



DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND  
HARRY HUGHES  
Governor

BOARD OF APPEALS  
1100 NORTH EUTAW STREET  
BALTIMORE, MARYLAND 21201

(301) 383-5032

BOARD OF APPEALS

THOMAS W. KEECH  
Chairman

HAZEL A. WARNICK  
MAURICE E. DILL  
Associate Members

SEVERN E. LANIER  
Appeals Counsel

MARK R. WOLF  
Chief Hearing Examiner

— DECISION —

Decision No.: 16-BH-86

Date: January 10, 1986

Claimant: Rachel 1. Lyons

Appeal No.: 8411275

S. S. No.:

Employer: Baltimore County Police Dept. L.O.No.:  
ATTN: George W. Watts

15

Appellant: EMPLOYER

Issue: Whether the claimant's unemployment 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 —

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, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

February 9, 1986

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

— APPEARANCES —

FOR THE CLAIMANT:

Rachel Lyons - Claimant  
Ann Neddo - Witness

FOR THE EMPLOYER:

Morton Klasmer -  
Chief Emp.  
Relations  
Messina Porter -  
Secretary  
George Watts -  
Captain  
Thomas Mowl -  
Corporal

#### EVALUATION OF THE EVIDENCE

The Board of Appeals has considered all of the evidence presented, including the testimony offered at the hearings. The Board has also considered all of the documentary evidence introduced in this case, as well as the Department of Employment & Training's documents in the appeal file.

No new evidence was introduced at the Board level which would lead the Board to make any different findings of fact from those made by the Hearing Examiner with respect to the claimant's primary complaints about and reason for leaving her employment. At the Board hearing, additional evidence was taken with respect to whether the claimant did have a reasonable fear of bodily harm from a co-employee. For this reason, the Board will not make extensive findings of fact with regard to the other reasons that the claimant left.

#### FINDINGS OF FACT

The claimant was employed for three years for the Baltimore County Police Department as a police matron. She voluntarily quit on September 14, 1984.

The claimant's primary reason for leaving was the fact that she believed that another employee (a secretary) on the premises was not performing a sufficient amount of work or working a sufficient number of hours. The claimant complained about this other employee and was told that the situation would be taken care of. This was all the information which the claimant had a right to receive. The claimant was dissatisfied that her complaints did not have a more obvious and dramatic effect and quit her employment primarily for this reason.

The claimant feared that the other employee was going to shoot her. This fear was not reasonable. It is true that it had been reported that this other employee's husband had lost his handgun, but this had occurred approximately five years before. The actions of the other employee and words of the other employee were not such as would cause a reasonable person to be in fear for her physical safety. The claimant's fear was based in large part on a dream which she had.

#### CONCLUSIONS OF LAW

The Board agrees with the Hearing Examiner's conclusions that the claimant's frustration with what she considered to be another employee's failure to live up to the rules does not constitute good cause or valid circumstances within the meaning of Section 6(a) of the law.

Clearly, the claimant, a police matron, did not have the authority to supervise the other employees, nor did she have the right to expect that her superiors would report back to her to make sure that the other employee was working to her satisfaction.

With respect to the fear of violence, the Board concludes that this fear was unreasonable. Although it is true that there was a handgun missing from the other employee's husband's possessions, that handgun had been missing for five years. The words and actions of the other employee would not lead a reasonable person to conclude that they were in any danger. The claimant's dream is not a factor which can be taken into account, at least absent medical evidence that the situation had so affected the health of the claimant that she had no reasonable alternative but to quit.

For the above reasons, the Board will find that the claimant voluntarily quit her job without valid circumstances.

DECISION

The claimant voluntarily quit her job, without good cause or valid circumstances within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. She is disqualified from the receipt of benefits from the week beginning September 16, 1984 and until she becomes reemployed, earns at least ten times her weekly benefit amount (\$1470.00) and thereafter becomes unemployed through no fault of her own.

The decision of the Hearing Examiner is modified.

Thomas W. Keech  
Chairman  
Ray A. Karpis  
Associate Member

K:W

CONCURRING OPINION

I concur in the result.

Maurice E. Hill  
Associate Member

D

kmb  
DATE OF HEARING: October 15, 1985  
COPIES MAILED TO:

CLAIMANT  
EMPLOYER  
UNEMPLOYMENT INSURANCE - WESTMINSTER



**DEPARTMENT OF EMPLOYMENT AND TRAINING**

**STATE OF MARYLAND  
1100 NORTH EUTAW STREET  
BALTIMORE, MARYLAND 21201**

**STATE OF MARYLAND  
HARRY HUGHES  
Governor**

**(301) 383-5040**

**REMAND**

**— DECISION —**

**BOARD OF APPEALS  
THOMAS W. KEECH  
Chairman**

**HAZEL A. WARNICK  
MAURICE E. DILL  
Associate Members**

**SEVERN E. LANIER  
Appeals Counsel**

**MARK R. WOLF  
Chief Hearing Examiner**

Claimant: Rachel I. Lyons  
 Date: Mailed: May 17, 1985  
 Appeal No.: 11275  
 S. S. No.:  
 Employer: Baltimore County Police Dept.  
 Baltimore County Services  
 L.O.No.: 15  
 Appellant: Claimant

Issue: Whether the claimant's unemployment 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 EMPLOYMENT SECURITY OFFICE, 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 PETITION FOR REVIEW EXPIRES AT MIDNIGHT ON June 3, 1985

**— APPEARANCES —**

FOR THE CLAIMANT:

Present  
accompanied by Ann Neddo

FOR THE EMPLOYER:

Represented by  
Cpt. George Watts,  
Corporal Thomas Mowly,  
& Morton Klasmer,  
Office of Personnel

**FINDINGS OF FACT**

The claimant voluntarily quit her job as a police matron for the Baltimore County Police Department on or about September 14, 1984, after more than three years of employment there, because she was dissatisfied with her hours of work and with her working conditions.

