



Maryland

Department of Economic & Employment Development

*William Donald Schaefer, Governor
J. Randall Evans, Secretary*

*Board of Appeals
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*Board of Appeals
Thomas W. Keech, Chairman
Hazel A. Warnick, Associate Member
Donna P. Watts, Associate Member*

— DECISION —

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| Decision No.: | 998-BR-91 |
| Date: | August 13, 1991 |
| Claimant: Donnell Parker | Appeal No.: 9108954 |
| | S. S. No.: |
| Employer: Showell Poultry, Inc. ATTN: George Bradley, Pers. | L.O. No.: 50 |
| | Appellant: EMPLOYER |
| 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 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

September 12, 1991

— 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.

On February 26th, the claimant carried a concealed or partially concealed handgun onto the company bus, used to transport workers to the plant. A supervisor saw the handgun and reported the matter to the Personnel Director, who questioned the claimant as to what he was carrying in his pocket. The claimant produced the handgun and said that it was a starter's pistol. He had just purchased the gun and was taking it to a gunsmith to get it checked. No testimony was taken from either party that the gun was defective.

The Personnel Director informed the claimant that he couldn't have a firearm in the plant. The claimant gave the weapon to the Personnel Director who, upon returning to his office, called the Sheriff's Department. The Sheriff's Department responded to the call and identified the weapon as a .22 calibre revolver.

The Personnel Director called the claimant to his office and advised him that carrying a weapon was a violation of company rules and regulations prohibiting the carrying of weapons on company property. The claimant was terminated.

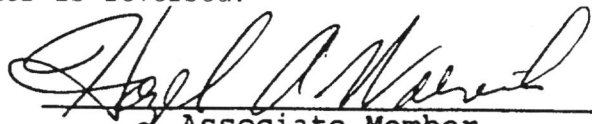
The employer has a clear rule prohibiting weapons on company property. The claimant brought a weapon concealed on his person, onto company property in violation of the rule. Although he didn't brandish the gun, or threaten anyone with it, the claimant created the possibility of an extremely volatile situation by bringing the gun on the premises. The fact that the gun was unloaded is immaterial.

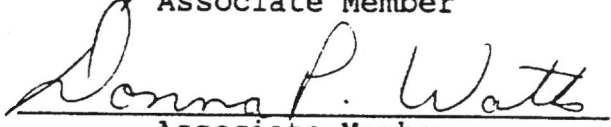
The employer is obligated to provide as safe a work environment as possible. The claimant made the environment unsafe, showing a gross indifference to the employer's interests. The claimant knowingly and willfully brought the gun onto company property. Therefore, the claimant's actions constitute gross misconduct under Section 6(b) of the Maryland Unemployment Insurance Law.

DECISION

The claimant was discharged for gross misconduct, connected with his work, within the meaning of Section 6(b) of the Maryland Unemployment Insurance Law. He is disqualified from receiving benefits from the week beginning February 24, 1991 and until he becomes re-employed earns at least ten times his weekly benefit amount (\$1,280), and thereafter becomes unemployed through no fault of his own.

The decision of the Hearing Examiner is reversed.


Associate Member


Associate Member

HW:W

kbm

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CLAIMANT

EMPLOYER

OUT-OF-STATE CLAIMS