

 **Maryland**
Department of Economic &
Employment Development

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- D E C I S I O N -

Decision No.:	1632-BR-93
Date:	Sept. 30, 1993
Claimant:	Steven Deluca
Appeal No.:	9313822
S.S. No.:	
Employer:	Montgomery Co. Public School L.O. No.: 43 A B Rico Pavroll Dir. 170
Appellant:	CLAIMANT
Issue:	Whether the claimant was discharged for gross misconduct, connected with the work, within the meaning of §8-1002 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.*

October 30, 1993

The period for filing an appeal expires

- 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 adopts the findings of fact of the Hearing Examiner. However, based on those facts, the Board concludes that the claimant was discharged for gross misconduct, connected with his work, within the meaning of LE, §8-1002.

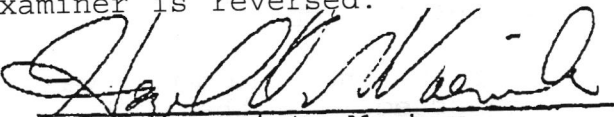
The claimant, a school bus driver knew that one of the conditions of his employment was that he submit to a drug test, whenever he was ordered to do so by the employer. Further, employer policy mandated a drug test whenever a bus driver was involved in an accident or incident. Considering the nature of the claimants job, this was a reasonable policy.

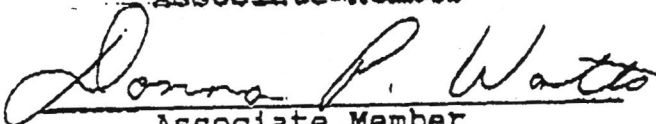
The claimant's refusal to submit to the drug test therefore constitutes a deliberate and willful disregard of standards of behavior that the employer had a right to expect and shows a wanton disregard for the employer's interests, one of the definitions of gross misconduct, under LE, §3-1002.

DECISION

The claimant was discharged for gross misconduct, connected with the work, within the meaning of §8-1002 of the Labor and Employment Article. He is disqualified from receiving benefits from the week beginning May 9, 1993 and until he becomes reemployed, earns at least twenty times his weekly benefit amount (\$4,280.00) and thereafter becomes unemployed through no fault of his own,

The decision of the Hearing Examiner is reversed.


Associate Member


Associate Member

kmb

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CLAIMANT

EMPLOYER

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