

- DECISION -

Claimant:
WILLIE A. STYRON

Decision No.: 01738-BR-95

Date: June 6, 1995

Appeal No. : 9506489

Employer:
BALTIMORE INTERNATIONAL WRHSE
CO INC

S.S. No.:

L.O. No.: 45

Appellant: Claimant

Issue: Whether the claimant left work voluntarily, without good cause within the meaning of Maryland Code, Labor and Employment Article, Title 8, Section 1001.

- 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 file the appeal can be found in many public libraries, in the Maryland Rules of Procedure, Title 7, Chapter 200.

The period for filing an appeal expires: July 6, 1995

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 but reaches a different conclusion of law.

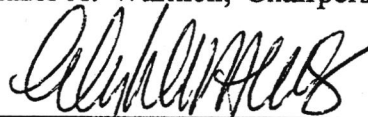
“Due to leaving work voluntarily” has a plain, definite, and sensible meaning free of ambiguity. It expresses a clear legislative intent that to disqualify a claimant from benefits, the evidence must establish that the claimant, by his or her own choice, intentionally, of his or her own free will, terminated employment see Allen v. Core Target City Youth Program 275MD.69 338A.2d 237(1975). The Board finds in this case that the claimant did not freely chose to terminate his employment but was discharged because of a mandatory requirement in the law connected with the claimant medical condition. The Board notes that the claimants’ medical condition was not the result of any action on behalf of the claimant but due to a disease which the claimant could not have contemplated or had control of in any manner; therefore, the claimant did not “constructively quit” his job. The Board finds that the claimant was discharged but not for misconduct.

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 Baltimore International Warehouse Co. Inc.

The decision of the Hearing Examiner is reversed.

Hazel A. Warnick, Chairperson



Clayton A. Mitchell, Sr., Associate Member

kjk

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