DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND
HARRY HUGHES
Governor

BOARD OF APPEALS
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

(301) 383-5032

BOARD OF APPEALS
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HAZEL A. WARNICK
MAURICE E. DILL
Associate Members
SEVERN E. LANIER
Appeals Counsel
MARK R. WOLF
Chief Hearing Examiner

— DECISION —

Decision No.: 871-BR-85

Date: October 10, 1985

Claimant: Robert G. Spiker

Appeal No.: 01799

S. S. No.:

Employer: Dry Wood

L.O. No.: 14

Appellant: CLAIMANT

Issue: Whether the claimant failed, without good cause, to accept available, suitable work within the meaning of §6(d) 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 ON November 9, 1985

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

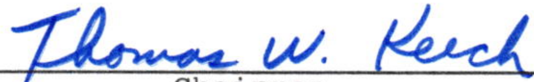
Upon review of the record in this case, the Board of Appeals reverses the decision of the Hearing Examiner and reinstates the decision of the Claims Examiner.

The claimant was hired, but he never actually began work, and he informed his employer prior to the scheduled first day of work that he was not going to take the job. The Board concludes that this case is better considered as a job refusal under §6(d) of the law rather than a voluntary quit under §6(a) of the law. This decision, however, has no effect on the penalty imposed, as the claimant still had the burden of showing good cause for the job refusal and still failed to meet his burden.

DECISION

The claimant failed, without good cause, to accept available, suitable work within the meaning of §6(d) of the Maryland Unemployment Insurance Law. He is disqualified from receiving benefits from the week beginning January 27, 1985 and until he becomes reemployed, earns at least ten times his weekly benefit amount ($560.00) and thereafter becomes unemployment through no fault of his own.

The decision of the Hearing Examiner is reversed.



Chairman

Associate Member

K:W
kmb
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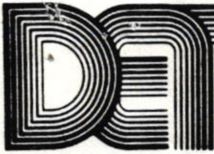
CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - OAKLAND



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Appeals Counsel
MARK R. WOLF
Chief Hearing Examiner

— DECISION —

Date: Mailed: June 6, 1985

Claimant: Robert G. Spiker

Appeal No.: 01799

S. S. No.:

Employer: Dry Wood

L.O. No.: 14

Appellant: Claimant

Issue: Whether the claimant failed, without good cause, to accept or apply for available, suitable work within the meaning of Section 6(d) 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 PETITION FOR REVIEW EXPIRES AT MIDNIGHT ON June 21, 1985.

— APPEARANCES —

FOR THE CLAIMANT:

Robert G. Spiker - Claimant
(Present for Telephonic Hearing on March 7, 1985 - Maryland)

FOR THE EMPLOYER:

Don Gester - Owner
(Present for Telephonic Hearing on March 7, 1985 - Maryland)

FINDINGS OF FACT

The claimant, through the Job Service, was referred to employment with Dry Wood. The employer accepted the claimant for this employment, and he was to report to work on January 31, 1985. However, because of the weather, the claimant reporting for work

was delayed until February 5, 1985. The day before the claimant was to report for work, the employer called the claimant to inquire whether he would be at work the following day, to which the claimant replied he would not.

As of the time of the hearing, the claimant was employed.

CONCLUSIONS OF LAW

As the claimant had already been accepted for this employment, the claimant's failure to report for work was a voluntary quit, without good cause, within the meaning of the Maryland Unemployment Insurance Law. Therefore, the determination of the Claims Examiner will be reversed.

There are no serious, valid circumstances present in this case to warrant the imposition of less than the maximum disqualification allowed by Law.

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. He is disqualified from receiving benefits for the week beginning February 3, 1985 and until the claimant becomes reemployed and earns at least ten times his weekly benefit amount ($560) and thereafter becomes unemployed through no fault of his own.

The determination of the Claims Exmainer is reversed.

John G. Hennegan

John G. Hennegan
APPEALS REFEREE

DATE OF HEARING: March 7, 1985
ras
(1214 -- Williamson)

Copies mailed on June 6, 1985 to:

Claimant
Employer
Unemployment Insurance - Oakland