

Maryland

DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT

1100 North Eutaw Street
Baltimore, Maryland 21201
(301) 333-5033



William Donald Schaefer, Governor
J. Randall Evans, Secretary

BOARD OF APPEALS

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

— DECISION —

	Decision No.:	616-BR-89
	Date:	July 21, 1989
Claimant: Brenda Woods	Appeal No.:	8905132
	S. S. No:	
Employer: Triple Crown Restaurant, Inc. ATTN: Donna Musgrave Personnel/Bookkeeper	L.O. No.:	23
	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 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.

August 20, 1989

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

— 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 Hearing Examiner. The Board has not considered any evidence proffered on appeal but has

confined its review to the record made before the Hearing Examiner.

The Board agrees with the claimant's contention on appeal that there is no substantial evidence in the record that there actually is a maternity leave policy in effect which would be a reasonable alternative for the claimant in her particular situation. The maternity leave, therefore, was not a "reasonable alternative," and the claimant's failure to seek a maternity leave cannot be considered as a sufficient reason for imposing the maximum penalty under Section 6(a).

The claimant failed to pursue any other alternatives at all to quitting because she had already decided that she had no intention of ever returning to her job as a waitress. She testified that this was her intention because the job entailed too much work for too little money.

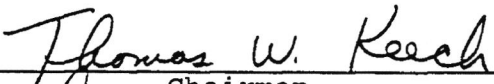
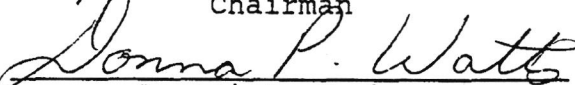
Since there was no evidence of reasonable alternatives available to the claimant at the time she became disabled, the claimant cannot be penalized for not seeking them. In addition, the immediate cause of her quitting was her physical inability to work. The Board thus concludes that the claimant had "valid circumstances" within the meaning of Section 6(a) of the law.

Since the claimant's condition was not caused by the employment, however, it cannot constitute good cause. In addition, there is no evidence that the amount of work or the amount of pay was any different from what was agreed to at the time of hire. These conditions thus cannot constitute good cause either.

DECISION

The claimant left work voluntarily, without good cause but with valid circumstances, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. Benefits are denied from the week beginning January 8, 1989 and the nine weeks immediately following.

The decision of the Hearing Examiner is modified.


Chairman

Associate Member

K:DW
kbm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - COLUMBIA



Maryland

Department of Economic & Employment Development

William Donald Schaefer
Governor

J. Randall Evans
Secretary

1100 North Eutaw Street
Baltimore, Maryland
21201

(301) 333-5040

— DECISION —

Claimant: Brenda S. Woods
Date: Mailed: 5 / 2 4 / 8 9
Appeal No.: 8905132
S. S. No.:
Employer: Triple Crown Rest, Inc.
L.O. No.: 23
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 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 June 8, 1989

-APPEARANCES -

FOR THE CLAIMANT:

Claimant-Present

FOR THE EMPLOYER:

Donna Musgrave,
Personnel/Bookkeeper

FINDINGS OF FACT

The claimant had been employed by Triple Crown Restaurant from January 23, 1988 to January 13, 1989, as a waitress.

The claimant is pregnant; the claimant's expected date of child birth is October 2, 1989. The claimant resigned employment at the Triple Crown Restaurant, Inc., because she began to spot during

her pregnancy. The claimant had two miscarriages on October 30, 1988, and on November 10, 1988. The claimant resigned her employment due to the lifting on the job, and also the 'constant standing that she had to do. The claimant did not request to take a leave-of absence or go on a maternity leave during the time of her pregnant condition: The claimant's standing on the job and lifting was having an adverse effect on the claimant's pregnant condition.

CONCLUSIONS OF LAW

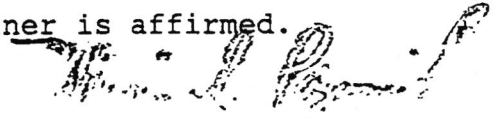
The claimant resigned her employment at the Triple Crown Restuarant, Inc., because the standing on the job, and the lifting was having an adverse effect on the claimant's pregnant condition. The claimant did not discuss with her employer about taking a leave of absence during her pregnant condition. The claimant's reason for leaving employment at the Triple Crown Restaurant, Inc., does not constitute good cause for leaving work within the meaning of Section 6(a) of the Law.

There exist no valid circumstances present to warrant less than the maximum penalty allowed by Law. The claimant failed to request a leave of absence from her employer prior to leaving her job.

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. Benefits are denied from the week beginning January 8, 1989, and until the claimant becomes reemployed and earns (\$1,110), and thereafter becomes unemployed through no fault of her own.

The determination of the Claims Examiner is affirmed.



Marvin I. Pazornick
Hearing Examiner

Date of hearing: 5/19/89
rsb/Specialist ID:23993
Cassette #4368A

8905132

Copies mailed on 5/24/89 to:

Claimant
Employer
Unemployment Insurance-Columbia(MABS)