



**DEPARTMENT OF EMPLOYMENT AND TRAINING**

**BOARD OF APPEALS**  
1100 NORTH EUTAW STREET  
BALTIMORE, MARYLAND 21201

**THOMAS W. KEECH**  
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**HAZEL A. WARNICK**  
**MAURICE E. DILL**  
Associate Members

**SEVERN E. LANIER**  
Appeals Counsel

STATE OF MARYLAND  
**HARRY HUGHES**  
Governor

**383-5032**

**—DECISION—**

DECISION NO.: 2202-BH-83

DATE: December 19, 1983

CLAIMANT: Monika Lankford

APPEAL NO.: 03273

S.S.NO.:

EMPLOYER Rite. Aid Corporation  
ATTN: Dennis Bowen, District Supervisor  
Unemployment Department

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 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

January 18, 1984

**—APPEARANCE—**

FOR THE CLAIMANT:

FOR THE EMPLOYER

Monika Lankford - Claimant  
Charles Nutt - Attorney  
Margaret Warble - Witness  
Nancy Chambers - Witness

Not Present

**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 into this case, as well as Department of Employment & Training's documents in the appeal file.

## FINDINGS OF FACT

The claimant was employed by the Rite Aid Corporation. Her last position as a key person at a Rite Aid store in Dundalk. The claimant resigned her employment on or about November 6, 1982.

All the employees, including the claimant, had been told by their supervisor at a meeting that it was strictly against company policy to give refunds to customers for candy, cigarettes and other perishable items.

On or about November 6, 1982 a customer came into the store and demanded a refund for two cartons of cigarettes. Both the claimant and another employee, Margaret Warble, refused to give her a refund because it would have been against company rules. The claimant remained polite and courteous but the customer became hostile and cursed at her before leaving.

The customer complained to the assistant manager and others higher up in management, alleging that the claimant, as well as Ms. Warble had been rude to her. The claimant explained to the supervisor what had occurred and that she had not been rude to the customer. Nevertheless, the manager of the store, acting on orders from his superiors, informed the claimant that she would have to apologize to the customer when she returned to the store or else she would lose her job.

Although the claimant's conduct toward the customer did not warrant an apology, when the customer returned to the store that afternoon, the manager motioned to the claimant to approach the customer and apologize. The customer was standing out in the middle of the store. No attempt was made by the employer to provide a private place for the claimant to talk with the customer. Standing in the store, in front of all the customers and employees, the claimant attempted to apologize to the customer. The customer, however, hollered and cursed at the claimant for approximately fifteen minutes in full view and earshot of the others who were in the store. Finally the claimant was reduced to tears. The supervisors, who were present, did nothing to assist the claimant or to relieve her of this public humiliation.

Shortly thereafter, and as a result of this incident, the claimant quit her job.

## CONCLUSIONS OF LAW

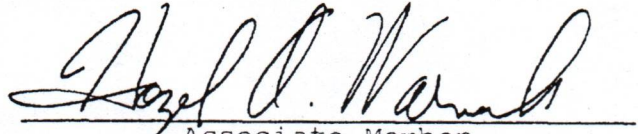
The claimant was forced by the employer to be subjected to public humiliation from an unreasonable and unruly customer. Not only was she required to apologize for something she did not do, but the claimant was forced to listen for fifteen minutes to a harangue by the customer punctuated with curses and threats in full view of the entire store. Her supervisors, who were there and heard all this, did nothing to interfere and assist her in any way. The claimant stood there for fifteen minutes because she reasonably believed that if she did not, she would lose her job. However, after suffering through this ordeal the claimant felt she could no longer work at this store.

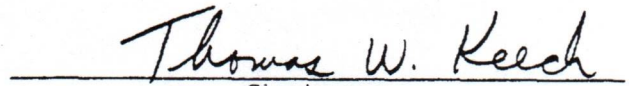
Under these circumstances , the Board concludes that the claimant had good cause directly attributable to the actions of her employer and the conditions of her employment to voluntarily quit her job, within the meaning of §6(a) of the law. While an employee may occasionally be required to go out of her way to keep the store from losing a customer, no employee should have to be subjected to fifteen minutes of a customer cursing and yelling at her in public, especially when the employee did nothing at all to merit such treatment.

