



**DEPARTMENT OF HUMAN RESOURCES
EMPLOYMENT SECURITY ADMINISTRATION**

1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

383-5032

- DECISION -

STATE OF MARYLAND

HARRY HUGHES
Governor

KALMAN R. HETTLEMAN
Secretary

BOARD OF APPEALS

THOMAS W. KEECH
Chairman

HAZEL A. WARNICK
MAURICE E. DILL
Associate Members

SEVERN E. LANIER
Appeals Counsel

DECISION NO.: 1814-BR-82

DATE: December 23, 1982

APPEAL NO.: 11639

S. S. NO.:

L. O. NO.: 1

APPELLANT: CLAIMANT

CLAIMANT: Shirley E. Johnson

EMPLOYER: Direct Marketing Association

Attn: Milton Gordon
Personnel Consultant

ISSUE: Whether the Claimant left work voluntarily, without good cause, within the meaning of § 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 SUPERIOR COURT OF BALTIMORE CITY, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT

January 22, 1983

-APPEARANCES-

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

After having reviewed the record in this case, the Board of Appeals agrees with the facts found by the Appeals Referee; however, it disagrees with the reasoning contained in decision of the Appeals Referee. Under the circumstances, the disqualification imposed will be modified.

Although transportation to and from the job site is primarily the responsibility of the employee, the Board concludes that the Claimant's inability to obtain other transportation at an hour when the public transportation is not available constitutes a valid circumstance.

DECISION

The unemployment of the Claimant was due to leaving work voluntarily, without good cause, within the meaning of § 6(a) of the Maryland Unemployment Insurance Law. She is disqualified from receiving benefits from the week beginning June 27, 1982 and the nine weeks immediately following.

The decision of the Appeals Referee is modified.

This denial of unemployment insurance benefits for a specified number of weeks will also result in ineligibility for Extended Benefits and Federal Supplemental Compensation, unless the Claimant has been employed after the date of disqualification.


Associate Member


Associate Member

W:D
gm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - BLATIMORE



STATE OF MARYLAND
 HARRY HUGHES
 Governor
 KALMAN R. HETTLEMAN
 Secretary

DEPARTMENT OF HUMAN RESOURCES
 EMPLOYMENT SECURITY ADMINISTRATION
 1100 NORTH EUTAW STREET
 BALTIMORE, MARYLAND 21201
 383 - 5040

BOARD OF APPEALS
 THOMAS W. KEECH
 Chairman
 MAURICE E. DILL
 HAZEL A. WARNICK
 Associate Members
 SEVERN E. LANIER
 Appeals Counsel
 MARK R. WOLF
 Administrative
 Hearings Examiner

DECISION

CLAIMANT: Shirley E. Johnson
 EMPLOYER: Direct Marketing Association
 DATE: Nov. 5, 1982
 APPEAL NO.: 11639
 S. S. NO.:
 L. O. NO.: 1
 APPELLANT: Claimant

ISSUE:
 Whether the claimant left work voluntarily, without good cause, within the meaning of Section 6(a) of the Law.
 Whether the claimant was able, available, and actively seeking work within the meaning of Section 4(c) of the Law.

NOTICE OF RIGHT OF FURTHER APPEAL

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A FURTHER APPEAL AND SUCH APPEAL MAYBE FILED IN ANY EMPLOYMENT SECURITY OFFICE, OR WITH THE APPEALS DIVISION, ROOM 515, 1100 NORTH EUTAW STREET, BALTIMORE, MARYLAND 21201, EITHER IN PERSON OR BY MAIL.

THE PERIOD FOR FILING A FURTHER APPEAL EXPIRES AT MIDNIGHT ON November 22, 1982

- APPEARANCES -

FOR THE CLAIMANT:

Shirly E. Johnson, Present

FOR THE EMPLOYER:

Milton Gordon,
 Personnel Consultant

FINDINGS OF FACT

The claimant filed a claim for unemployment insurance benefits effective July 4, 1982. The claimant was employed by Direct Marketing Association from September 9, 1981 to June 28, 1982. The claimant was last employed in the capacity of a Mail Sorter.

She earned \$3.60 an hour. She worked from 5 p.m. to 1:30 a.m., Monday through Friday.

The claimant no longer had transportation to get to her employment at Direct Marketing Association. The claimant's father was giving her a ride to work up to May, 1982. The claimant, however, was having difficulty getting home, and had to leave her place of employment at approximately 10:30 p.m. The claimant was unable to work her full shift from 5 p.m. to 1:30 a.m. due to lack of transportation. The claimant was not laid off her job at Direct Marketing Association due to lack of work.

The claimant could not continue the hours of working at Direct Marketing Association due to lack of transportation and could not continue her employment.

The claimant is pregnant, and expected date of childbirth is March 7, 1983. The claimant has made two job contacts for the claim week ending October 16, 1982.

The claimant has submitted a medical statement which indicated that the claimant is able to do light, full-time work.

CONCLUSIONS OF LAW

The claimant was employed at Direct Marketing Association, working from 5 p.m. to 1:30 a.m. The claimant no longer had transportation to get to her job. The claimant had to leave the job site at approximately 10:30 p.m. The claimant could no longer work the hours of employment at Direct Marketing Association and could not continue working the schedule. The claimant's actions, by being unable to work those hours as expected by her employer, constitutes a voluntary quit, without good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. It be held the claimant voluntarily quit her job, without good cause, within the meaning of Section 6(a) of the Law.

There are no valid circumstances present to warrant less than the maximum penalty allowed by Law. The claimant's reason for leaving her employment was due to her inability to obtain transportation to and from the job site. Therefore, the disqualification imposed by the Claims Examiner will be increased to the maximum penalty allowed by Law.

Section 4(c) of the Law requires one be able, available, and actively seeking full-time work to be eligible for benefits.

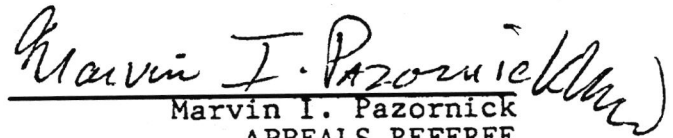
These provisions of the Law must be met simultaneously. The claimant is pregnant, and the expected date of childbirth is March 7, 1983. She has submitted a medical statement which indicated that the claimant is able to do light, full-time work. It will be held the claimant is meeting the requirements of Section 4(c) of the Law.

DECISION

The unemployment of the claimant was due to leaving work voluntarily, without good cause, within the meaning of Section 6(a) of the Law. A disqualification is imposed from the week beginning June 27, 1982, and until such time as the claimant becomes reemployed, earns ten times her weekly benefit amount (\$720), and thereafter becomes unemployed through no fault of her own.

The determination of the Claims Examiner under Section 6 (a) of the Law is modified and affirmed accordingly.

The claimant has been meeting the requirements of Section 4(c) of the Law.


Marvin I. Pazornick
APPEALS REFEREE

Date of hearing: October 19, 1982

Cassette: 5396B, 5496

hf (James Parker)

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Claimant
Employer
Unemployment Insurance-Baltimore