



DEPARTMENT OF HUMAN RESOURCES

EMPLOYMENT SECURITY ADMINISTRATION
1100 North Eutaw Street
Baltimore, Maryland 21201
Telephone: 383-5032

BOARD OF APPEALS
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MAURICE E. DILL
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SEVERN E. LANIER
Appeals Counsel

STATE OF MARYLAND
HARRY HUGHES
Governor

RUTH MASSINGA
Secretary

—DECISION—

	DECISION NO.:	2040-BH-83
	DATE:	October 24, 1983
CLAIMANT: Michael T. Pearson	APPEAL NO.:	22844
	S.S.NO.:	
EMPLOYER: Coca Cola Bottling Company	LO. NO.:	45
	APPELLANT:	CLAIMANT

ISSUE Whether the claimant's unemployment was due to leaving 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 CIRCUIT 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

November 23, 1983

— APPEARANCE —

FOR THE CLAIMANT:

Michael Pearson - Claimant

FOR THE EMPLOYER:

Craig Peyton
Attorney at Law

INTRODUCTION

This case was remanded to the Board of Appeals for additional fact finding and a new written administrative decision by an Order of the Circuit Court for Baltimore City dated May 12, 1983.

EVIDENCE CONSIDERED

The Board of Appeals has considered all of the evidence presented, including the testimony offered at the hearings. The Board has also considered all of the documentary evidence introduced in this case, as well as Employment Security Administration's documents in the appeal file.

FINDINGS OF FACT

The claimant was employed as a forklift operator on May 29, 1975.

The claimant suffered a neurological disorder which prevented him from sleeping at night, and caused problems with his stomach. As a result, the claimant requested and was granted sick leave from employment from July 24, 1981, until September 10, 1981. The claimant received professional treatment in the interim.

The claimant returned to work on September 10, 1981, however, he was not feeling any better. He was unable to secure additional time off. Consequently, the claimant submitted his resignation.

CONCLUSIONS OF LAW

The claimant's reason for leaving work does not constitute good cause because a good cause for leaving work must be attributable to the employer or conditions of employment under the statute. There is insufficient evidence that the claimant's cause for leaving work was so attributable.

The claimant's reason for leaving work however, was of such a necessitous or compelling nature that he had no reasonable alternative other than to leave work when he did. Thus, valid circumstances for leaving work were present within the meaning of §6(a) of the law.

DECISION

The claimant left his employment voluntarily, without good cause, within the meaning of §6(a) of the Maryland Unemployment Insurance Law. The claimant is disqualified from receiving benefits for the week beginning September 5, 1982, and the four weeks thereafter.

The prior decision of the Board of Appeals is reversed.

Maurice E. Dill

Associate Member

Thomas W. Keech

Chairman

COPIES MAILED TO:

CLAIMANT

EMPLOYER

J. Craig Peyton, Esquire
Shawe & Rosenthal
Sun Life Bldg.
Charles Center
Baltimore, Maryland 21201

UNEMPLOYMENT INSURANCE - PIMLICO



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

STATE OF MARYLAND
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 Secretary

BOARD OF APPEALS

JOHN J. KENT
 Chairman

HENRY G. SPECTOR
 HAZEL A. WARNICK
 Associate Members

- DECISION -

CLAIMANT: Michael T. Pearson
 3758 Columbus Drive
 Baltimore, Maryland 21215

DATE: Nov. 13, 1981

APPEAL NO.: 22844

S.S. NO.: 220-64-9879

SEVERN E. LANIER
 Appeals Counsel

GARY SMITH
 Chief Hearings Officer

EMPLOYER: Coca Cola Bottling Co.
 2012 Hammonds Ferry Road
 Baltimore, Maryland 21217

L.O. NO.: 45

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.

NOTICE OF RIGHT TO PETITION FOR REVIEW

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A REVIEW AND SUCH PETITION FOR REVIEW MAY BE 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 PETITION FOR REVIEW EXPIRES AT MIDNIGHT ON Nov. 30, 1981

- APPEARANCES -

FOR THE CLAIMANT:

Claimant-Present

FOR THE EMPLOYER:

Gamalia Edmonds,
 Supervisor

FINDINGS OF FACT

The claimant filed his initial claim for benefits, this claim became effective September 20, 1981. His weekly benefit amount is listed as \$140. The claimant was employed by the Coca Cola Bottling Company in Baltimore, Maryland beginning May 29, 1975. His last day on the job was July 24, 1981 at which time the claimant went on sick leave. He was on sick leave until September 10, 1981, at that time the claimant submitted a statement to the employer that he was leaving and gave no reason to the employer. According to the claimant he left work for a

combination of factors, one was to attend school and the other was because he had a nervous condition. The claimant's attempt to attend school did not work out the way he had planned. The claimant did not give in his testimony any factors that were connected with the work that was responsible to his leaving the employment. In this employment the claimant was a Forklift Operator, his rate of pay was \$7.66 per hour. The information from the employer was that the claimant resigned his position for personal reasons.

COMMENTS

In the absence of good cause attributable to the employment or to the employer, it must be held that the claimant left the employment voluntarily without good cause within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. The examination of the evidence does not show any valid circumstances present that would warrant less than the maximum disqualification being imposed as determined by the local office Claims Examiner. The claimant's reasons for leaving where other than attributable to the work and the determination of the Claims Examiner shall be affirmed.

DECISION

The unemployment of the claimant was due to leaving work voluntarily, without good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. He is disqualified from receiving benefits from the week beginning July 19, 1981 until the he becomes re-employed and earns ten times his weekly benefit amount (\$1,400) and thereafter becomes unemployed through no fault of his own.

The determination of the Claims Examiner is affirmed.


 M. Zahner
 Appeals Referee

Date of Hearing: 11/5/81

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(10196)-Shannon

Copies mailed to:

Claimant
 Employer
 Unemployment Insurance - Pimlico