



Maryland

Department of Economic & Employment Development

*William Donald Schaefer, Governor
Mark L. Wasserman, Secretary*

*Board of Appeals
1100 North Eutaw Street
Baltimore, Maryland 21201*

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

— DECISION —

Decision No.:	423-BR-93
Date:	March 11, 1993
Appeal No.:	9224482
S. S. No.:	
L. O. No:	3
Appellant	CLAIMANT

Claimant: Diana Meyers

Employer: Terrance M. McLarney

issue: Whether the claimant's unemployment was due to leaving work voluntarily, without good cause, within the meaning of §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 MAYBE 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

April 10, 1993

— APPEARANCES —

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 Hearing Examiner.

The claimant was hired as a part-time clerical and customer service worker for the employer, an insurance agency. She worked 20 hours per week at an hourly salary of \$4.50. This salary eventually reached \$6.00 per hour after three and a half years of service.

In the summer of 1992, the employer changed the requirements of the job. The claimant had formerly acted as a receptionist, taking payments, entering accident and loss reports on the computer, dealing with the customers. No sales activities whatsoever were included in her original job, nor did she perform any sales activities for over two years.

In the summer of 1992, the employer told the claimant to act as if her old job was gone, and that she was now a sales associate who must earn her salary by sales of additional insurance lines to existing clients. The claimant was repeatedly told that she must become involved in sales activities. She was told that she had to become licensed, because the government was requiring a license of those involved in selling insurance.

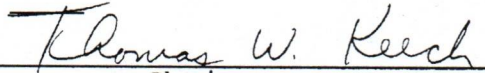
The claimant refused to become involved in sales activities. She was unsuited for this type of activity. She insisted on performing the job for which she was hired and even offered to work for the minimum wage, as long as she could perform the job for which she was hired. When the employer refused, she quit.

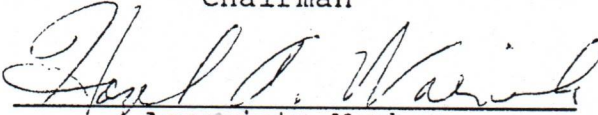
The claimant's reason for quitting amounts to good cause. The claimant, after performing satisfactorily the duties for which she was hired for a long time, was required to perform sales duties, which were different duties than those for which she was hired. She was unsuited for sales and refused to do these duties, though she offered to continue to perform the duties for which she was hired. The claimant's original job was abolished, and she was offered a transfer to a position which was unsuitable for her. Her refusal to accept this new position constitutes a voluntary quit, but for good cause.

DECISION

The claimant left work voluntarily, but for good cause, within the meaning of §8-1001 of the Labor and Employment Article. No penalty is imposed based upon her separation from employment with Terrance M. McClarney.

The decision of the Hearing Examiner is reversed.


Chairman


Associate Member

K:HW
kbm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - CUMBERLAND

 **Maryland**
Department of Economic &
Employment Development

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Gary W. Wiedel, Administrator
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Room 511
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Baltimore, Maryland 21201

Telephone: (410) 333-5040

— D E C I S I O N —

Date: Mailed: 1/18/93
Appeal No.: 9224482
S. S. No.:
Employer: Terrance M. McLarney
LO. No.: 03
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.

February 2, 1993

THE PERIOD FOR FILING A PETITION FOR REVIEW EXPIRES ON

NOTE: APPEALS FILED BY MAIL, INCLUDING SELF-METERED MAIL, ARE CONSIDERED FILED ON THE DATE OF THE U.S. POSTAL SERVICE POSTMARK

— A P P E A R A N C E S —

FOR THE CLAIMANT:

Claimant
Mr. Meyers (Husband)

FOR THE EMPLOYER:

Terrance M. McLarney

FINDINGS OF FACT

The claimant began work as a receptionist and part-time service representative for the employer in January, 1989 and terminated on October 12, 1992. Her job paid \$6.00 an hour and worked approximately 20 hours per week.

From the beginning of her employment, the employer requested the claimant to ask each client as they paid their premium or visited the office if they wanted additional insurance and follow-up these conversations with phone calls. The claimant was not accomplishing this task and was counseled many times to accomplish this part of her position. She refused to do this, claiming she only wanted to be a receptionist and clerical-type-secretary, not a sales person.

A new law was passed by the State of Maryland requiring all insurance staff to have a license and the claimant felt she needed no additional schooling and refused to take the test. The employer attempted to assist the claimant in preparing for the test, but the claimant still refused.

On October 12, 1992, the claimant felt that the pressure of soliciting clients for additional insurance was more than she could handle and, therefore, handed in her resignation.

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. The preponderance of the credible evidence in the record will support a conclusion that the claimant voluntarily separated from employment, without good cause, within the meaning of Title 8, Section 1001".

In the instant case, the employer had requested the claimant to accomplish tasks which were within her job description. After many counseling sessions, she refused to do so. Additionally, the claimant refused to take a test for all insurance staff members that has now been required by the State of Maryland. The claimant handed in her resignation, effective October 12, 1992, and stated that she could not accomplish some of the job duties within her present position.

DECISION

It is held that 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 for the week beginning October 25, 1992 and until the claimant becomes re-employed, earns at least 15 times her weekly benefit amount and thereafter becomes unemployed through no fault of her own.

The determination of the Claims Examiner is affirmed.


Robert A. Breschi
Hearing Examiner

Date of Hearing: 12/29/93
lc/Specialist ID: 03264

Copies Mailed on 1/18/93 to:
Claimant
Employer
Unemployment Insurance - Cumberland (MABS)