

Maryland

DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT

1100 North Eutaw Street
Baltimore, Maryland 21201
(301) 333-5033



William Donald Schaefer, Governor
J. Randall Evans, Secretary

BOARD OF APPEALS

Thomas W. Keech, Chairman
Hazel A. Warnick, Associate Member
Donna P. Watts, Associate Member

— DECISION —

	Decision No.:	1216 -BR-88	
	Date:	Dec. 30, 1988	
Claimant:	Melinda A. Dreher	Appeal No.:	8810572
	S. S. No.:		
Employer	Provident Bank of Maryland Benefits & Comp. Dept.	L O. No.:	9
		Appellant	CLAIMANT
Issue:	Whether the claimant was discharged for misconduct, connected with the work, within the meaning of Section 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 MAYBE 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
January 29, 1989

— 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 misconduct, connected with the work, within the meaning of Section 6(c) and not gross misconduct connected with the work within the meaning of Section 6(b).

The employer has proven that during the last six to nine months of employment, the claimant made many careless mistakes or omissions that resulted in problems with customer's cases and delayed several settlements. The employer's evidence regarding the claimant's alleged excessive talking, both on the phone and to others at the workplace is rather vague.

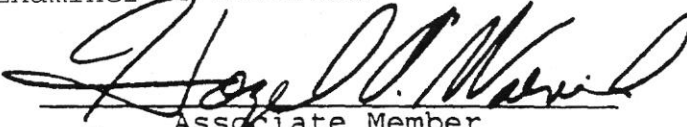
In Snell v. Sebastian Restaurant & Lounge, 460-BR-84, the Board held that where a claimant neglected some of his job duties, but the employer failed to prove that this neglect was accompanied by a gross indifference to the employer's interest or resulted from a regular and wanton disregard of obligation, a finding of misconduct under Section 6(c) is appropriate.

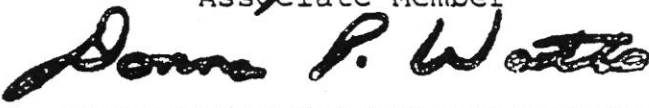
The facts here support a similar conclusion. Therefore the decision of the Hearing Examiner is reversed.

DECISION

The claimant was discharged for misconduct, connected with the work, within the meaning of Section 6(c) of the Maryland Unemployment Insurance Law. He is disqualified from receiving benefits from the week beginning August 28, 1988 and the nine weeks immediately following.

The decision of the Hearing Examiner is reversed.


Associate Member


Associate Member

H:D
kmb

COPIES MAILED TO:

CLAIMANT

EMPLOYER

Legal Aid Bureau, Inc.
ATTN: Sarah Moreland

Provident Bank of Maryland

UNEMPLOYMENT INSURANCE - TOWSON