

 **Maryland**
Department of Economic &
Employment Development

William Donald Schaefer, Governor
J. Randall Evans, Secretary

Board of Appeals
1100 North Eutaw Street
Baltimore, Maryland 21201
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Board of Appeals
Thomas W. Keech, Chairman
Hazel A. Warnick, Associate Member
Donna P. Watts, Associate Member

— DECISION —

	Decision No:	932-BR-90	
	Date:	Sept. 17, 1990	
Claimant:	Anthony Schools	Appeal No.:	9008600
		S. S. No.:	
Employer:	AMI-Sub of Prince George's Co. c/o U. C. Consultants	L.O. No.:	50
		Appellant:	CLAIMANT
Issue:	Whether the claimant was discharged for gross misconduct or misconduct, connected with his work, within the meaning of Section 6(b) or 6(c) 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, IF YOU RESIDE IN 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

October 17, 1990

— 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 was discharged for reasons that meet the

standards of misconduct within the meaning of Section 6(c) of the law, but not gross misconduct within the meaning of Section 6(b).

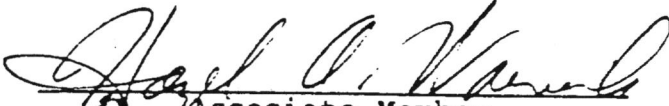
Although the claimant did have an excessive amount of incidents of tardiness, the un rebutted evidence is that during his last month of employment, his lateness was entirely due to his medical condition. The claimant has presented a note from his physician regarding his illness. While the note does not detail the claimant's condition or its effect on his ability to get to work, it does support the claimant's testimony that he was ill with colitis.

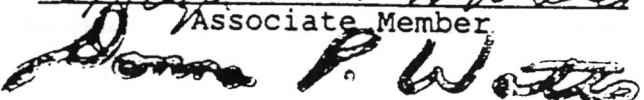
Under these circumstances, the Board concludes that the employer has failed to meet its burden of showing that the claimant's actions rose to the level of gross misconduct under Section 6(b). Since the claimant admitted his tardiness and since the earlier incidents were due to transportation problems and not illness, a finding of misconduct under Section 6(c) is supported.

DECISION

The claimant was discharged for misconduct, connected with his work, within the meaning of Section 6(c) of the Maryland Unemployment Insurance Law. He is disqualified from receiving benefits from the week beginning May 13, 1990 and the nine weeks immediately following.

The decision of the Hearing Examiner is reversed.


Associate Member


Associate Member

Associate Member

HW:W

kbm

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CLAIMANT

EMPLOYER

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