

 **Maryland**
Department of Economic &
Employment Development

William Donald Schaefer, Governor
J. Randall Evans, Secretary

Board of Appeals
1100 North Eutaw Street
Baltimore, Maryland 21201
Telephone: (301) 333-5032

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

— DECISION —

	Decision No.:	470-BR-91	
	Date:	April 25, 1991	
Claimant:	William Norman	Appeal No.:	9101605
		S. S. No.:	
Employer:	Esskay, Inc.	L. O. No.:	40
		Appellant:	CLAIMANT
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, 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

May 25, 1991

— 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 Board adopts the findings of fact of the Hearing Examiner. However, the Board concludes that these facts warrant a different decision.

The claimant had no one to care for his daughter during the evening hours. As it turned out, his fiancée was sick for two and a half months.

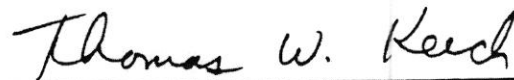
The Board has held in the past that quitting one's job due to child care problems is not good cause, but can be valid circumstances for quitting, if the situation is compelling or necessitous and there is no reasonable alternative to quitting. The claimant's situation meets these standards. See, Buchanan v. Bata Shoe Company, 2006-SE-83.

DECISION

The claimant left work voluntarily, without good cause but for valid circumstances, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. He is disqualified from receiving benefits for the week beginning August 5, 1990 and the four weeks immediately following.

The decision of the Hearing Examiner is reversed.


Associate Member


Chairman

DW:K

kbm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - EASTPOINT

 **Maryland**
Department of Economic &
Employment Development

William Donald Schaefer, Governor
J. Randall Evans, Secretary

William R. Merriman, Chief Hearing Examiner
Louis Wm. Steinwedel, Deputy Hearing Examiner

1100 North Eutaw Street
Baltimore, Maryland 21201

Telephone: 333-5040

— DECISION —

Claimant:	William R. Norman	Date:	Mailed: 02/25/91
		Appeal No.:	9101605
		S. S. No.:	-
Employer:	Esskay, Inc.	L.O. No.:	40
		Appellant:	Claimant

Issue: Whether the unemployment of the claimant 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 OFFICE OF THE DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT, 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 12, 1991**

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Claimant-Present

Not Represented

FINDINGS OF FACT

The claimant was employed by Esskay, Inc. as a machine operator from August of 1988 until he quit his job August 10, 1990. He was earning \$6.02 per hour at the time of separation from employment. The claimant quit his job in order to look for work elsewhere. The claimant did not like working the night shift. The claimant was working the night shift, but was experiencing problems in providing care for his daughter. The claimant's fiancée who had been caring for them was experiencing medical problems and the claimant wanted daylight work. The claimant

wanted daylight work so he could be home in the evening with his daughter.

The claimant attempted to get daylight work but was unsuccessful because the employer where he attempted to get the daylight work did wish to hire him because they had a swing shift and he was only available for daylight work.

The claimant did not have a job at the time that he quit his employment with Esskay, Inc.


CONCLUSIONS OF LAW

The claimant quit his job in order to try to find work during the daylight hours. He did not have work when he quit and the place that he thought he might be able to get work did not hire him because he was only available for daylight hours and they work a swing shift. The claimant has not met the burden of proving that he had good cause for quitting his job, or that valid circumstances existed to justify a reduced penalty. Because he has not met this burden, the determination of the Claims Examiner under Section 6(a) of the Law must be affirmed.

DECISION

The claimant voluntarily left his employment, without a good cause, connected with his work, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. He is disqualified from receiving unemployment insurance benefits for the week beginning August 5, 1990 and until he becomes re-employed and earns at least ten times his weekly benefit amount (\$1,870).

The determination of the Claims Examiner is affirmed.


Martin A. Ferris
Hearing Examiner

Date of Hearing: 02/19/91
dma/Specialist ID: 40326
Cassette No: 1381
Copies mailed on 02/25/91 to:

Claimant
Employer
Unemployment Insurance - Eastpoint (MABS)