

 **Maryland**  
Department of Economic &  
Employment Development

*William Donald Schaefer, Governor*  
*Mark L. Wasserman, Secretary*

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

**— DECISION —**

	Decision No.:	725-BR-92	
	Date:	April 29, 1992	
Claimant:	Waldina Cottman	Appeal No.:	9122015
		S. S. No.:	
Employer:	Hill & Sons Mgmt. Co., Inc.	L. O. No.:	1
		Appellant:	CLAIMANT

Issue: Whether the claimant was discharged for gross misconduct or misconduct, connected with her work, within the meaning of Section 8-1002 or 8-1003 of the law; whether the claimant left work voluntarily, without good cause, within the meaning of Section 8-1001 of the Labor and Employment Article.

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**— 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 29, 1992

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**— APPEARANCES —**

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals affirms in part and reverses in part the decision of the Hearing Examiner. The Board adopts the findings of fact of the Hearing Examiner.

A simple separation from employment cannot be both a quit and a discharge. The Board concludes that the claimant did not voluntarily quit, but was discharged. Management personnel conveyed to the claimant that she was not to report for work any more, due to her difficulties in learning the work. This management decision constitutes a discharge. The claimant's interpretation of this conversation as a discharge was reasonable. There was no intent to voluntarily quit.

A discharged employee is under no obligation to appeal to higher level management employee, unless the discharged employee has actual knowledge that the discharging management employee does not have the right to discharge. The claimant in this case had no such actual knowledge.


There is no evidence of any misconduct.

#### DECISION

The claimant was discharged, but not for any misconduct, connected with her work, within the meaning of Section 8-1002 or 8-1003 of the Labor and Employment Article. No disqualification is imposed based on her separation from employment with Hill & Sons Management Company, Inc.

The decision of the Hearing Examiner is affirmed in part and reversed in part.

  
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Chairman

  
\_\_\_\_\_  
Associate Member

K:DW

kbm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

**Gayle Gray Turek**

ltant

UNEMPLOYMENT INSURANCE - BALTIMORE