

 **Maryland**
Department of Economic &
Employment Development

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Board of Appeals
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Board of Appeals
Thomas W. Keech, Chairman
Hazel A. Warnick, Associate Member
Donna P. Watts, Associate Member

— DECISION —

	Decision No.:	1661 -BR-92
	Date:	Sept. 24, 1992
Claimant: <u>Delton L. Smith</u>	Appeal No.:	9211607
	S. S. No.:	
Employer: <u>Macke Laundry Service</u>	L. O. No.:	7
	Appellant:	CLAIMANT

Whether the claimant's unemployment was due to leaving 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 MAYBE 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

October 24, 1992

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals modifies the decision of the Hearing Examiner.

The Board concludes that the claimant had a valid circumstance for leaving his employment. His reason was a substantial reason, connected with the conditions of employment.

The claimant was hired to repair vending machines at the premises where they were installed. The area he was assigned was Southeast Washington, D.C., an area which he considered dangerous. The claimant had worked that area in the company of another worker, but that worker was terminated and not replaced. The claimant complained for over a year that he needed another worker to serve that area with him, but the employer apparently did not agree. The other employee was not replaced. After the claimant quit, however, two persons were hired to serve the area.

The claimant was never robbed or beaten on the job. The rooms where the machines were located, however, were filthy and sometimes had needles on the floor. At one location, the female manager carried a gun. At this same location, a dead body was found right outside the building, lying on the ground near a dumpster. Armed men were seen on the premises, and on at least one occasion one brandished his weapon. Although no one actually assaulted the claimant, he was threatened by people on the premises. When the claimant complained to the employer that the area was "kind of dangerous," the employer corrected him, stating that it was definitely dangerous.

Although going into dangerous neighborhoods was part of the job, the claimant's requests that the employer re-hire someone to help him was not unreasonable, given the history of using two or more men to serve the area, plus the dangerous nature of the area. The claimant does not have good cause, " but he does have "valid circumstances."

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. He is disqualified from receiving benefits from the week beginning April 12, 1992 and the four weeks immediately following.

The decision of the Hearing Examiner is affirmed.


Chairman


Associate Member

K:D
kmb

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CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - COLLEGE PARK