



# Maryland

## Department of Economic & Employment Development

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*Mark L. Wasserman*  
Secretary

*Board of Appeals*  
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Baltimore, Maryland 21201

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

**- DECISION -**

Decision No.: 1426-BR-93

Date: August 20, 1993

Claimant: Douglas E. Brown

Appeal No.: 9310949

S.S. No.:

Employer: Mena Marketing Srvcs. Inc.

L. O. No.: 9

Appellant: CLAIMANT

Issue: Whether the claimant's unemployment was due to leaving work voluntarily, without good cause, within the meaning of §8-1001 of the Labor and Employment Article.

**- 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

September 19, 1993

**- APPEARANCES -**

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals makes the following findings of fact and modifies the decision of the Hearing Examiner.

The claimant, after having been laid off from his full time employment, accepted a part time position as a telemarketer. The claimant hoped that this part time employment would tide him over until he found full time employment.

This type of work was not his regular line of work and he found the job to be very stressful. The claimant's hours only allowed him to bring home \$50.00 per week, after expenses.

After working approximately 3 months the claimant resigned.

#### CONCLUSIONS OF LAW

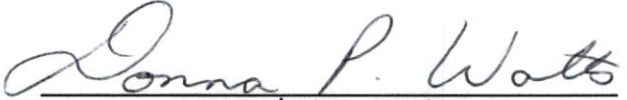
Section 8-1001 of the Labor and Employment Article provides that an individual shall be disqualified from the receipt of benefits where their unemployment is due to leaving work voluntarily, without good cause arising from or connected with the conditions of employment or actions of the employer or without serious, valid circumstances. A circumstance for voluntarily leaving work is valid if it is a substantial cause that is directly attributable to, arising from, or connected with conditions of employment or actions of the employing unit, or of such necessitous or compelling nature that the individual had no reasonable alternative other than leaving the employment.

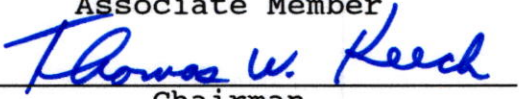
Good cause to quit employment does not exist in this case. However the facts are sufficient to warrant a finding that "valid circumstances" did exist. The claimant should not be totally disqualified from receiving benefits because he accepted a part time job that was not suitable for him, after having been laid off. The minimal remuneration, plus the unsuitability of the work, constitutes a substantial cause, connected with the conditions of employment.

#### DECISION

The claimant voluntarily quit his employment without good cause as defined in §8-1001 of the Labor and Employment Article. However, the claimant has established that he had valid circumstances for quitting, and a less than full disqualification from benefits shall be imposed. The claimant is disqualified from receiving benefits from the week beginning February 7, 1993 and for the four weeks immediately following.

The decision of the Hearing Examiner is modified.

  
\_\_\_\_\_  
Associate Member

  
\_\_\_\_\_  
Chairman

D:K

kmb

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UNEMPLOYMENT INSURANCE - TOWSON



# Maryland

## Department of Economic & Employment Development

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*Mark W. Wasserman, Secretary*

*Gary W. Wiedel, Administrator*

*Louis Wm. Steinwedel, Chief Hearing Examiner*

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*1100 North Eutaw Street*

*Baltimore, Maryland 21201*

*Telephone: (410) 333-5040*

**— D E C I S I O N —**

Claimant: Douglas E. Brown

Date: June 25, 1993

Appeal No.: 9310949

S. S. No.:

Employer: Mena Marketing Services Inc.

L.O. No.: 009

Appellant: Claimant

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.

**— 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

July 12, 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.

**— A P P E A R A N C E S —**

FOR THE CLAIMANT:

Present

FOR THE EMPLOYER:

Not Present

**FINDINGS OF FACT**

The claimant resigned his position as a telemarketer on February 9, 1993, because he thought that the job was too stressful, it was not within his field of expertise and the take home pay was only approximately \$83.00 a week per week. The claimant did not seek medical attention as a result of the stress. The claimant did not have a job prospect at the time he resigned from this \$6.75 per hour, 16 hour per week job.

**CONCLUSIONS OF LAW**

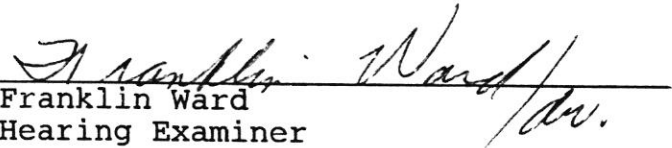
The Maryland Code, Labor and Employment Article, Title 8, Section 1001, provides that an individual shall be disqualified for benefits where his unemployment is due to leaving work voluntarily, without good cause arising from or connected with the conditions of employment or actions of the employer. The preponderance of the credible evidence in the record will support a conclusion that the claimant voluntarily separated from employment, without good cause, within the meaning of Title 8, Section 1001.

Good cause cannot be found in this case, because the claimant left employment purely for personal reasons and not for reasons caused by the conditions of employment or actions of the employing unit. In addition, valid circumstance for the claimant leaving his job cannot be found in this case, because his reasons for leaving is not of a necessitous or compelling nature that he had no other reasonable alternative other than leaving the employment.

DECISION

It is held that the unemployment of the Claimant was due to leaving work voluntarily, without good cause or valid circumstances, within the meaning of the Maryland Unemployment Insurance Law, Title 8, Section 1001. Benefits are denied for the week beginning February 7, 1993 and until the claimant becomes re-employed and earns at least fifteen times his weekly benefit amount and thereafter becomes unemployed through no fault of his own.

The determination of the Claims Examiner is affirmed.

  
Franklin Ward  
Hearing Examiner

Date of Hearing: 6/21/93  
dw/Specialist ID: 09655  
Cassette Attached is File  
Seq. 01  
Copies mailed on: 6/25/93 to:

Claimant  
Employer  
Unemployment Insurance - Towson (MABS)