

 **Maryland**
Department of Economic &
Employment Development

William Donald Schaefer, Governor
J. Randall Evans, Secretary

Board of Appeals
1100 North Eutaw Street
Baltimore, Maryland 21201
Telephone: (301) 333-5032

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

— D E C I S I O N —

	Decision No.:	122-BR-91	
	Date:	January 31, 1991	
Claimant:	Robert Bressler	Appeal No.:	9013562
		S. S. No.:	
Employer:	Maryland Metal Moulding Co. ATTN: Joan Blecman Secretary/Treasurer	L O. No.:	9
		Appellant:	CLAIMANT
Issue:	Whether the claimant left 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, IF YOU RESIDE IN BALTIMORE CITY, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

March 2, 1991

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

— A P P E A R A N C E S —

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.

The claimant quit his job on September 8, 1990 for the following reasons:

- (1) The entire company was ceasing operations effective September 28, 1990 and he would be terminated as of that date. Although there was a possibility of employment with the new company being formed by the owner's son, it was only a possibility.
- (2) The claimant's responsibilities and his commissions had decreased substantially during the last year of his employment. This was due in part to a decrease in the employer's business in general.

When the claimant was notified on September 1, 1990 that the company would be closing on September 28, 1990, he did not discuss it further with the employer. He decided to quit on September 8, 1990, even though he would continue to have a job until September 28, 1990.


Since the claimant quit several weeks early, when work was still available, he did not have good cause for quitting. Likewise, his second reason for quitting was not good cause, since these changes were due to worsening business conditions.

However, the Board does find that the impending demise of the company and the claimant's termination, plus the loss of some of his commissions constitute a substantial cause, connected with the conditions of employment, amounting to valid circumstances within the meaning of Section 6(a). Only a minimum disqualification is warranted.

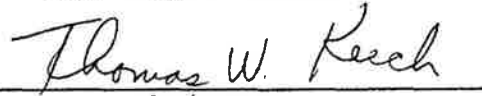
DECISION

The claimant left work voluntarily, without good cause but for valid circumstances, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. The claimant is disqualified from receiving benefits for the week beginning September 9, 1990 and the four weeks immediately following.

The decision of the Hearing Examiner is modified.



Associate Member



Chairman

COPIES MAILED TO:

CLAIMANT

EMPLOYER

Robert Jay Kessler, Esq.

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UNEMPLOYMENT INSURANCE - TOWSON



William Donald Schaefer, Governor
J. Randall Evans, Secretary

William R. Merriman, Chief Hearing Examiner
Louis Wm. Steinwedel, Deputy Hearing Examiner

1100 North Eutaw Street
Baltimore, Maryland 21201

Telephone: 333-5040

— DECISION —

		Date:	Mailed: 11/9/90
Claimant:	Robert Bressler	Appeal No.:	9013562
		S. S. No.:	
Employer:	Maryland Metal Moulding Co.	L.O.No.:	09
		Appellant:	Claimant

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 —

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A FURTHER APPEAL AND SUCH APPEAL MAY BE FILED IN ANY OFFICE OF THE DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT, OR WITH THE APPEALS DIVISION, ROOM 515, 1100 NORTH EUTAW STREET, BALTIMORE, MARYLAND 21201, EITHER IN PERSON OR BY MAIL

November 26, 1990

THE PERIOD FOR FILING A FURTHER APPEAL EXPIRES AT MIDNIGHT ON

— A P P E A R A N C E S —

FOR THE CLAIMANT:

Claimant-Present

FOR THE EMPLOYER:

Represented by:
Robert Jay Kessler,
Esq.
David Blecman-
Former V-P; Joan
Blecman - Secretary
Treasurer

FINDINGS OF FACT

The claimant was employed for 30 years as general manager with primary sales responsibility for this wholesale distributor of cabinetry and building supplies. The employer is a family business run for years by Marvin Blecman. About a year ago, the day to day operation of the company was taken over by David Blecman. After Marvin stopped being active in the company, the claimant felt that he was left out of decisions that he formerly had been involved in. The claimant was paid a salary plus commission. In December, 1989, David told the claimant that the break-even point over which the claimant would receive commission would no longer be a set figure but would be evaluated every quarter by the employer's accountants and adjusted up or down. Then on September 1, 1990, a letter was issued to all employees stating that due to Marvin Blecman poor health the employer Maryland Metal Moulding Company, Inc., would cease operations on September 28, 1990 and that a new corporation, Maryland Laminate and Supply, Inc., would take over the operation of the business on October 1, 1990. The president of the new corporation would be David Blecman and David would evaluate his employee needs and contact all employees to discuss their possible future employment with the new company. The claimant then quit without notice on the following work day.

CONCLUSIONS OF LAW

Article 95A. Section 6(a) provides that an individual shall be disqualified for benefits where his unemployment due to leaving leaving work voluntarily, without good cause arising from or connected with the conditions of employment or actions of the employer or without serious, valid circumstances. The preponderance of the credible evidence in the record support a conclusion that the claimant voluntarily separated from employment, without good cause of valid circumstances, within the meaning of Section 6(a) of the Law.

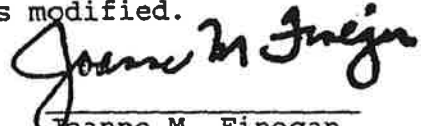
The claimant quit prematurely before this employer went out of business and he did not have reasonable grounds to believe that he would not be hired by the new company. As it turned, out David Blecman retained all of the employees. The commission structure had changed as a result of economic consideration and the change came about long before the claimant decided to quit.

DECISION

It is held that the unemployment of the claimant was due to leaving work voluntarily without good cause, within the meaning of Section 6(a) of the Law. He is disqualified from receiving

benefits from the week beginning September 9, 1990 and until he becomes re-employed and earns at least ten times his weekly benefit amount (\$2,150) and thereafter becomes unemployed through no fault of his own.

The determination of the Claims Examiner is modified.


Joanne M. Finegan
Hearing Examiner

Date of Hearing: 11/2/90
cc/Specialist ID: 09657
Cassette No: 8746
Copies mailed on 11/9/90 to:

Claimant
Employer
Unemployment Insurance - Towson (MABS)

Robert Jay Kessler, Esq.