



DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

383 - 5032

—DECISION—

BOARD OF APPEALS
THOMAS W. KEECH
Chairman

HAZEL A. WARNICK
MAURICE E. DILL
Associate Members

SEVERN E. LANIER
Appeals Counsel

DECISION NO.: 2067-BR-83
DATE: November 17, 1983

CLAIMANT: Terry L. Ratliff

APPEAL NO.: FSC-500

S.S. NO.:

EMPLOYER: Taco Bell No. 1675

LO. NO.: 40

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 MAYBE 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

December 17, 1983

—APPEARANCE—

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

After having reviewed the record in this case, the Board of Appeals reverses the decision of the Appeals Referee.

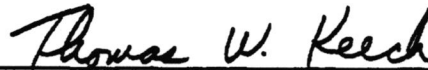
The Claimant was laid off from his regular job with the Bethlehem Steel Corporation, at which he was making \$10.00 per hour for a forty to forty-eight hour week. While unemployed, the Claimant accepted a part-time job making \$3.35 an hour for sixteen to twenty hours per week and worked for seven weeks. The Claimant was then recalled to Bethlehem Steel for full-time employment but was again laid off after four weeks.

The Board concludes that the Claimant had good cause to leave his part-time job. In the case of Baywood v. R. M. R. Corporation, 408-BR-82, the Board held that leaving on job to take another job of equal stability that pays substantially more for the same type of work can be good cause within the meaning of §6(a) of the law. In the case of Henderson v. Caton Manor Nursing Home 1487-BR-82, the Board held that leaving a part-job in order to accept a full-time job could also be good cause. Although the case is not exactly the same as either of these cases, the Board concludes that leaving a part-time job at the minimum wage in order to return to one's regular job at \$10.00 an hour can also be good cause.

DECISION

The Claimant's unemployment was due to leaving work voluntarily but for good cause, within the meaning of §6(a) of the Maryland Unemployment Insurance Law. No disqualification is imposed based on his separation from the Taco Bell No. 1675. The Claimant may contact his local office concerning other eligibility requirements of the Law.

The decision of the Appeals Referee is reversed.



Chairman



Associate Member

K:W
gm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - EASTPOINT



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: Terrv L. Ratliff
 DATE: 8/30/83
 APPEAL NO.: FSC-500
 S. S. NO.:
 EMPLOYER: Taco Bell #1675
 L. O. NO.: 40
 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 Sept. 14, 1983

-APPEARANCES-

FOR THE CLAIMANT: Claimant-Present
 FOR THE EMPLOYER: Not Represented

FINDINGS OF FACT

The claimant worked for employer for seven weeks as a General Helper earning \$3.35 per hour. The claimant was scheduled to work sixteen to twenty hours per week until he was recalled by his previous employer Bethlehem Steel Corporation. When recalled, the claimant suit Taco Bell on April 24, 1983, and returned to his job with Bethlehem Steel Corporation earning \$10 per hour. averaging forty to forty-eight hours per week. In the first four weeks of the claimant's returning to Bethlehem Steel Corporation, he laid off and filed for Federal Supplemental claims and received those benefits in the amount of \$140 per

CONCLUSIONS OF LAW

The claimant voluntarily terminated his employment with Taco Bell, without good cause attributable to that employer, as defined by Section 6(a) of the Law. However, the claimant did have compelling, valid circumstances that should mitigate the penalty for voluntarily quitting his employment. Therefore, the determination that he should only be denied benefits for the week beginning April 24, 1983 and for four weeks immediately thereafter will be affirmed.

DECISION

The claimant voluntarily terminated his employments without good cause attributable to the employer, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. Benefits are denied from the week beginning April 24, 1983 and for the four weeks immediately thereafter.

The determination of the Claims Examiner is affirmed.


John McGucken
Appeals Referee

Date of Hearing: 8/24/83

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(5966)-Williams

Copies mailed to:

Claimant

Employer

Unemployment Insurance - Eastpoint