



DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND
HARRY HUGHES
Governor

BOARD OF APPEALS
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

(301) 383-5032

BOARD OF APPEALS

THOMAS W. KEECH
Chairman

HAZEL A. WARNICK
MAURICE E. DILL
Associate Members

SEVERN E. LANIER
Appeals Counsel

MARK R. WOLF
Chief Hearing Examiner

— DECISION —

Decision No.: 461-BR-85

Date: June 26, 1985

Claimant: Claudette D. Williams

Appeal No.: 11601

S. S. No.:

Employer: Prince George's County

L.O. No.: 20

Appellant: CLAIMANT

Issue:

Whether the claimant's unemployment was due to leaving work voluntarily, without good cause, within the meaning of §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 26, 1985

— 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 Appeals Referee. The Appeals Referee found neither "good cause" nor "valid circumstances" under §6(a) of the law because the claimant's doctor didn't directly advise the claimant to quit. The statute does not

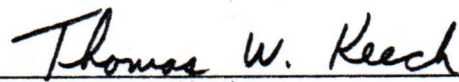
require evidence that a physician "directly advise" a claimant to quit employment. The claimant did establish in this case that she was suffering from an ailment which was made worse by the particular type of work she performed. Under these circumstances, the Board finds "valid circumstances," connected with the work, for her leaving.

DECISION

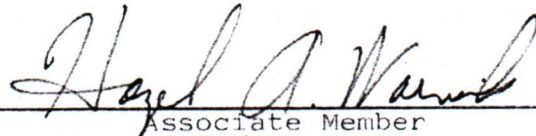
The unemployment of the claimant was due to leaving work voluntarily, without good cause but for valid circumstances, within the meaning of §6(a) of the Maryland Unemployment Insurance Law. She is disqualified from receiving benefits from the week beginning June 3, 1984 and the nine weeks immediately following.

The decision of the Appeals Referee is modified.

This denial of unemployment insurance benefits for a specified number of weeks will also result in ineligibility for Extended Benefits and Federal Supplemental Compensation, unless the claimant has been employed after the date of the disqualification.



Chairman



Associate Member

K:W

kbrn

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - WALDORF



DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

(301) 383-5040

STATE OF MARYLAND
HARRY HUGHES
Governor

BOARD OF APPEALS

THOMAS W. KEECH
Chairman
HAZEL A. WARNICK
MAURICE E. DILL
Associate Members
SEVERN E. LANIER
Appeals Counsel
MARK R. WOLF
Chief Hearing Examiner

— DECISION —

Claimant: Claudette D. Williams
Date: Mailed 11/20/84
Appeal No.: 11601-JAVA
S. S. No.:
Employer: Prince George's County
L.O. No.: 20
Appellant: Claimant

Issue: Whether the claimant's unemployment was due to leaving work voluntarily, without good cause, within the meaning of Section 6 (a) of the Law.

— 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 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 December 5, 1984

— APPEARANCES —

FOR THE CLAIMANT:

Present

FOR THE EMPLOYER:

Represented by John F. McClain, Jr., Personnel Analyst

FINDINGS OF FACT

The claimant filed a claim for benefits, effective September 16, 1984. Her weekly benefit amount was determined to be \$175.00.

The claimant was employed by Prince George's County as a Teacher, earning \$116.34 daily, from October 12, 1983 until June 8, 1984.

The claimant complained of hoarseness. She taught from 8 a.m. to 1 p.m. daily.

The claimant went to a physician who recommended an operation for growths on her vocal cords. She went to another doctor for a second opinion, who gave her prescriptions, and advised that she take some time off for rest. The claimant presented a medical statement signed by her physician on October 2, 1984. This statement in answer to the question, was this patient advised to leave her job because of illness, injury, or any other physical conditions, was no. The claimant was first treated by the doctor on December 29, 1983. The claimant continued to teach until her last day of work, and her doctor wanted her to take a leave of absence. However, this was near the end of the school year, and she decided not to take a leave of absence. There was some evidence that the claimant's condition improved, and could be treated by a possible vitamin supplement.

The claimant had a good evaluation, and work was available for her had she chosen to continue with the employer.

CONCLUSIONS OF LAW

It is found that the claimant voluntarily left work for personal reasons not directly attributable to, arising from, or connected with the conditions of employment. The determination of the Claims Examiner that she was not eligible for benefits within the meaning of Section 6 (a) of the Maryland Unemployment Insurance Law must be affirmed. In this case, there are no serious, valid circumstances to warrant the imposition less than the maximum disqualification allowed by Law. Although the claimant presented medical evidence that she had a medical problem, nevertheless, her physician did not directly recommend that she leave the employment because of this. Therefore, the determination of the Claims Examiner cannot be mitigated.

DECISION

The claimant left work voluntarily, without good cause, within the meaning of Section 6 (a) of the Law. Benefits are denied for the week beginning June 3, 1984 and until she becomes re-employed, earns at least ten times her weekly benefit (\$1750), and thereafter becomes unemployed through no fault of her own.

The determination of the Claims Examiner is affirmed.


John F. Kennedy,
APPEALS REFEREE

Date of Hearing - 11/1/84
cd/8887
(7075/Jones)

COPIES MAILED ON 11/20/84 TO:

Claimant
Employer
Unemployment Insurance - Waldorf