

# Maryland

DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT

1100 North Eutaw Street  
Baltimore, Maryland 21201  
(301) 333-5033



William Donald Schaefer, Governor  
J. Randall Evans, Secretary

**BOARD OF APPEALS**

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

**— DECISION —**

	Decision No.:	170-BR-89
	Date:	March 8, 1989
Claimant:	Appeal No.:	88-UCF-236
	S. S. No.:	
Employer:	L. O. No.:	22
	Appellant:	EMPLOYER

Issue:

Whether the claimant left 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, IF YOU RESIDE IN BALTIMORE CITY, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

April 7, 1989

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

**— APPEARANCES —**

FOR THE CLAIMANT:

Judy Moore - Claimant  
Coleman Moore - Claimant's husband

FOR THE EMPLOYER:

Delores Walke - Emp.  
Relations Specialist

## EVALUATION OF EVIDENCE

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

At the hearing held before the Board of Appeals, the evidence presented consisted of the testimony of the claimant, Judy A. Moore, and two documents provided by the employer that were entered into evidence marked Board Exhibits 1 and 2. Board Exhibit 1 is a statement from the employer dated November 8, 1988, signed by Mr. Harris Edge, Chief, and Samuel G. Dunston, Chief, Medical Health Physics Branch. Board Exhibit 2 consists of a three-page document with a cover letter dated November 9, 1988, which in fact is the employer's appeal letter. Attached to that is a memorandum for record dated November 4, 1988, prepared by Eric G. Daxon.

At the prior appeal hearing, held in front of Chief Hearing Examiner William R. Merriman, only the claimant appeared and testified. The Board found the claimant, Judy A. Moore, to be a credible witness. The employer's witness, Delores Walke, an employee relations specialist, had no personal knowledge of the incident leading to the claimant's separation from employment. The Board finds the documents submitted by the employer to contain statements that contradict each other.

## FINDINGS OF FACT

The claimant was employed by the Department of the Army in the Environmental Hygiene Agency as a Clerk Typist. The claimant's first day of work was in March, 1987. Her last day of work was August 2, 1988.

When the claimant first began her employment, she was assigned to an office with two other employees, Darlene Roberts and Terry Jones. Problems developed between the claimant and Ms. Roberts. Ms. Roberts would attempt to exclude the claimant from interaction with other employees and assign the claimant the less desirable jobs to do in the office.

As tension in the office continued to grow, the claimant had a meeting with Major Daxon to discuss the problems. The claimant requested that she be moved. This request was denied and problems in the office worsened.

The claimant then requested and had a meeting with the branch chiefs. They agreed with her complaints about Ms. Roberts, but told the claimant there was nothing that could be done. The claimant was finally moved out of the office with Ms. Roberts and placed in an office downstairs. This placement was unacceptable. There was a hole in the floor, cords on the floor, the claimant was placed at someone else's desk, the typewriter she was given did not work properly, and the printing stand would fall over whenever she answered the phone. The claimant also had very little work to do.

In February, the claimant was moved to a room upstairs. The claimant was in a room by herself where she had a typewriter, a printer that didn't work properly, a desk, a chair and a telephone. At this time, she was editing reports and xeroxing. After doing this for some time, Ms. Roberts had the routing of these reports changed so the claimant was only doing xeroxing. The claimant again complained that she was not being given enough work to do to keep her busy. A Major was assigned to the agency, and he was given the claimant's office; therefore, the claimant had to be moved again.

The claimant was then moved to another office with another secretary. In this office, she had no desk and no equipment. She sat in a chair with nothing to do. The claimant asked to be laid off, but this was not done. The claimant attempted to transfer to another position, but there was nothing suitable available for her. After this continued for several weeks and no work was forthcoming for her to do, the claimant decided that she could no longer continue in this position. The claimant quit.

#### CONCLUSIONS OF LAW


In order to sustain a finding of good cause to voluntarily quit one's employment, the burden is on the claimant to show that the reason for her voluntarily quitting her employment was directly attributable to, arising from or connected with the conditions of employment or actions of the employer. Hargrove v. City of Baltimore, 2033-BH-83. The Board finds that the claimant has met her burden of proof. The claimant's reasons for terminating her employment with the Army were directly attributable to the conditions of the job. The claimant was not provided with a suitable work space, she was not given equipment necessary to do her job as a Clerk Typist, and she was not given job assignments commensurate with her job classification. The claimant took the necessary steps to bring these problems to the attention of her supervisors to no avail. The Board concludes that the claimant gave her employer sufficient notice of the problems that existed and

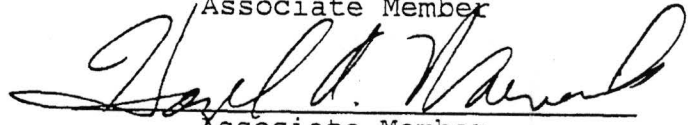
also gave the employer sufficient time to take steps necessary to correct the problem.

