



DEPARTMENT OF EMPLOYMENT AND TRAINING

BOARD OF APPEALS
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

383-5032

THOMAS W. KEECH
Chairman

HAZEL A. WARNICK
MAURICE E. DILL
Associate Members

SEVERN E. LANIER
Appeals Counsel

STATE OF MARYLAND
HARRY HUGHES
Governor

-DECISION-

DECISION NO.: 395-BH-84.

DATE: April 13, 1984

CLAIMANT: Bessie Salisbury

APPEAL NO.: 09144

S.S.NO.:

EMPLOYER: Levenson & Klein

LO. NO.: 1

APPELLANT: REMAND FROM COURT
CLAIMANT APPEAL

ISSUE: Whether the claimant was discharged for gross misconduct or misconduct, connected with the work, within the meaning of §6(b) or §6(c) 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 MAYBE 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

May 13, 1984

-APPEARANCE-

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Claimant not present

Janet Drass -
Automatic Data
Processing
Michael D'Auria -
Service Manager

EVALUATION OF THE EVIDENCE

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 the Department of Employment & Training's documents in the appeal file.

FINDINGS OF FACT

The claimant was employed from April 7, 1981 until June 1, 1982 for Levenson & Klein. She was paid \$3.45 per hour for her duty as a service clerk. After returning from work from a leave of absence at the end of March in 1982, the claimant compiled a long history of being late or absent without excuse. She was either late, absent or late returning from lunch or dinner on March 28, 30, April 6, 10, 12, 13, 14, 15, 17, 19, 21, 22, and 28. She was late on one day the following week. She did not show up for work on May 10. She was late on May 12 and 15. After returning from vacation, she did not show for work on May 24. On May 25 she was late.

On May 26, the claimant submitted a letter of resignation, to be effective June 9, 1982.

While at work on June 1, 1982, the claimant disappeared from the work site for long periods of time. When she was reprimanded about this, she caused a big argument at the work site which began to disrupt the work. The claimant was then fired for her continued failure to perform her work duties.

CONCLUSIONS OF LAW

Although the claimant submitted her resignation, the claimant's termination on June 1, 1982 was not merely an acceleration of the date of her leaving. Rather, it was done for her behavior on June 1, 1982, which was but a culmination of a long history of unexcused absences from the work site. Since the claimant had been warned several times about this type of behavior, her conduct clearly constitutes a series of repeated violations of employer's rules, showing a gross indifference to her employer's interests. This is gross misconduct within the meaning of §6(b) of the Maryland Unemployment Insurance Law.

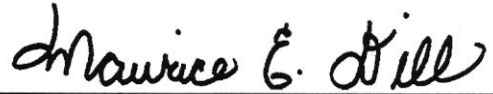
DECISION

The claimant was discharged for gross misconduct, connected with the work, within the meaning of §6(b) of the Maryland Unemployment Insurance Law. She is disqualified from receiving benefits from the week beginning May 30, 1982 and until she becomes reemployed, earns at least ten times her weekly benefit amount (\$840.00) and thereafter becomes unemployed through no fault of her own.

The previous decision of the Board of Appeals is affirmed.



Chairman



Associate Member



Associate Member

K:W:D

kmb

DATE OF HEARING: October 25, 1983

COPIES MAILED TO:

CLAIMANT

EMPLOYER

Ms. Janet Drass

UNEMPLOYMENT INSURANCE - BALTIMORE