1987.

Prior to this employment, the Claimant worked for Eastpoint Medical Center from May 11, 1987 to June 4, 1987. Prior to that employment, the Claimant worked for Dr. Arain A. Wassim for three and a half years until March 27, 1987 when she was discharged for a non-disqualifying reasons. During the period the Claimant worked for Dr. Wassim, she also worked one evening a week for Dr. Mejia, over a period of one and a half years as a receptionist at a pay rate of \$4.80 per hour. The Claimant discovered that a part-time employment was interfering with her full-time work with Dr. Wassim, in that she was constantly tired, run down, and becoming sick. The Claimant then quit her employment with Dr. Mejia without notice, on or about January 9, 1987.

#### CONCLUSIONS OF LAW

The cause of 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 voluntarily abandoned gainful employment, without notice, but the Claimant has advanced certain "valid circumstances," in that she had necessitous or compelling reasons to leave the job for the reason that it interfered with her full-time job and was causing her to become ill. Therefore, based upon these valid circumstances, a penalty less than the maximum is warranted.

#### DECISION

It is held that 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. Benefits are denied for the week beginning January 4, 1987 and the nine weeks immediately following.

  
Robin Brodinsky  
Hearing Examiner

Date of Hearing: 9/1/87  
Cassette: 5234 (Donaldson)  
Copies Mailed on September 18, 1987 to:  
Claimant  
Employer  
Unemployment Insurance - Eastpoint (MABS)