



DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

383 - 5032

—DECISION—

STATE OF MARYLAND
HARRY HUGHES
Governor

BOARD OF APPEALS
THOMAS W. KEECH
Chairman

HAZEL A. WARNICK
MAURICE E. DILL
Associate Members

DECISION NO.: 2279-BR-83 SEVERN E. LANIER
Appeals Counsel

DATE: December 23, 1983

CLAIMANT: Marquerite E. Mathews

APPEAL NO.: UCF-221

S.S.NO.:

EMPLOYER: Commander

LO. NO.: 9

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; and whether the claimant filed a timely appeal or had good cause for filing a late appeal within the meaning §7(c)(ii) 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

January 22, 1984

— APPEARANCE —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals reverses the decision of the Appeals Referee and concludes that the claimant had good cause to file a late appeal within the meaning of §7(c)(ii).

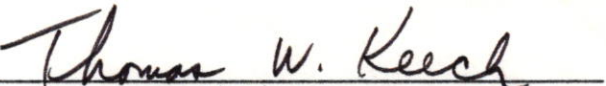
The Board further concludes that the claimant voluntarily quit her job, but with good cause, pursuant to §6(a) of the law. As the Appeals Referee correctly noted in his conclusions of law, the claimant became ineligible to continue in her job because her husband, who is in the military service, withdrew his sponsorship, as a result of marital difficulties and an ensuing separation from the claimant. The Board has held in prior cases that spouses of military personnel who lose their sponsorships and therefore become legally unable to continue in their jobs are not disqualified under §6(a). See, e.g., Verna Eder, Board Decision No. 1353-BR-80.

DECISION

The claimant had good cause for filing a late appeal within the meaning of §7(c)(ii) of the Maryland Unemployment Insurance Law.

The claimant left 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 this employer. The claimant may contact the local office concerning the other eligibility requirements of the law.


Associate Member


Chairman

W:K
kmb

COPIES MAILED TO:

CLAIMANT

EMPLOYER

Ms. Vanita Taylor
Legal Aid Bureau, Inc.
305 W. Chesapeake Ave.
Towson, MD 21204

UNEMPLOYMENT INSURANCE - TOWSON



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

STATE OF MARYLAND
 HARRY HUGHES
 Governor
 KALMAN R. HETTLEMAN
 Secretary

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: Marguerite E. Mathews
 [REDACTED]
 EMPLOYER: Commander
 [REDACTED]
 DATE: October 11, 1983
 APPEAL NO.: UCF-221
 S. S. NO.: [REDACTED]
 L. O. NO.: 9
 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.
 Whether the appealing party filed a timely appeal or had good cause for an appeal filed late within the meaning of Section 7 (c)(ii) 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 **October 26, 1983**

- APPEARANCES -

FOR THE CLAIMANT: Present - Accompanied by Vanita Taylor, Legal Aid Bureau, Inc.
 FOR THE EMPLOYER: NOT REPRESENTED

FINDINGS OF FACT

The non-monetary determination disqualifying the claimant from receipt of unemployment insurance benefits under Section 6 (a) of the Law for the week beginning July 10, 1983 and until she becomes re-employed, and earns at least ten times her weekly benefit amount (\$1410), was mailed to the claimant at her address of record on August 2, 1983. The determination stated plainly on its face that the last date for filing an appeal was August 17, 1983. The claimant did not file her appeal until

August 22, 1983. The claimant has no rational explanation for her failure to file a timely appeal. The claimant urges that she misunderstood the notice, but the notice is clearly written and understandable.

The claimant was employed by the USA - FA Center, Europe from September 24, 1981 until her last day of work on July 10, 1983. The claimant had to end her employment when as a result of marital difficulties she separated from her husband, and her husband withdrew his sponsorship of her. This withdrawal of sponsorship meant that she could not retain her employment, and could not stay in Europe. She and her children then came to the United States upon the execution of appropriate documents by her husband.

CONCLUSIONS OF LAW

The claimant failed, without good cause, to file a timely and valid appeal as required by the Law. In the absence of good cause under Section 7 (c)(ii) of the Law, the determination of the Claims Examiner remains in effect.

Were the case to be considered by the Appeals Referee on its merits, he would reverse the determination of the Claims Examiner and find that the claimant's actions were not voluntary, and that she was forced to leave Europe and her job upon the separation from her husband and his withdrawal of sponsorship. This information is placed where in the event the claimant should appeal, and the Board of Appeals should feel that there is good cause for the claimant's late appeal.

DECISION

The claimant failed to file a timely appeal, and did not have good cause for a late appeal within the meaning of Section 7 (c)(ii) of the Law.

The determination of the Claims Examiner that the claimant is disqualified from receiving unemployment insurance benefits under Section 6 (a) of the Law, for the week beginning July 10, 1983 and until she becomes re-employed, earns at least ten times her weekly benefit amount (\$1400), remains unchanged.


Martin A. Ferris
APPEALS REFEREE

Date of Hearing - 10/3/83
cd/4518
(7102/Bartenfelder)

COPIES MAILED TO:

Claimant

Employer

Unemployment Insurance - Towson

Legal Aid Bureau, Incorporated

