

 **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

— DECISION —

Decision No.:	1453-BR-91
Date:	Nov. 18, 1991
Claimant:	Debra Brill
Appeal No.:	9111812
S. S. No.:	
Employer:	Anderson Pontiac-GMC Truck, Inc. L.O. No.: 1
	c/o ADP/UCM Dept.
ATTN: Donna Klauza	Appellant: EMPLOYER

Issue:

Whether the claimant left work voluntarily, without good cause, within the meaning of Section 8-1001 of the Labor and Employment Article.

— 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

December 18, 1991

— 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 voluntarily quit, without good cause, within

the meaning of Section 8-1001 of the Labor and Employment Article. The Board concludes that the claimant's reasons for quitting, while not good cause, do constitute valid circumstances, warranting a minimum penalty.

The claimant quit because she was frustrated with the change in her job duties and because of her feeling that the controller of the company did not like her. With regard to the first reason, it is true that the claimant was changed from an office manager to a payroll person. This was due to a merger and consolidation of Anderson Pontiac with Anderson Oldsmobile. Many employees' duties were changed. The claimant did not lose any salary, but did lose supervisory duties and had to do more routine tasks. She did not really complain about this to anyone and only tried it for one month.

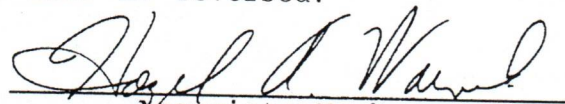
With regard to the second reason for quitting, the claimant declined to elaborate on why she felt the controller didn't like her, but admitted that she didn't talk to anyone in authority about it and indicated that this was a large factor in her decision to quit.

The Board does not find sufficient evidence to justify good cause for the claimant's resignation. At least part of her reason was due to a feeling that she has not supported with any facts. As for the change in her duties, the Board finds that this is a substantial cause connected with her work. Since her hours and salary were not changed, there was an organizational reason for the change, and she did not make serious attempts to get the employer to address the situation, she has not shown good cause. However, since her managerial duties were taken away, resulting in a change in status and more routine duties, there are valid circumstances, warranting a minimum disqualification.

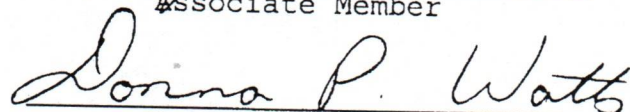
DECISION

The claimant left work voluntarily, without good cause but for valid circumstances, within the meaning of Section 8-1001 of the Labor and Employment Article. She is disqualified from receiving benefits from the week beginning June 9, 1991 and the four-weeks immediately following.

The decision of the Hearing Examiner is reversed.



Associate Member



Associate Member

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - BALTIMORE

 **Maryland**
Department of Economic &
Employment Development

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

— D E C I S I O N —

Claimant:	Debra C. Brill	Date:	Mailed: 8/28/91
		Appeal No.:	9111812
		S. S. No.:	
Employer:	Anderson Pontiac-GMC Truck, Inc. c/o ADP/UCM	L. O. No.:	001
		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 FURTHER APPEAL —

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

THE PERIOD FOR FILING A FURTHER APPEAL EXPIRES AT MIDNIGHT ON

September 11, 1991

— A P P E A R A N C E S —

FOR THE CLAIMANT:

FOR THE EMPLOYER

Claimant - Present

Wakeman Bevard,
Controller
Doris Toliber,
Office Manager
Gayle Turek,
ADP

FINDINGS OF FACT

The claimant was employed by Anderson Pontiac, as an office manager, supervising about five people and planning and executing all office procedures. She earned \$525.00 gross weekly salary.

Toward the end of May 1991, there was a consolidation of the various dealerships of the employer and the claimant was no longer an office manager. "Her job was terminated." She now became a payroll clerk. She was "frustrated" in the clerical job she was now assigned. She did have the same salary.

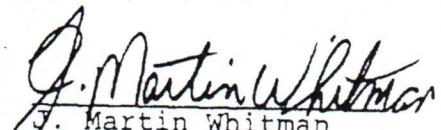
The claimant was "stuck with the situation." She knew no one to go to to speak about this situation. Her previous boss had been separated from employment. Her current boss, Wakeman Bevard, she felt did not like her. She felt that there was nothing she could do except resign from this frustrating situation.

CONCLUSIONS OF LAW

The evidence shows that there was a material change in the claimant's job and that this was the proximate cause of her decision to leave the employment. This is a condition of employment which was material and affected the claimant and while probably nothing could had been done to alleviate the situation, this clearly demonstrates good cause for leaving otherwise suitable employment.

DECISION

The claimant's unemployment was due to leaving work voluntarily, with good cause attributable to the conditions of employment, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. There is no denial of Maryland unemployment insurance benefits. The previous determination of the Baltimore City unemployment Insurance Administration Office in denying the claimant benefits is hereby reversed in favor of the claimant.


J. Martin Whitman
Hearing Examiner

Date of Hearing: August 23, 1991

lr/Specialist ID: 01027

Cassette No: 8546

Copies mailed on August 28, 1991 to:

Claimant

Employer

Unemployment Insurance - Baltimore (MABS)