

 **Maryland**  
Department of Economic &  
Employment Development

*William Donald Schaefer, Governor*  
*J. Randall Evans, Secretary*

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

— D E C I S I O N —

Decision No.:	374 -SE-92
Date:	Feb. 25 , 1992
Claimant: Lisa Griffith	Appeal No.: 9109353
	S. S. No.:
Employer: State Employee Credit Union	L O. No.: 12
	Appellant: CLAIMANT

Issue:

Whether the claimant was discharged for gross misconduct or misconduct, connected with her work, within the meaning of Section 8-1002 or 8-1003 of the Labor and Employment Article.

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— 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 26, 1992

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— A P P E A R A N C E S —

FOR THE CLAIMANT:

John H. Williams, Esq.  
Lisa Griffith, Claimant

FOR THE EMPLOYER:

Sylvia Sutton,  
Security Officer;  
Diane Pusey, Branch  
Manager;  
Janet Struck, Human  
Resources Admin.;  
Connie Klaverweiden,  
Assistant Manager

## EVALUATION OF THE EVIDENCE

The Board of Appeals has considered all of the evident presented, including the testimony offered at the hearings. The Board has also considered all of the documentary evidence introduced in this case, as well as the Department of Economic and Employment Development's documents in the appeal file.

The employer has not offered sufficiently specific testimony to prove that the claimant's actions were fraudulent. The employer has, however, provided sufficient evidence that the claimant knew, or should have known, that some of her transactions violated company policy.

With respect to the claimant's procedural objections, the Board notes that it did not receive a request to subpoena Mr. Nutter to the hearing before the Special Examiner. Even if it had received such a request, the Board would not have granted it. Mr. Nutter was present and subject to cross-examination at the original hearing before the Hearing Examiner on July 31, 1991. The claimant's attorney had prior notice of that hearing, as well as of his two simultaneous conflicting hearings in Circuit Court and District Court, but no timely request for a postponement was made in accordance with COMAR 24.02.06.02Q(1) and (2). The Board notes also that the July 31 hearing was in itself a postponed case, having been postponed from July 2, 1991 at the request of the claimant's attorney. "A repeated inability of a claimant's attorney or representative to appear on account of a conflicting trial date is not good cause." COMAR 24.02.06.02Q(3). The regulations reflect the Board's philosophy that the hearings are held for the benefit of the parties, not the attorneys. In any case, the second hearing was granted to give the claimant yet another chance to present her case, and that hearing was conducted in accordance with the regulations.

## FINDINGS OF FACT

The claimant worked at the State Employees' Credit Union from May 9, 1988 to May 3, 1991 as a teller. She was earning \$7.96 an hour, and she was required to work thirty-five hours per week.

The claimant was discharged because she made deposits to her own account, using her own teller machine. She was also suspected of improprieties regarding fraudulent activity on other Member accounts.