



**DEPARTMENT OF HUMAN RESOURCES  
EMPLOYMENT SECURITY ADMINISTRATION**

1100 NORTH EUTAW STREET  
BALTIMORE, MARYLAND 21201

STATE OF MARYLAND

HARRY HUGHES  
Governor

KALMAN R. HETTLEMAN  
Secretary

383 - 5032

- DECISION -

BOARD OF APPEALS

JOHN J. KENT  
Chairman

HENRY G. SPECTOR  
HAZEL A. WARNICK  
Associate Members

SEVERN E. LANIER  
Appeals Counsel

DECISION NO.: 473-BR-82

DATE: April 23, 1982

APPEAL NO.: 01980

S. S. NO.:

L. O. NO.: 50

APPELLANT: CLAIMANT

CLAIMANT: Deborah Lynn Pangborn

EMPLOYER: Hannah's

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 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 SUPERIOR 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 23, 1982

**- APPEARANCES -**

FOR THE CLAIMANT:

FOR THE EMPLOYER:

**REVIEW ON THE RECORD**

Upon review of the record in this case, the Board of Appeals agrees with the facts found, but disagrees with the conclusions of law of the Appeals Referee.

FINDINGS OF FACT

The Claimant left her job as a part-time employee as a waitress in Hannah's bar because this employment, which was only one evening per week and which paid \$3.35 an hour, conflicted with her more substantial employment at Safeway Stores. Her employment at Safeway Stores was from four to five days per week and averaged \$70 to \$100 per week. When a conflict developed between the scheduling of the Safeway work and the work at Hannah's, the Claimant attempted to resolve this conflict. When this conflict could not be resolved, the Claimant left her job at Hannah's in order to conform to the requirements of her job at Safeway Stores.

CONCLUSIONS OF LAW

The Claimant left her part-time job of one night per week in order to conform to the requirements of her much more substantial part-time job of four to five nights per week. The Board has ruled that the phrases "attributable to, arising from or connected with the conditions of employment or action of the employer" in Section 6(a) of the Law refer to the total conditions of employment. Baywood v R.M.R. Corporation, 408-BR-82. In the circumstances of this case, the Board concludes that the Claimant had good cause, in connection with her employment, for leaving her job. No penalty is appropriate under Section 6(a) of the Law.

DECISION

The Claimant voluntarily quit her job for good cause in connection with her employment within the meaning of Section 6(a) of the Law. The disqualification imposed by the Appeals Referee on March 2, 1982 is rescinded. No disqualification is appropriate under Section 6(a) of the Law.

The decision of the Appeals Referee is reversed.

Thomas W. Keech  
Chairman

Abeyl A. Warrick  
Associate Member

K:W  
zvs

COPIES MAILED TO:

CLAIMANT

EMPLOYER

OUT-OF-STATE CLAIMS (O/S FOLDER NOT AVAILABLE)



**DEPARTMENT OF HUMAN RESOURCES  
EMPLOYMENT SECURITY ADMINISTRATION  
1100 NORTH EUTAW STREET  
BALTIMORE, MARYLAND 21201  
383 - 5040**

STATE OF MARYLAND  
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BOARD OF APPEALS

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Chairman

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Associate Members

SEVERN E. LANIER  
Appeals Counsel

GARY SMITH  
Chief Hearings Officer

- DECISION -

CLAIMANT: Deborah Lynn Pangborn      DATE: March 2, 1982  
 APPEAL NO.: 01980  
 S. S. NO.:  
 EMPLOYER: Hannah's      L. O. NO.: 50  
 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      March 17, 1982

- APPEARANCES -

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Present for Hearing on 2/9/82  
in Boise, Idaho

Not Represented

FINDINGS OF FACT

The claimant filed an interstate claim for unemployment insurance benefits on August 2, 1981; her weekly benefits are \$140.00.

She was employed by Hannah's (a bar) from October 7, 1981 to November 25, 1981. Last position held was that of Waitress at \$3.35 an hour. The claimant was hired to work one evening a week which was scheduled to be Thursdays and

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or substitute from time to time. The claimant made approximately \$20.00 a week from working at Hannah's.

In the meantime, the claimant secured a part time job with Safeway Stores working four to five days a week and averaging between \$70.00 and \$100.00 a week.

There developed a conflict in scheduling regarding Hannah's because the claimant had been rescheduled from Wednesday to Thursday.

The claimant attempted to have the matter reconciled but then voluntarily quit her job with Hannah's because her job at Safeway made more money.

The claimant was employed at Safeway on or about November 2, 1982 until February 6, 1982 at which time she was laid off due to lack of work.

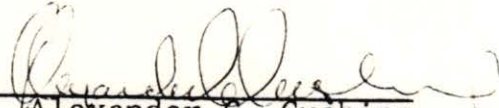
#### COMMENTS

The claimant's reason for leaving her employment with Hannah's was not directly attributable to the employment or the employer and does not constitute good cause within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. Therefore, the determination of the Claims Examiner which has taken into consideration any serious valid circumstances present will be affirmed.

#### DECISION

The unemployment of the claimant was due to leaving work voluntarily, without good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. She is disqualified from the receipt of benefits for the week beginning November 22, 1981 and the four weeks immediately following.

The re-determination of the Claims Examiner is affirmed.

  
Alexander C. Cushing  
Appeals Referee

Date of Hearing: 2/9/82  
Cassette OS-7096  
ldd/7452  
(Allen)

Copies mailed to:

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Claimant  
Employer  
Out-of-State Claims  
(folder attached)