



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

THOMAS W. KEECH
Chairman

HAZEL A. WARNICK
MAURICE E. DILL
Associate Members

SEVERN E. LANIER
Appeals Counsel

MARK R. WOLF
Chief Hearing Examiner

— DECISION —

Decision No.: 78 -BR-87

Date: Feb. 3, 1987

Claimant: Dewanda Hebron

Appeal No.: 8609459

S. S. No.:

Employer: Montgomery General Hospital

L.O. No.: 45

Appellant: EMPLOYER

Issue: Whether the unemployment of the claimant was due to leaving work voluntarily, without good cause, within the meaning of Section 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.

March 5, 1987

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals modifies the decision of the Hearing Examiner and concludes that the claimant has failed to show that she had either good

cause or valid circumstances within the meaning of Section 6(a). Therefore, the maximum penalty should be imposed.

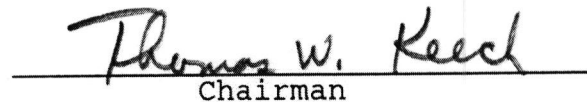
At the hearing before the Hearing Examiner, at which the claimant did not appear, the employer's witness testified that the claimant walked off the job and quit when the employer would only agree to give her three days off, instead of the four days she was requesting. The employer's actions were reasonable, given all the circumstances, including the claimant's failure to get a relief supervisor for the fourth day. It was only after she had already quit and had come back to negotiate a return to work, when the employer offered her a suspension and temporary demotion.

DECISION

The claimant left 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 July 6, 1986 and until she becomes reemployed, earns ten times her weekly benefit amount (\$1,300) and thereafter becomes unemployed through no fault of her own.

The decision of the Hearing Examiner is modified.


Associate Member


Chairman

W:K

kbm

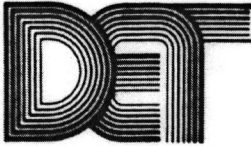
COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - NORTHWEST

The Gibbens Co., Inc.



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MARK R. WOLF
Chief Hearing Examiner

DECISION

Mailed: 9/30/86

Claimant: Dewanda Hebron

Date:

Appeal No.:

8609459-EP

S. S. No.:

Employer: Montgomery General Hospital

L.O. No.:

45

Appellant:

Employer

Issue: Whether the unemployment of the claimant 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.

10/15/86

THE PERIOD FOR FILING A PETITION FOR REVIEW EXPIRES AT MIDNIGHT ON

APPEARANCES

FOR THE CLAIMANT:

Claimant-Not Present

FOR THE EMPLOYER:

Shirley Morea,
The Gibbens
Company, Inc.
Edward Opet,
Food Service
Director
Kevin Mell,
Assistant Director
of Personnel

FINDINGS OF FACT

The claimant had been employed at the Montgomery General Hospital located in Olney, Maryland from August 17, 1981 to July 3, 1986.

The claimant had been promoted to the position as a Kitchen Supervisor in January 1986. The claimant's position as a Kitchen Supervisor involved supervising the tray line workers, doing the scheduling, assign workloads, and liason with the dietician. The claimant was paid \$6.96 an hour. The claimant was in charge of six dietary workers.

On Thursday, July 3, 1986, the claimant had a meeting with the Food Service Director about the claimant's taking time off from work on July 4, 5, 6, and 7, 1986. The claimant was granted permission to take off from work on July 4, 5, and 6, 1986. However, the claimant was not granted time off from work on July 7, 1986, because the claimant did not inform the food service director that there had been coverage provided for July 7, 1986. At approximately 9:40 a.m., on July 3, 1986, the claimant left work without notifying her supervisor that she was leaving work.

The claimant was scheduled to report for work on July 7, 1986, at 6:30 a.m. However, the claimant reported to work at approximately 10:00 a.m. The claimant had been advised by the food service director that the claimant would be reinstated and would be suspended for three days and demoted to the position as a dietary aide. The position as a dietary aide paid \$5.44 per hour. The claimant had been previously paid \$6.96 per hour as the kitchen supervisor. Further, on July 7, 1986, the relief supervisor had been absent from work because of a medical leave of absence. The claimant had informed the food service director that she wanted off from work for July 4 to July 7, 1986, because she wanted to go out of town with her family. The schedule at the Montgomery General Hospital was posted on the Thursday for the following week. Furthermore, the claimant's job is to make up the schedule for the employees. The claimant did not notify the Montgomery General Hospital that she was willing to take the position as a dietary aide at the rate of \$5.44 per hour.

CONCLUSIONS OF LAW

On July 3, 1986, the claimant had a discussion with the food service director about being off from work from July 4 to July 7, 1986, so that she could go out of town with her family. The claimant was advised by the food service director that she was authorized off from work from July 4 to July 6, 1986. However, the claimant was not granted time off from work on July 7, 1986, because the claimant failed to inform the food service director that there was relief personnel who could take over for her job duties when she was out.

Therefore, the claimant was scheduled to report for work on July 7, 1986, at 6:30 a.m. On July 3, 1986, the claimant had walked off of the job during the work day at approximately 9:40 a.m.

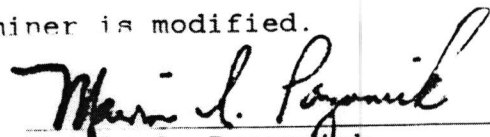
On July 7, 1986, the claimant reported to Montgomery General Hospital at approximately 10:00 a.m.; the Claimant was informed by the food service director that she would be reinstated under the conditions that she would be suspended for three days and that she would be demoted to a dietary aide. The claimant did not make any positive response to this job offer.

The claimant's conduct by leaving during the middle of her shift on July 3, 1986, 9:40 a.m., without giving proper notification to the employer and her failing to report for work on July 7, 1986, at the appropriate time constitutes a voluntary quit, without good cause, within the meaning of Section 6(a) of the Law. However, there does exist valid circumstances present to warrant less than the maximum penalty allowed by Law. The claimant's condition to return to work beginning July 7, 1986, would be for the claimant to take a three day suspension, and a demotion to the position of dietary aide. The determination of the Claims Examiner will be modified.

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. Benefits are denied for the week beginning July 6, 1986 and the nine weeks immediately following.

The determination of the Claims Examiner is modified.



Marvin I. Pazornick
Hearing Examiner

Date of hearing: 9/17/86
rc
(6098-B & 6099-A)-Holcomb
Copies mailed on 9/30/86 to:

Claimant
Employer
Unemployment Insurance - Northwest

The Gibbens Company, Inc.