



DEPARTMENT OF HUMAN RESOURCES
EMPLOYMENT SECURITY ADMINISTRATION

1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

383 - 5032
- DECISION -

BOARD OF APPEALS

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HARRY HUGHES
Governor

KALMAN R. HETTLEMAN
Secretary

DECISION NO.: 105-BR-83

DATE: January 24, 1983

APPEAL NO.: 13274

S. S. NO.:

CLAIMANT: Jack Tressler

EMPLOYER: Anchor Motor Freight

L. O NO.: 40

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 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 SUPERIOR 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 23, 1983

- APPEARANCES -

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

After having reviewed the record in this case, the Board of Appeals agrees with the facts and reasoning contained in the decision of the Appeals Referee.

The Board has held in numerous cases that a Claimant who re-signed in lieu of discharge, did not have the requisite intent to quit, in accord with the case, Allen v. Core Target City Youth Program, 338 A2 237 (1975). The Claimant's separation was due to his excessive absenteeism in the face of warnings.

DECISION

The Claimant was discharged for gross misconduct connected with the work within the meaning of Section 6(b) of the Maryland Unemployment Insurance Law. He is disqualified from receiving benefits for the week beginning September 19, 1982 and until he becomes re-employed, earns at least ten times his weekly benefit amount (\$1,530.00) and thereafter becomes unemployed through no fault of his own.

The decision of the Appeals Referee is reversed.


Associate Member


Chairman

W:K
Zs

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - EASTPOINT