Although the claimant was hired as a part-time matron Jailer, she knew that she would be working on an on-call basis, i.e., that she would come to the police station to which she had been assigned whenever there was a female prisoner incarcerated there. The claimant was the only matron assigned to the jail and she knew she had to provide her own transportation to and from the station house. Although the claimant was classified as part-time, she usually worked a 34-hour week; i.e., seven hours a day, Monday through Thursday, and six hours on Friday. The claimant originally had been assigned to work an eight hour day but requested permission to give up her lunch hour so that she could leave an hour earlier. Thus, the claimant usually ate her lunch at her desk while at work.

The primary source of the claimant's dissatisfaction with her work was her inability to get along with the secretary of the station who reported to the major who was the commanding officer. The claimant objected to the fact that the secretary seemed to come and go without regard to the prescribed eight hour schedule that was expected of her. The "straw that broke the camel's back," insofar as the claimant was concerned, occurred when the claimant had complained to the captain regarding the secretary's failure to observe prescribed hours and was informed by the captain that this was out of his jurisdiction since the secretary worked for the major and not for him. Shortly thereafter, the secretary told the claimant that if she had a gun she would shoot her. This threat took on added meaning to the claimant when it was reported that the secretary's husband, who was the local sheriff, had lost one of his guns. Immediately prior to the day that the claimant quit, she had a dream several nights in a row in which she saw the secretary shooting her. The claimant thereupon decided that her own best interest would be served by quitting.

The claimant also had objected to the fact that, if she was called in to the station for extra duty on a Saturday or Sunday, she was not paid overtime wages but was paid straight wages for such service and was required to provide her own transportation to and from the station house on those days. The claimant knew that the basis for this ruling was that transportation could be provided only when the claimant was called back to the station house a second time on the same day.

The claimant filed her initial claim for benefits effective September 16, 1984 and was assigned a weekly benefit amount of \$147.00. The Claims Examiner ruled that the claimant voluntarily quit her job, without good cause, within the meaning of Section, 6(a) and disqualified the claimant for the week beginning September 10, 1984 and until such time as she again became employed and earned at least ten times her weekly benefit amount (\$1,470.00) and thereafter became unemployed through no fault of her own. The claimant filed a timely and valid appeal.

CONCLUSIONS OF LAW

It is concluded from the weight of the credible evidence that the claimant voluntarily quit her job with the Baltimore County Police Department, without good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. The term "good cause," as it appears in Section 6(a), is defined by that Section to be good cause connected with the work, or growing out of the work, or attributable to the work or some act of the employer. While the claimant's reason for leaving was connected with her work, it did not constitute "good cause," as that term appears in Section 6(a) of the Law. The claimant has not shown that her reason for leaving was so compelling and necessitous as to leave her with no reasonable alternative but to quit when she did. The claimant's testimony revealed that, although she had some minor complaints about the nature of her work, her primary reason for leaving when she did was the feud that she had with the secretary, who also worked at the same police station as the claimant. The credible testimony shows that, whenever the claimant brought to the captain's attention that the secretary was violating County regulations about reporting for work on time or leaving early, the captain took the necessary steps to report the incident. However, the claimant was not always informed of the steps the captain had taken. The claimant knew that the secretary was not a subordinate of the captain, but was attached to the major who was the captain's commanding officer.

A reduced disqualification will be imposed, however, since the evidence supports the finding that the claimant honestly believed that the secretary, who was her avowed enemy at the office, actually intended to carry out her threat to kill her. This fear was reinforced by the claimant's nightmare and became even more real to the claimant when she heard that the sheriff, who was the secretary's husband, had discovered that one of his guns was missing and could not be found. Since such fear was genuine, even if not fully justified, it constituted a sufficient reasonable circumstance for not imposing the maximum disqualification provided for under Section 6(a) of the Law.

Blackiston's Medical Dictionary (1952) defines fear as "an emotion marked by dread, apprehension or alarm. "Blacks's Law Dictionary defines fear as "apprehension of harm; dread; consciousness of approaching danger."

Fear is a highly subjective reaction that lies solely in the mind of the individual involved and does not have to be justified by facts and circumstances for its existence. The credible evidence in this case supports the finding that the

claimant was, in fact, afraid of being shot or in some way harmed by the secretary and that it was not wholly unreasonable for the claimant to have such fear.

The hostility was there. The deadly intent was announced by the secretary and the means for carrying out this intent became more real to the claimant when it became known that one of the guns of the secretary's husband had, mysteriously disappeared. Although the rest of the office staff may have reasonably concluded that the secretary did not intend to shoot or physically harm the claimant, it was not wholly unreasonable for the claimant to be afraid that the secretary did, in fact, have such an intent and that she would carry this intent out.

DECISION

The claimant is unemployed because she voluntarily quit her job at the Baltimore County Police Department, without good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. Benefits are denied for the week beginning September 9, 1984 (not September 14, 1984) and for the nine weeks immediately following, ending November 24, 1984.

The determination of, the Claims Examiner is modified accordingly.

This denial of unemployment insurance benefits for a specified number of weeks will also result in ineligibility for Extended Benefits, and Federal Supplemental Compensation (FSC), unless the claimant has been employed after the date of the disqualification.



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Sanford Hordes  
Appeals Referee

Date of hearing: 11/27/84

jlt

(8466B-Vonella)

Copies mailed on 5/17/85 to:

Claimant

Employer

Unemployment Insurance - Westminster

Board of Appeals