



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.:	481-BR-92
	Date:	March 11, 1992
Claimant: Donald Gaillot	Appeal No.:	9122367
	S. S. No.:	
Employer: Lane Construction Corp.	L O. No.:	50
	Appellant:	CLAIMANT
Issue:	Whether the claimant left work voluntarily, without good cause, within the meaning of Section 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 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

April 10, 1992

— 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 informed that his job was coming to an end and that he would be laid off in about two weeks. The claimant almost immediately quit and obtained a job with another employer. The other job was in the same field, and the pay and benefits were almost identical. This second job, however, was going to last over three months, while the original job was coming to an end in two weeks.

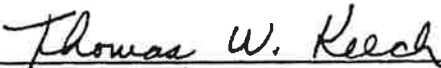
The Board concludes that the claimant's reason for leaving amounted to good cause. With his job soon coming to an end, the claimant did the only reasonable thing by accepting an equivalent job which was not coming to an end. The claimant's reason for leaving was thus connected with the total conditions of employment and did constitute good cause.


The agency records show that the claimant is receiving benefits. If there is a problem with the receipt of checks, the claimant should contact his local office.

DECISION

The claimant left work voluntarily, but for good cause, within the meaning of Section 8-1001 of the Labor and Employment Article. No disqualification is imposed based upon his separation from employment with Lane Construction Corporation.

The decision of the Hearing Examiner is reversed.


Chairman


Associate Member

K:DW

kbm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

OUT-OF-STATE CLAIMS



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 —

		Date	Mailed: 01/22/92
Claimant:	Donald B. Gaillot	Appeal No.:	9122367
		S. S. No.:	
Employer:	Lane Construction Corp.	L.O.No.:	050
		Appellant:	CLAIMANT

Issue: Whether the claimant left work voluntarily, without good cause, within the meaning of the Code of MD, Labor and Employment Article, Title 8, Section 1001.

— 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 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.

February 6, 1992

THE PERIOD FOR FILING A FURTHER APPEAL EXPIRES AT MIDNIGHT ON

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Donald B. Gaillot - Present

John Kristensen, Job Engineer

The above-entitled matter was conducted by telephone conference hearing.

FINDINGS OF FACT

The claimant filed an initial interstate claim for unemployment insurance benefits at or near Spotsylvania, Virginia, effective July 14, 1991.

The claimant was employed by Lane Construction Corporation for approximately six months until March 27, 1991 as a Carpenter at a pay rate of \$16.22 per hour.

The claimant's foreman informed the claimant that the work was winding down and the he probably would be laid off. With that advice, the claimant immediately looked for other work. He found employment with Foskey Construction Corporation and went to work for that employer on the same day that he voluntarily quit his job with Lane Construction Corporation. The rate of pay at Foskey was the same or comparable to that which he was earning at Lane Construction Corporation and the benefits were comparable. Subsequent employment came to an end on July 12, 1991. The claimant asserts that he was laid off for lack of work from the subsequent employment.

Thereafter, the claimant became employed by Newberg Construction Company, effective November 8, 1991 and was laid off for lack of work on January 3, 1992.

The claimant left employment with Lane Construction Corporation in order to accept a job which he knew would last longer than two weeks.

The employer's representative could neither confirm nor deny claimant's allegation that his job was coming to an end and he would have been laid off in any event within two weeks from March 27, 1991.

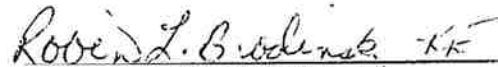
CONCLUSIONS OF LAW

The evidence shows that the claimant anticipated a layoff, and for that reason he left his employment with Lane Construction Corporation in advance of that layoff to accept employment as a carpenter with another company at the same or comparable rate of pay and benefits but of slightly longer longevity. Although the claimant has failed to show "good cause" for voluntarily otherwise gainful employment as heretofore determined by the Claims Examiner, yet he has shown "valid circumstances" for voluntarily leaving that job in order to accept comparable employment with assurances that it would last longer than the anticipated length of time with Lane Construction Corporation. For this reason,

based upon the valid circumstances, the disqualification imposed merits reduction.

DECISION

The claimant's unemployment was due to leaving work voluntarily, without good cause, within the meaning of the Code of Maryland, Labor and Employment Article, Title 8, Section 1001. Benefits are denied for the week beginning March 24, 1991 and the nine weeks immediately following.


Robin L. Brodinsky
Hearing Examiner

Date of Hearing: 01/14/92
kc/Specialist ID: 50520
(Cassette Attached to File)

Copies mailed on 01/22/92 to:

Claimant
Employer
Out-of-State Claims - (MABs)