DECISION

The unemployment of the claimant was due to her voluntarily leaving her employment, with good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. No disqualification will be imposed based on her separation from employment with the Department of the Army Environmental Hygiene Agency.

The decision of the Hearing Examiner is affirmed.

  
\_\_\_\_\_  
Associate Member

  
\_\_\_\_\_  
Associate Member

  
\_\_\_\_\_  
Chairman

DW:W:K

kbm

Date of Hearing: January 24, 1989

COPIES MAILED TO:

CLAIMANT

EMPLOYER

Commander - Dept. of the Army  
U.S. Army Finance &  
Accounting Ctr.

UNEMPLOYMENT INSURANCE - BEL AIR

STATE OF MARYLAND  
APPEALS DIVISION  
1100 NORTH EUTAW STREET  
BALTIMORE, MARYLAND 21201  
(301) 383-5040

STATE OF MARYLAND  
William Donald Schafer  
Governor

- DECISION -

Date: Mailed 10/24/88  
Claimant: Judy A. Moore Appeal No.: 88-UCF-236  
S.S. No.:  
Employer: Dept. of the Army-422 L.O. No: 22  
Attn: Elizabeth H. Swarm 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.

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- 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 518, 1100 NORTH EUTAW STREET, BALTIMORE, MARYLAND 21201 EITHER IN PERSON OR BY MAIL  
November 9, 1988  
THE PERIOD FOR FILING A FURTHER APPEAL EXPIRES AT MIDNIGHT ON  
NOTICE. APPEALS FILED BY MAIL, INCLUDING SELF-METERED MAIL, ARE CONSIDERED FILED ON THE DATE OF THE U.S. POSTAL SERVICE POSTMARK.

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- APPEARANCES -

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Claimant-Present

Not Represented

FINDINGS OF FACT

The claimant has a benefit year effective August 21, 1988. Her weekly benefit amount is \$126.00. The claimant is employed with the Department of the Army in the Environmental Hygiene Agency. She began in March of 1987, and was working as a Clerk Typist at \$12,038.00, at the time of her separation on August 2, 1988.

The testimony reveals that the claimant took this job and there were two other ladies working in the office. One lady Particularly did not like her and she was the head secretary. As the claimant progressed and learned more, the other employee began to like her less and to give her a hard time. When it became intolerable, she went to her supervisor and explained the problem.

to him at which time she was moved to another office. However, the office that she was moved to was downstairs in the building which she shared with four men who had dirty pictures and engaged in dirty talk in the office. Also, the claimant had no equipment and no typewriter and simply had a desk but nothing to perform her job as Clerk Typist.

She complained to the Colonel and he had the pictures removed from her office. However, she continued to sit in the downstairs office without any work and was not even invited to the Christmas party or made a part of the office upstairs.

After complaining that she had absolutely nothing to do and was bored to tears, the employer indicated that they were not going to fire her but they did move her back upstairs in February. She was put in a separate office where she was not around the head secretary.

For some reason, the head secretary began to befriend her and apologized and started to teach her the job and help her in many ways. The head secretary's husband was ill at this time. As the head secretary's husband progressed physically, the head secretary reverted back to her former self and took away all the duties from the claimant except xeroxing. She took away all of her equipment, including the typewriter and the claimant again had nothing to do.

The claimant went to the Director who attempted again to move the claimant, but she still had nothing to do. She did have an office at this time, but then a Major was assigned to the agency and he took her office. The claimant then had absolutely nothing to do. She sat for two months with no equipment and no work and just a chair. She applied for every job that was available to her in her classification, and when none were forthcoming. She decided to leave her employment. She has remained unemployed from August 2, 1988 to the present.

#### CONCLUSIONS OF LAW

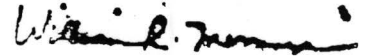
It is concluded from the testimony that the employer vitiated the hiring contract, that the claimant was hired to work as a Clerk Typist, but was given no work and no equipment to perform the task.

When the claimant made complaints to her employer, she was simply moved downstairs where she shared an office with four enlisted men and had to endure dirty pictures and language. Again, she was still given no equipment and no work to do at this point. She was then moved upstairs and given another office but again no equipment and no work to do, and finally, she quit her employment. It is concluded that the claimant had good cause for leaving. The determination of the Claims Examiner will be reversed.

DECISION

The unemployment of the claimant was due to voluntarily leaving her employment, but with good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. No disqualification will be imposed based on separation from her employment with the Department of the Army Environmental Hygiene Agency.

The determination of the Claims Examiner under Section 6(a) of the Law is reversed.



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William R. Merriman  
Chief Hearing  
Examiner

Date of hearing: 10/7/88  
RM/Specialist ID: 22144  
5480  
Copies mailed on 10/24/88 to:

Claimant  
Employer  
Unemployment insurance - Bel Air (MABS)