

**- DECISION -**

Claimant:  
TYRONE N STEVENSON

Decision No.: 2189-BR-07

Date: October 10, 2007

Appeal No.: 0713705

S.S. No.:

Employer:  
DUNBAR ARMORED INC

L.O. No.: 64

Appellant: Claimant

Issue: Whether the claimant's separation from this employment was for a disqualifying reason within the meaning of the Md. Code Annotated Labor and Employment Article, Title 8, Sections 1002-1002.1 (Gross/Aggravated Misconduct connected with the work), 1003 (Misconduct connected with the work) or 1001 (Voluntary Quit for good cause).

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**- 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: November 09, 2007

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**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.

The employer failed to demonstrate that the claimant's actions were wanton or deliberate. Therefore, a finding of gross misconduct is not supported. The claimant did violate a workplace rule or condition of employment by not obtaining a gun permit.

However the Board notes that the employer allowed the claimant to perform services for 14 months without the gun permit. Such an action is tantamount to condonation. Therefore, the Board finds that a finding of misconduct is not supported. Therefore, the Hearing Examiner's decision shall be reversed.

### DECISION

It is held that the claimant was discharged, but not for gross misconduct or misconduct, connected with the work, within the meaning of Maryland Code Annotated, Labor and Employment Article, Title 8, Section 1002 or 1003. No disqualification is imposed based upon his separation from employment with DUNBAR ARMORED INC.

The decision of the Hearing Examiner is reversed.



Clayton A. Mitchell, Sr., Associate Member



Donna Watts-Lamont, Chairperson

Copies mailed to:

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DUNBAR ARMORED INC  
DUNBAR ARMORED INC  
Susan Bass, Office of the Assistant Secretary