

 **Maryland**  
Department of Economic &  
Employment Development

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Governor  
*Mark L. Wasserman*  
Secretary

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

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

- D E C I S I O N -

	Decision No.:	1313-BR-93	
	Date:	July 22, 1993	
Claimant:	Valerie Griffin	Appeal No.:	9309082
		S.S. No.:	
Employer:	Johns Hopkins Hospital Administration #209	L. O. No.:	45
		Appellant:	EMPLOYER
Issue:	Whether the claimant left work voluntarily, without good cause, within the meaning of §8-1001 of the Labor and Employment Article.		

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- NOTICE OF RIGHT OF APPEAL TO COURT -

You may file an appeal from this decision in the Circuit Court for Baltimore City or one of the Circuit Courts in a county in Maryland. The court rules about how to appeal can be found in many public libraries, in the Annotated *Code of Maryland, Maryland Rules*, Volume 2, B rules.

The period for filing an appeal expires August 21, 1993

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- 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 reverses the decision of the Hearing Examiner.

The claimant quit her part-time employment with the Johns Hopkins Hospital. When a claimant has voluntarily quit, the claimant has the burden of proving that she had good cause or valid circumstances. The Hearing Examiner found that the claimant did not prove that she had good cause, but the Hearing Examiner also found that the claimant did meet her burden of proof that she had transportation problems, and that these transportation problems amounted to a "valid circumstance."

The Board disagrees. Since these transportation problems are not connected with the conditions of this employment, these problems must meet the requirements of §8-1001(c)(1) (ii) in order to be considered a valid circumstance. That section of the law defines valid circumstances as circumstances which are:

of such necessitous or compelling nature that the individual has no reasonable alternative than to leave the employment.

The claimant resigned for what she termed "uncontrollable circumstances." The employer provided testimony that the claimant was having transportation problems, specifically the person with whom she normally rode to work was allowed to be late and was consequently late almost every day.

This evidence does not meet the claimant's burden of showing that valid circumstances exist. Every employee, at some point in her career, has transportation problems. Only when the problems are so severe as to be necessitous or compelling, and where it has been shown that there was no reasonable alternative than to quit, do transportation problems amount to valid circumstances. The claimant in this case has not shown this at all. The mere fact that a person has transportation problems, caused by the fact that a co-employee with whom she rides is often late, is not a valid circumstance -- yet the claimant has shown no more.

#### DECISION

The unemployment of the claimant was due to leaving work voluntarily, without good cause or valid circumstances, within the meaning of §8-1001 of the Labor and Employment Article. She is disqualified from receiving benefits from the week beginning February 28, 1993 and until the claimant becomes reemployed, earns at least fifteen times her weekly benefit

amount (\$1,215) and thereafter becomes unemployed through no fault of her own.

The decision of the Hearing Examiner is reversed.

  
Chairman

  
Associate Member

K:DW

kbm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - NORTHWEST

The Gibbens Company  
ATTN : Pixie-An Alan



# Maryland

## Department of Economic & Employment Development

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

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*Telephone: (410) 333-5040*

### — D E C I S I O N —

Date: May 28, 1993

Claimant: Valerie Griffin Appeal No.: 9309082

S. S. No.:

Employer: Johns Hopkins Hospital Administration #209 LO. No.: 45

Appellant: Employer

Issue: Whether the claimant left work voluntarily, without good cause, within the meaning of the Code of Maryland, Labor and Employment Article, Title 8, Section 1001.

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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, 1100 NORTH EUTAW STREET, BALTIMORE, MARYLAND 21201, EITHER IN PERSON OR BY MAIL

June 14, 1993

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 U.S. POSTAL SERVICE POSTMARK

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### — A P P E A R A N C E S —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Claimant - Not Present

Antonia Matias,  
Clinical Lab. Manager  
Pixie-Ann C. Allan,  
Gibbens Co.

### FINDINGS OF FACT

The claimant worked as a phlebotomist for the Johns Hopkins Hospital from June 24, 1992 until March 8, 1993, earning a wage of \$7.02 per hour. She worked part time, two hours per day, five days a week.

In November 1992, Ms. Matias, noticed that the claimant punched in late just about everyday. She discussed the claimant's lateness with the claimant. The reason given for lateness is that the claimant was car pooling with another employee in the cardiology department who was late on a regular basis. Ms. Matias suggested that the claimant look for other car pools. By letter of February 23, 1993, the claimant resigned from her position effective March 8, 1993 due to "uncontrollable circumstances."

#### CONCLUSIONS OF LAW

The Maryland Code, Labor and Employment Article, Title 8, Section 1001(C) provides that an individual shall be disqualified from benefits where his unemployment is due to leaving work voluntarily, without good cause arising from or connected with the conditions of employment or actions of the employer. The facts established in the instant case do not demonstrate such good cause under the Law. However, Title 8, Section 1001(C), provides that a reduced disqualification may be imposed where the separation is precipitated by (1) a substantial cause connected with the conditions of employment or (2) another cause of such a necessitous or compelling nature that the claimant had no reasonable alternative but to leave the employment. The facts in this case demonstrate such valid circumstances, and therefore, a reduced disqualification is appropriate.

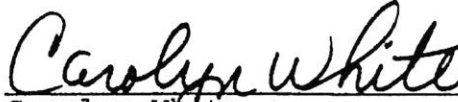
The claimant resigned from employment because of transportation problems. The claimant problems were not arising from or connected with the conditions of employment or actions of the employer. Therefore, the claimant's reason for separation was not good cause. However, she had demonstrated valid circumstances.

Whenever a separation is caused by a voluntary quit, the burden of proof is on the claimant to show that the quit was with good cause or due to valid circumstances. The claimant was not present at the hearing. However, the employer testified that the claimant had transportation problems.

#### DECISION

It is held that the unemployment of the claimant was due to leaving work voluntarily, without good cause, within the meaning of the Maryland Unemployment Insurance Law, Title 8, Section 1001. The claimant is disqualified for the week beginning February 28, 1993 and for the nine weeks immediately following.

The determination of the Claims Examiner is affirmed.



Carolyn White  
Carolyn White  
Hearing Examiner

Date of Hearing: May 24, 1993  
SPECIALIST ID: 45532  
lr\CASSETTE IN FILE  
SEQ: 1

Copies mailed on: May 28, 1993 to:

Claimant  
Employer  
Unemployment Insurance - Northwest (MABS)

Gibbens Company  
Attn: Pixie-Ann C. Allan  
Office Manager