

 **Maryland**
Department of Economic &
Employment Development

William Donald Schaefer, Governor
J. Randall Evans, Secretary

Board of Appeals
1100 North Eutaw Street
Baltimore, Maryland 21201
Telephone: (301) 333-5032

Board of Appeals
Thomas W. Keech, Chairman
Hazel A. Warnick, Associate Member
Donna P. Watts, Associate Member

— DECISION —

	Decision No.:	371-BR-92
	Date:	Feb. 24, 1992
Claimant: Travis B. Thomas	Appeal No.:	9120350
	S. S. No.:	
Employer: Trimpers Rides Ocean City	L. O. No.:	26
	Appellant:	CLAIMANT

Issue: Whether the claimant's unemployment was due to leaving work voluntarily, without good cause, within the meaning of Section 8-1001 of the Labor and Employment Article.

— 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, IF YOU RESIDE IN BALTIMORE CITY, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

THE PERIOD FOR FILING AN APPEAL EXPIRES

March 25, 1992

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals modifies the decision of the Hearing Examiner. In making this decision, the Board has not considered any additional evidence proffered by the claimant in his letter to the Board.

The Board adopts the findings of fact of the Hearing Examiner, but reaches different conclusions of law based on these same facts.

The claimant was hired for seasonal work for a season which was basically from Memorial Day to Labor Day. During that time, he worked an average of sixty hours per week. As the season wound down after Labor Day, however, some work did remain for the claimant, and he was told that 20 to 25 hours of work per week was available. The claimant could not afford to pay his rent with that amount of work, nor could he travel to the job from his off-season home.

The Board concludes that the claimant had "valid circumstances" for leaving the employment, though his reason does not amount to "good cause." The fact that it is normal and customary for a seasonal job to come to an end, and the fact that an employee is aware of this, does not change the fact that unemployment benefits are normally payable when the job does come to an end. In this case, the job had not come to an end but had been reduced to the point where continuation on the claimant's part was not financially feasible.

A substantial reduction in hours can be "good cause," especially where the intended employment is permanent and full time. But it is not good cause in this case. The claimant knew of the probable loss of hours when he took the job, and he had coped with this problem in previous years. For this reason, the loss of hours does not amount to good cause. But, since it was a substantial loss of hours, signaling the end of the season, and since the claimant could not cope with the resulting problems this year, "valid circumstances" will be found.

DECISION

The claimant left work voluntarily, without good cause, but with valid circumstances, within the meaning of Section 8-1001 of the Labor and Employment Article. He is disqualified from receiving benefits from the week beginning September 1, 1991 and the nine weeks immediately following.

The decision of the Hearing Examiner is modified.

Thomas W. Keech
Chairman
Agel C. Murrell
Associate Member

K:H
kmb

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - CRISFIELD

 **Maryland**
Department of Economic &
Employment Development

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Gary W. Wiedel, Administrator
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Telephone: (410) 333-5040

— DECISION —

Date: Mailed: 1/3/92
Appeal No.: 9120350
S. S. No.:
Claimant: Travis B. Thomas
Employer: Trimpers Rides Ocean City, Inc. No.: 26
Appellant: Claimant
Issue: Whether the claimant left work voluntarily, without good cause, within the meaning of MD Code, Labor and Employment Article, Title 8, Section 1001.

— 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 OFFICE OF THE DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT, OR WITH THE BOARD OF APPEALS, ROOM 515.1100 NORTH EUTAW STREET. BALTIMORE, MARYLAND 21201, EITHER IN PERSON OR BY MAIL

THE PERIOD FOR FILING A PETITION FOR REVIEW EXPIRES ON January 20, 1992
NOTE APPEALS FILED BY MAIL INCLUDING SELF-METERED MAIL ARE CONSIDERED FILED ON THE DATE OF THE U.S. POSTAL SERVICE POSTMARK

— APPEARANCES —

FOR THE CLAIMANT:

Claimant - Present

FOR THE EMPLOYER:

Not Represented

FINDING OF FACTS

The claimant was employed as a games attendant in May, 1991. This was seasonal employment, and claimant had worked there the three preceding years. The basic season was from Memorial Day to Labor Day, and thereafter work decreased sharply. During the season, claimant worked an average of sixty hours per week on a six day basis. Prior to the Labor Day weekend, claimant was told

that after the weekend, the work available for him would be twenty to twenty-five hours per week. Claimant could not meet his expenses, including rent, on the income from that amount of work nor could he have regular transportation if he moved back to his off season home. The claimant told the employer that he could not stay for those amount of hours and did not return to work after approximately September 5, 1991.

CONCLUSIONS OF LAW

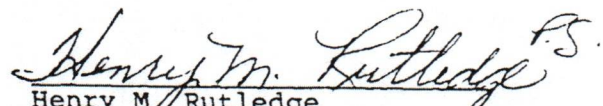
The Maryland Code, Labor and Employment Article, Title 8, Section 1001 provides that an individual shall be disqualified for benefits where his unemployment is due to leaving work voluntarily, without good cause arising from or connected with the conditions of employment or actions of the employer or without serious, valid circumstances. The preponderance of the credible evidence in the record will support a conclusion that the claimant voluntarily separated from employment, without good cause or valid circumstances, within the meaning of Title 8, Section 1001.

The evidence shows that claimant had been employed in this seasonal job for four years. He was aware that after the Labor Day weekend the available amount of work decreased sharply. He declined to work the hours available after that date although continuing work was available. The claimant's leaving is not attributable to any actions of the employer or terms of employment but to his own decision based on personal circumstances.

DECISION

The unemployment of the claimant was due to leaving work voluntarily, without good cause, within the meaning of MD Code, Labor and Employment Article, Title 8, Section 1001. Benefits are denied from the week beginning September 1, 1991 and until he becomes re-employed and earns at least ten times his weekly benefit amount (\$1,060) and thereafter becomes unemployed through no fault of his own.

The determination of the Claims Examiner is affirmed.


Henry M. Rutledge
Hearing Examiner

Date of Hearing: 12/23/91
ps/Specialist ID: 26236
Cassette No: Attached to File
Copies mailed on 1/3/92 to:

Claimant
Employer
Unemployment Insurance - Crisfield (MABS)