



DEPARTMENT OF EMPLOYMENT AND TRAINING

**BOARD OF APPEALS
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201**

383 - 5032

—DECISION—

**THOMAS W. KEECH
Chairman**

**HAZEL A. WARNICK
MAURICE E. DILL
Associate Members**

**SEVERN E LANIER
Appeals Counsel**

**STATE OF MARYLAND
HARRY HUGHES
Governor**

	DECISION NO.:	25-BR-84
	DATE:	January 11, 1984
CLAIMANT: Denise L. Davis	APPEAL NO.:	11934
	S.S.NO.:	
EMPLOYER: Md. Homes for the Handicapped	LO. NO.:	1
	APPELLANT:	EMPLOYER

ISSUE Whether the Claimant's unemployment was due to leaving work voluntarily, without good cause, within the meaning of § 6(a) 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 February 10, 1984

— APPEARANCE —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

After having reviewed the record in this case, the Board of Appeals reverses the decision of the Appeals Referee. The Claimant quit her job because she felt overworked, because she had stomach cramps on the way to work and because (she alleged) she did not receive a promised raise.

checked the stock and supervised the handicapped. The claimant kept track of the daily cash summary and billing and the handicap billing and other policy and procedure matters, as they arose. The claimant began experiencing stomach cramps every morning, as result of these and other duties. The claimant did get some assistance from her supervisor. However, the employer was not aware that these problems, insofar as the claimant's job tasks existed.

CONCLUSIONS OF LAW

The preponderance of the credible evidence demonstrates that the claimant formulated the requisite intent to separate from the employment voluntarily, without good cause attributable to the actions of the employer or the conditions of employment. However, the evidence shows substantial cause connected with the actions of the employer, as to constitute a valid circumstance supporting a reduced disqualification as provided for in Article 95A, Section 6(a).


In the instant case, the valid circumstance consist of the claimant's increased workload. This workload shows a necessitous and compelling reason for the claimant resigning her position with the employer because she began experiencing stomach cramps every morning and because the employer has not rebutted the testimony by the claimant that she did, in fact, do increased work in her position.

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. She is disqualified from receiving benefits from the week beginning August 14, 1983, and the four weeks immediately following.

The determination of the Claims Examiner is modified accordingly.

This denial of unemployment insurance benefits for a specified number of weeks will also result in ineligibility for Extended Benefits, and Federal Supplemental Compensation (FSC), unless the claimant has been employed after the date of the disqualification.


Willie E. Walker
Appeals Referee

Date of hearing: 10/21/83
amp/3484
(Nichols)
7744

Copies mailed to:

Claimant
Employer
Unemployment insurance - Baltimore



STATE OF MARYLAND
 HARRY HUGHES -
 Governor
 KALMAN R. HETTEMAN
 Secretary

DEPARTMENT OF HUMAN RESOURCES
 EMPLOYMENT SECURITY ADMINISTRATION
 1100 NORTH EUTAW STREET
 BALTIMORE, MARYLAND 21201
 383 - 5040

BOARD OF APPEALS
 THOMAS W. KEECH
 Chairman
 MAURICE E. DILL
 HAZEL A. WARNICK
 Associate Members
 SEVERN E. LANIER
 Appeals Counsel
 MARK R. WOLF
 Administrative
 Hearings Examiner

- DECISION -

CLAIMANT: Denise L. Davis
 DATE: Nov. 7, 1983
 APPEAL NO.: 11934
 S. S. NO.:
 EMPLOYER: Maryland Home for the Handicapped L. O. NO.: 1
 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.

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 FURTHER APPEAL EXPIRES AT MIDNIGHT ON November 21, 1983

- APPEARANCES -

FOR THE CLAIMANT:

Denise L. Davis - Claimant

FOR THE EMPLOYER:

Jim Parson -
 Administrative Assistant

FINDINGS OF FACT

The claimant began employment June 24, 1982 as a retail instructor, managing the bakery of the employer at a salary of \$8,500.00 yearly. The claimant's last day of employment was August 16, 1983.

The claimant resigned because of her increased workload. The claimant pointed out that she had opened and closed the bakery, took inventory and worked the daily call-in orders. She also

Since the Claimant did receive a substantial raise and was promised another shortly before she left, the Board will disregard the alleged promise of a raise. Since the Claimant did not provide medical documentation of a medical problem, and since § 6(a) of the law specifically requires medical documentation in a case such as this, the Board will disregard the stomach cramps as a "valid circumstance" for leaving work.

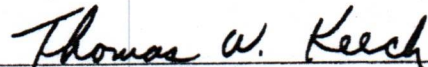
Although the Claimant felt that she was overworked, it is uncontested that she did not bring these problems to the attention of management. In addition, the Board does not consider that the Claimant's workload problems were that significant.

For the above reasons, the Board concludes that the Claimant had neither good cause nor valid circumstances as those terms are used in § 6(a) of the Maryland Unemployment Insurance Law.

DECISION

The unemployment of the Claimant was due to leaving work voluntarily, without good cause, within the meaning of § 6(a) of the Maryland Unemployment Insurance Law. She is disqualified from receiving benefits from the week beginning August 14, 1983, and until she becomes re-employed, earns at least ten times her weekly benefit amount and thereafter becomes unemployed through no fault of her own.

The decision of the Appeals Referee is modified to this extent.


Chairman


Associate Member

K:W
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COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - BALTIMORE