



Maryland

Department of Economic & Employment Development

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Board of Appeals

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Thomas W. Keech, Chairman

Hazel A. Warnick, Associate Member

Donna P. Watts, Associate Member

- DECISION -

Decision No.: 1600-BR-93

Date: Sept. 27, 1993

Claimant: Mitchell Baker

Appeal No.: 9310482

S.S.No.:

Employer: Quality Suppliers

L. O. No.: 3

Appellant: CLAIMANT

Issue: Whether the claimant was discharged for gross misconduct or misconduct, connected with the work within-the meaning of §8-1002 or 8-1003 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, Rules*.

The period for filing an appeal expires

October 27, 1993

- 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.

In a case of a discharge, the employer has the burden of proving that the claimant was discharged for gross misconduct or misconduct. The employer here has failed to meet that burden.


The claimant was angry with the employer and consequently made an offhand remark to another driver to the effect that he felt like just leaving the truck in Connecticut and going home. The claimant did not intend for this to be a serious threat, nor was it made by the claimant to the employer. Further, the claimant did not abandon his truck. Nevertheless, when he reported back to work, he was terminated.

The Board concludes that this one remark, made to another driver, in the heat of anger, was not a threat, nor was it reasonable for the employer to perceive it as a real threat. Therefore, the claimant's discharge was not for gross misconduct or misconduct, within the meaning of LE, §8-1002 or §8-1003.

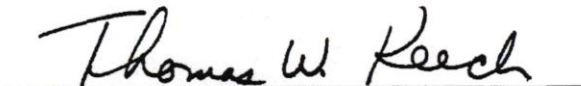
DECISION

The claimant was discharged, but not for gross misconduct or misconduct, connected with the work, within the meaning of §8-1002 or 8-1003 of the Labor and Employment Article. No disqualification is imposed based upon his separation from employment with Quality Suppliers.

The decision of the Hearing Examiner is reversed.



Associate Member



Chairman

HW:K

kbm

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CLAIMANT

EMPLOYER

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