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STATE OF MARYLAND
DEPARTMENT OF LABOR, LICENSING AND REGULATION

PARRIS N. GLENDENING, Governor
EUGENE A. CONTI, JR., Secretary

Board of Appeals
Hazel A. Warnick, Chairperson

- DECISION -

Claimant:

FELICIA A. FAUNTLEROY

Decision No.: 00089-BR-98

Date: January 12, 1998

Appeal No.: 9720085

S.S. No.:

Employer:

AMERICAN ASSOC. FOR ADV. SCIEN

L.O. No.: 50

Appellant: Employer

Issue: Whether the claimant was discharged for aggravated misconduct connected with the work within the meaning of Maryland Code, Labor and Employment Article, Title 8, Section 1002.1.

- NOTICE OF RIGHT OF APPEAL TO COURT -

You may file an appeal from this decision in the Circuit Court for Baltimore City or one of the Circuit Courts in a county in Maryland. The court rules about how to file the appeal can be found in many public libraries, in the Maryland Rules of Procedure, Title 7, Chapter 200.

The period for filing an appeal expires: February 11, 1998

REVIEW ON THE RECORD

The Board finds that when the claimant repeatedly processed unauthorized transactions, converting approximately \$52000 of the employees funds to her own personal account without explanation, or justification and spent approximately \$42000 of those funds, the claimant actions clearly support a finding of aggravated misconduct within the meaning of Maryland Labor & Employment Article, Section 8-1002.1. The Board finds no mitigating evidence to support a lesser penalty.

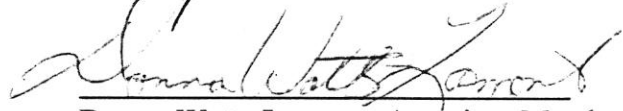


DECISION

IT IS HELD THAT the claimant was discharged for aggravated misconduct, connected with the work, within the meaning of §8-1002.1 of the Labor and Employment Article. She is disqualified from receiving benefits from the week beginning August 17, 1997 and until the claimant earns thirty times her weekly benefit amount and thereafter becomes re-employed.



Clayton A. Mitchell, Sr., Associate Member



Donna Watts-Lamont, Associate Member

dt

Copies mailed to:

FELICIA A. FAUNTLEROY

AMERICAN ASSOC. FOR ADV. SCIEN

CHRISTOPHER MILES

Local Office - #50

UNEMPLOYMENT INSURANCE APPEALS DECISION

FELICIA A. FAUNTLEROY

Before the:

SSN

Claimant

vs.

AMERICAN ASSOC. FOR ADV. SCIEN

Employer/Agency

**Maryland Department of Labor,
Licensing and Regulation
Appeals Division**
1100 North Eutaw Street
Room 511
Baltimore, MD 21201
(410) 767-2421

Appeal Number: 9720085
Appellant: Employer
Local Office: 50 / Interstate

November 14, 1997

For the Claimant:

For the Employer: PRESENT, CHRISTOPHER MILES, GREGORY STOKES, LISA BEER,
DAWN GRAF, MICHAEL SPINNELLA, ROBERT SMARIGA

For the Agency:

ISSUE(S)

Whether the claimant's separation from this employment was for a disqualifying reason within the meaning of the MD. Code Annotated Labor and Employment Article, Title 8, Sections 1002 - 1002.1 (Gross/Aggravated Misconduct connected with the work), 1003 (Misconduct connected with the work) or 1001 (Voluntary Quit for good cause).

FINDINGS OF FACT

The claimant began work for this employer on March 18, 1997 and her last day of work was August 19, 1997. The claimant was employed as a secretary to the membership services department at a salary of \$27,000 a year.

Part of the duties of the claimant was to process credit refunds from the members and using a credit card software, she was to credit the bank account of the society for these refunds.

Signet Bank contacted the employer to find out if a Felicia A. Fauntleroy was working for the society. The bank was questioning some credits to the personal account of Ms. Fauntleroy. Upon investigation, it was found that the claimant had processed transactions with regard to refunds, to her own personal account in the amount of some \$52,000.

Mr. Stokes who was the assistant director of human resources was informed about these transactions and he brought the claimant into his office and asked for an explanation. She said that she did make the unauthorized credit transactions and that she still had \$10,000 in her bank account. She had no explanation as to why she made the unauthorized transactions to her personal account. She was unable to explain, or did not explain her actions to other members of the society and when she was confronted by the police concerning the unauthorized transactions, she was unable to give any reason why she was made these unauthorized transactions.

CONCLUSIONS OF LAW

Md. Code Ann., Labor & Emp., Section 8-1002(a)(1)(i) (Supp. 1994) provides that an individual shall be disqualified from receiving benefits where he or she is discharged from employment because of behavior which demonstrates a deliberate and willful disregard of standards that an employer has a right to expect and shows a gross indifference to the employer's interests. Employment Sec. Bd. v. LeCates, 218 Md. 202, 145 A.2d 840 (1958); Painter v. Department of Emp. & Training, et al., 68 Md. App. 356, 511 A.2d 585 (1986); Department of Economic and Employment Dev. v. Hager, 96 Md. App. 362, 625 A.2d 342 (1993).

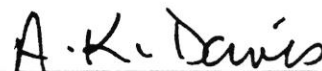
EVALUATION OF EVIDENCE

The evidence shows that the claimant processed unauthorized transactions of membership refunds to her own personal bank account in the amount of approximately \$52,000. This was money that should have been processed to the bank account of her employer. The claimant admitted that she did the unauthorized credit transactions and she had absolutely no explanation as to why she had done this.

DECISION

IT IS HELD THAT the claimant was discharged for gross misconduct connected with the work within the meaning of Md. Code Ann., Labor & Emp., Section 8-1002(a)(1)(i) (Supp. 1994). A disqualification is imposed for the week beginning August 17, 1997 and extending until the claimant becomes re-employed and has earned wages in covered employment that equal at least 20 times the claimant's weekly benefit amount.

The determination of the claims examiner is reversed.



A. K. Davis, ESQ.
Hearing Examiner

Notice of Right of Further Appeal

Any party may request a further appeal either in person or by mail which may be filed in any local office of the Department of Labor, Licensing and Regulation, or with the Board of Appeals, Room 515, 1100 North Eutaw Street, Baltimore, MD 21201. Your appeal must be filed by December 1, 1997.

Note: Appeals filed by mail are considered timely on the date of the U.S. Postal Service postmark.

Date of hearing: November 12, 1997

LR/Specialist ID: 50510

Seq. No.: 001

Copies mailed on November 14, 1997 to:

FELICIA A. FAUNTLEROY
AMERICAN ASSOC. FOR ADV. SCIEN
LOCAL OFFICE #50
CHRISTOPHER MILES