



# Maryland

## Department of Economic & Employment Development

*William Donald Schaefer, Governor  
Mark L. Wasserman, Secretary*

*Board of Appeals  
1100 North Eutaw Street  
Baltimore, Maryland 21201*

*Telephone: (410) 333-5032*

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

**— DECISION —**

Decision No.:	126-BR-93
Date:	January 26, 1993
Claimant: Eddie Reaves	Appeal No.: 9223670
Employer: ISPA Company	S. S. No.:
	L. O. No.: 1
Issue: Whether the claimant was discharged for gross misconduct or misconduct, connected with the work, within the meaning of §8-1002 of the Labor and Employment Article.	Appellant: CLAIMANT

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**— 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.

THE PERIOD FOR FILING AN APPEAL EXPIRES

February 25, 1993

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**— APPEARANCES —**

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

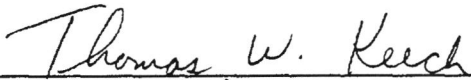
Upon review of the record in this case, the Board of Appeals adopts the findings of fact and conclusions of law of the Hearing Examiner; but the Board does not agree with all of the

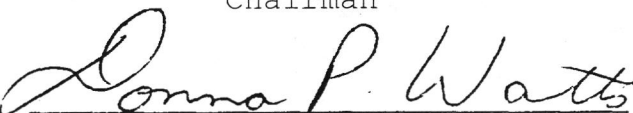
reasoning of the Hearing Examiner. It is not the claimant's addiction to drugs which constitutes gross misconduct, but his violating of his employer's rules by reporting to work and operating dangerous equipment while having drugs in his system.

DECISION

The claimant was discharged for gross misconduct, connected with the work, within the meaning of §8-1002 of the Labor and Employment Article. He is disqualified from receiving benefits from the week beginning October 4, 1992 and until the claimant becomes reemployed, earns at least ten times his weekly benefit amount (\$2,010) and thereafter becomes unemployed through no fault of his own.

The decision of the Hearing Examiner is affirmed.

  
Chairman

  
Associate Member

K:DW

kbm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - BALTIMORE



# Maryland

## Department of Economic & Employment Development

*William Donald Schaefer, Governor*  
*Mark W. Wasserman, Secretary*

*Gary W. Wiedel, Administrator*  
*Louis Wm. Steinwedel, Chief Hearing Examiner*

*Room 511*  
*1100 North Eutaw Street*  
*Baltimore, Maryland 21201*

*Telephone: (410) 333-5040*

### — DECISION —

Mailed: 12/11/92

Claimant: Eddie C. Reaves

Date: 9223670  
Appeal No.:

S. S. No.:

Employer: ISPA Company

L. O. No.: 1  
Appellant: Claimant

Issue: Whether the claimant was discharged for gross misconduct connected with the work, within the meaning of MD Code, Title 8, Section 1002.

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### — NOTICE OF RIGHT TO PETITION FOR REVIEW —

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A REVIEW AND SUCH PETITION FOR REVIEW MAY BE FILED IN ANY OFFICE OF THE DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT, OR WITH THE BOARD OF APPEALS, ROOM 515, 11 00 NORTH EUTAW STREET, BALTIMORE, MARYLAND 21201, EITHER IN PERSON OR BY MAIL.

12/28/32

THE PERIOD FOR FILING A PETITION FOR REVIEW EXPIRES ON

NOTE: APPEALS FILED BY MAIL, INCLUDING SELF-METERED MAIL, ARE CONSIDERED FILED ON THE DATE OF THE US. POSTAL SERVICE POSTMARK.

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### — APPEARANCES —

FOR THE CLAIMANT:  
Claimant-Present

FOR THE EMPLOYER:  
Not Represented

### FINDINGS OF FACT

The claimant was employed from August 1989 through October 9, 1992, as a Sandblaster earning \$9, per hour for full-time work. On October 1, 1992, the claimant hurt his back on the job. On October 7, 1992, the claimant went to the Medical Center as a result of his job related injury, at which time a urine test disclosed that the claimant was under the influence of drugs

specifically cocaine. When the results of the tests were discovered by the employer they terminated the claimant on October 9, 1992. The claimant admits that he is a drug addict and is still addicted as of the time of this hearing held on December 4, 1992. The claimant states that he was aware of the company policy that people who use drugs would be terminated. The claimant's job position as a Sandblaster is sensitive in the effect that this equipment is used improperly it can cause severe injury to a person or persons.

CONCLUSIONS OF LAW

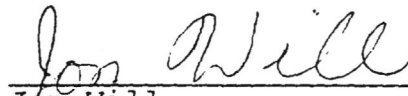
The Maryland Code, Labor and Employment Article, Title 8, Section 1002(a)(1)(i) provides that an individual shall be disqualified from benefits where he/she is discharged from employment because of behavior which demonstrates a deliberate and willful disregard of standards which the employer has a right to expect. The preponderance of the credible evidence in the instant case will support a conclusion that the claimant was discharged for actions which meet this standard of the Law.

The claimant's addiction to drugs is a willful disregard of the standards which the employer has a right to expect and, therefore, constitutes gross misconduct within the meaning of the Maryland Code, Labor and Employment Article, Title 8, Section 1002.

DECISION

The claimant was discharged for gross misconduct connected with the work, within the meaning of MD Code, Labor and Employment Article, Title 8, Section 1002. Benefits are denied from the week beginning October 4, 1992 and until the claimant becomes re-employed, earns at least ten times his weekly benefit amount (\$2,010) in covered employment, and thereafter becomes unemployed through no fault of his own.

The determination of the Claims Examiner is affirmed.

  
\_\_\_\_\_  
Jon Will  
Hearing Examiner

Date of hearing: 12/4/92  
rc/Specialist ID: 01063  
Copies mailed on 12/11/92 to:

Claimant  
Employer  
Unemployment Insurance - Baltimore - MABS