DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND

BOARD OF APPEALS
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201
(301) 383-5032

-DECISION-

Decision No.: 409-BR-87

Date: June 9, 1987

Claimant: Delores Veney

Appeal No; 8700521

S. S. No.:

Employer: Greater S.E. Community Hosp.
ATTN: Marcia Milton

L.O. No: 7

Appellant: EMPLOYER

Issue: Whether the claimant left work voluntarily, without good cause, within the meaning of Section 6(a) 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 ON July 9, 1987

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

(The employer's appeal is considered timely filed, since the employer's copy of the decision was sent to an incomplete address for the employer.)

Upon review of the record in this case, the Board of Appeals reverses the decision of the Hearing Examiner.

The claimant worked for approximately three months as a phlebotomist for the Greater Southeast Community Hospital, from August until November 9, 1986.

On one occasion, the claimant hung up the phone on a co-worker. The co-worker responded by threatening to slap the claimant. The details of the incident are not shown on the record. The employer intervened and made it clear that threats would not be tolerated. The claimant and the co-worker both stated to the employer that they understood and that there was no residual animosity between them.

Other than that incident, there were no specific incidents of harassment by co-workers or by the employer. The claimant generally complained that there was a clique in the office which would not speak to her and that a person or persons accused her of being the supervisor's girlfriend. In the absence of evidence to the contrary, the Board finds as a fact that this occurred.

The Board has ruled in the past that an employee has no obligation to his employer to display a friendly attitude and to socialize with his co-workers. Barber v. Dr. Herald Sinrod (182-BR-83). In that case, the Board found that a claimant who was discharged for failing to act in a friendly manner toward co-workers had not committed misconduct.

In this case, the claimant quit primarily because her co-workers failed to act in a friendly manner toward her. Just as a claimant is not required to act in a friendly social way with co-workers, however, the employer is also not required to provide a working atmosphere in which co-workers are friendly toward the claimant. The Hearing Examiner's conclusion of law that the employer is required to provide a pleasant working environment is incorrect, at least to the extent that that environment includes the social attitudes of the co-workers toward the claimant. And, in this case, it was primarily (if not exclusively) the social aspect of the co-worker's treatment about which the claimant was concerned.

---

[1] The claimant failed to demonstrate that this lack of communication had an actual detrimental effect on the work process.

The Hearing Examiner's decision incorrectly makes the employer the insurer of an employee's social relations with co-employees, something over which the employer normally has little control. In the absence of any evidence that the employer instigated or collaborated with any plan to socially isolate and put pressure on the claimant, the mere fact that co-workers socially ostracized the claimant is not a fact which constitutes "good cause" under Section 6(a) of the law. Nor does the Board concludes that it is a "compelling and necessitous" reason which left the claimant "no reasonable alternative" other than to leave work.

The Board does not intend to minimize the problems employees can face when social relations with co-workers deteriorate. These situations can indeed be painful and can make the simple act of coming to work a difficult experience. But there can be any number of reasons that social relationships can go sour, and the most common reason is probably the personalities of the parties involved. Without evidence of employer involvement or actual malicious treatment by co-employees, social problems with co-employees are not a reason for quitting a job which constitutes either "good cause" or "vailid circumstances," as those terms are used in Section 6(a) of the law.

While the incident of the threat was much more serious, it was an isolated incident, provoked in part by the claimant, in which the employer intervened successfully and in which the claimant agreed there was no residual animosity. Under these circumstances, this threat constitutes neither "good cause" nor "valid circumstances."

DECISION

The claimant left 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 November 9, 1986 and until she becomes reemployed, earns ten times her weekly benefit amount ($1,390) and thereafter becomes unemployed through no fault of her own.

The decision of the Hearing Examiner is reversed.

Thomas W. Keech
Chairman

Associate Member

K:W
kbm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

GAB Business Services, Inc.

UNEMPLOYMENT INSURANCE - COLLEGE PARK

DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

(301) 383-5040

-DECISION-

Date: Mailed February 24, 1987

Claimant: Delores Veney

Appeal No.: 8700521

S. S. No.:

Employer: Greater S.E. Comm. Hosp.

L. O. NO.: 7

Appellant: Claimant

Issue: Whether the Claimant voluntarily quit his employment, without good cause within the meaning of Section 6(a) of the law.

— NOTICE OF RIGHT OF FURTHER APPEAL —

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A FURTHER APPEAL AND SUCH APPEAL 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 March 11, 1987

— APPEARANCES —

FOR THE CLAIMANT:
Present

FOR THE EMPLOYER:
Wanda Malone GAB;
Marcia Milton;
Wendell Brown

FINDINGS OF FACT

The Claimant worked as a phlebotomist on the evening shift from August 1986 to 9 November 1986. She resigned because of the hostile environment in which she had to work. On one occasion, she was threatened by another employee who accused her of hanging up the phone on her. At least two other employees, for some inexplicable reasons, would not speak to

her even about work related matters. Others accused her of being the boss's girlfriend. She complained to her supervisor on more than one occasion, but to no avail.

CONCLUSIONS OF LAW

When a Claimant voluntarily leaves work, she has the burden of proving that she left for good cause or valid circumstances. Hargrove vs. City of Baltimore, 233-BH-83.

In order to show valid circumstances, the burden is on the Claimant to show that there was no reasonable alternative other than leaving work. Lauer vs. Good Samaritan Hospital, 27-BR-84.

The Claimant in this case carried the burden of proof. There was no improvement in the working conditions after she complained. She had no choice to quit or to continue to endure the humiliation and suffer the stress. Moreover, an employer's manager has an obligation to create an environment pleasant enough for an employee to perform his or her duties.

DECISION

Based upon the above Findings of Fact and Conclusions of Law, the determination of the Claims Examiner is reversed.

The Claimant voluntarily quit, but for good cause within the meaning of Section 6(a) of the Law.

No disqualification is imposed based upon her separation from employment with Greater Southease Community Hospital.

Van Caldwell, cp
Van Caldwell
Hearing Examiner

Date of hearing: 2/3/87
Cassette: 682 (Kolodkin)
Copies mailed on February 24, 1987 to:
Claimant
Employer
Unemployment Insurance - College Park

Wanda Malone
GAB Resource Management Services