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 upon her separation from employment with the Rite Aid Corporation-. The claimant may contact the local office concerning the other eligibility requirements of the law.

The decision of the Appeals Referee is reversed.

  
Associate Member

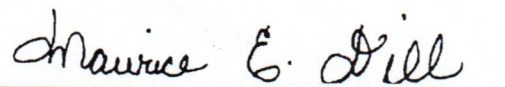
  
Chairman

W:K

CONCURRING OPINION

I find it incredible that the manager, who demonstrated a concern for the employer's good will in the community, by asking the claimant to apologize for her participation in a confrontation with a customer, would allow that customer to "holler and curse" at the claimant, for one quarter of an hour, in the presence of an assembly of employees and customers of the employer. I note that co-workers of the claimant who participated in the confrontation resigned because they felt it was beneath them to apologize to that customer. If this matter were contested, I believe the evidence might show that the claimant's resignation was similarly motivated, i.e., she preferred unemployment.

I join in this decision, only because the employer failed to appear at the hearing and present evidence to the contrary.

  
Associate Member

kmb

DATE OF HEARING: November 1, 1983

COPIES MAILED TO:

CLAIMANT

EMPLOYER

Charles Lee Nutt, Esquire  
CLEMENTS & NUTT

UNEMPLOYMENT INSURANCE - EASTPOINT



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

BOARD OF APPEALS  
 THOMAS W. KEELCH  
 Chairman

MAURICE E. DILL  
 HAZEL A. WARNICK  
 Associate Members

SEVERN E. LANIER  
 Appeals Counsel

MARK R. WOLF  
 Administrative  
 Hearings Examiner

- DECISION -

CLAIMANT: Monika L. Lankford

EMPLOYER: Rite Aid Corporation  
 Unemployment Department

DATE: April 19, 1983

APPEAL NO.: 03273

S. S. NO.:

L. O. NO.: 40

APPELLANT: Claimant --

ISSUE: Whether the claimant's unemployment 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 May 4, 1983

- APPEARANCES -

FOR THE CLAIMANT:

Present

FOR THE EMPLOYER:

Represented by  
 Dennis Bowen,  
 District Supervisor,  
 & Michael Cadden,  
 Store Manager

FINDINGS OF FACT

The claimant has filed an original claim for benefits which became effective January 9, 1983. Her weekly benefit amount was established as \$92.00. On the claimant's separation information, she stated that she left because of job pressures and hassle on the job. The information on the separation notice from the employer is similar, that the claimant left because of her dissatisfaction on the job.

The claimant was employed by Rite Aid Corporation for three years and seven months. In this employment she was a member of management staff and her last day of work was on or about November 6, 1982. A customer had approached the claimant and requested that a refund be made on some ciggarettts. It was the claimant's understanding that it was a company policy that under no circumstances were cigarettes to be exchanged because of such things as tampering with drugs by individuals. The claimant refused to exchange the cigarettes and the claimant and the customer had "words". The claimant subsequently had to apologize to the customer. She was told by the employer that she had to do so. The claimant understood and was under the impression it would be to her disadvantage not to do so. The claimant felt that she was doing the proper thing concerning the exchange of cigarettes but company policy is that each decision concerning something of that nature must be made on an individual basis . The claimant, believing she did not have the -support of management , felt she was unable to do her job satisfactorily when she was not supported. For this reason, she left the employment .

CONCLUSIONS OF LAW

It is held that the claimant left the employment and she has not established good cause attributable to the employment for doing so. The request of the employer was not an unreasonable one under the circumstances, considering that the policy was such that each case had to be decided on an individual basis. A review of the evidence does not show any valid circumstances present for imposing less than the maximum disqualification under the Statute.

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. She is disqualified from receiving benefits from the week beginning October 31, 1982 until she becomes reemployed, earns ten times her weekly benefit amount (\$920 ) and thereafter becomes unemployed through no fault of her own. The determination of the Claims Examiner is affirmed.

  
M. Zahner  
Appeals Referee

Date of hearing: April 7, 1983  
jlt  
(1713-Self )

Copies mailed to:  
Claimant  
Employer  
Unemployment Insurance - Eastpoint