



DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT

BOARD OF APPEALS

Thomas W. Keech  
Chairman

Hazel A. Warnick

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



William Donald Schaefer, Governor  
J. Randall Evans, Secretary

Decision No.: 736-BH-87  
Date: October 21, 1987  
Appeal No.: 8706153  
S. S. No.: --  
LO. No.: 9  
Appellant: EMPLOYER

Claimant: Elsie Humbert

Employer: The Martin Pollak Project  
ATTN: Judith Neall  
Office Manager

Issue: Whether the claim-ant 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, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

November 20, 1987

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

— APPEARANCES —

FOR THE CLAIMANT:

Claimant not present

FOR THE EMPLOYER:

Judith Neall,  
Office Manager

## EVALUATION OF EVIDENCE

The Board of Appeals has considered all of the evidence presented, including the testimony offered at the hearings. The Board has also considered all of the documentary evidence introduced in this case, as well as the Department of Economic and Employment Development's documents in the appeal file.

## FINDINGS OF FACT

The claimant was employed for about two years for the Martin Pollak Project. Her last pay rate was \$22,000 annually. The claimant was a good worker who had received an above average evaluation. She had been employed as the Program Director, but a new Executive Director, who began in January of 1986, reorganized the agency. The claimant then became the Director of Volunteers and Community Services. On December 8, 1986, the claimant submitted a letter of resignation, to be effective on February 11, 1987. In that resignation, the claimant stated that she was giving the employer this leave time so that another Director of Volunteers and Community Services could be hired and because she had obtained another job beginning February 16, 1987.

The employer was undergoing some financial difficulties and some employees were going to have to be laid off. Because of the claimant's good evaluations and her seniority, however, the claimant would not have been laid off. Although the claimant had no volunteers to coordinate at the time of resignation, this was because she had not had an opportunity to obtain volunteers by the time she resigned. This was not because the job was being phased out at that time.

There was a layoff, which occurred in February of 1987 and would not have affected the claimant's job had she not resigned. The employer did, however, after the claimant resigned, decide to reorganize and abolish the position.


## CONCLUSIONS OF LAW

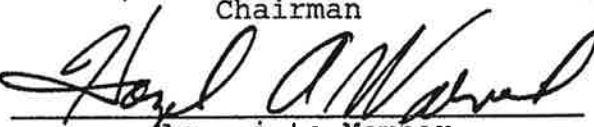
The Board concludes that the claimant voluntarily left her employment, without good cause or valid circumstances within the meaning of Section 6(a) of the law. Although her employer was in some degree of financial trouble, the claimant did not have any reasonable fear of an impending lay off. The burden in a voluntary quit case is on the claimant to show why he or she has left the employment. The claimant has not met that burden, having given reasons in her resignation letter which were different from her testimony at the hearing. The claimant has not met her burden of showing either good cause or valid circumstances.

DECISION

The claimant voluntarily left her job, without good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. Benefits are denied from the week beginning February 8, 1987 and until she becomes reemployed, earns at least ten times her weekly benefit amount (\$1,950) and thereafter becomes unemployed through no fault of her own.

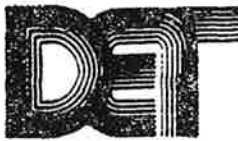
The decision of the Hearing Examiner is reversed. The determination of the Claims Examiner is reinstated.

  
\_\_\_\_\_  
Chairman

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

K:W  
kbm  
COPIES MAILED TO:

CLAIMANT  
EMPLOYER  
UNEMPLOYMENT INSURANCE - TOWSON



DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

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STATE OF MARYLAND
William Donald Schaefer
Governor

BOARD OF APPEALS

THOMAS W. KEECH
Chairman

HAZEL A. WAPNICK

Associate Member

SEVERN E. LANIER
Appeals Counsel

MARK R. WOLF
Chief Hearing Examiner

DECISION

Claimant: Elsie M. Humbert
3912 W. Northern Parkway
Baltimore, MD. 21215
Date: Mailed 7/17/87
Appeal No.: 8706153
S. S. NO.: 219-40-2278
Employer: Martin Pollack Project
513 Center Drive
Severna Park, Md. 21146
L.O. No.: 09
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 FURTHER APPEAL

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A FURTHER APPEAL AND SUCH APPEAL 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 August 3, 1987

APPEARANCES

FOR THE CLAIMANT

FOR THE EMPLOYER

Claimant-Present

Not Represented

FINDINGS OF FACT

The claimant filed an original claim for unemployment insurance benefits at Towson, effective February 15, 1987.

The claimant, who is currently gainfully employed, was last employed by the Martin Pollack Project, as Coordinator of Volunteer Services, at a pay rate of \$22,000 annually.

There came a time when the claimant learned that the organization was in financial straits, and the Executive Director was proposing to abolish her position. The Agency's Board vetoed that proposal, contending that volunteer services were still important. The claimant was evaluated as an above average employee. An attachment to her performance evaluation showed that her position had been slated for abolition by the former Executive Director. The claimant had been given to understand that she would be laid off. There came a time when there were no longer any volunteers to coordinate. All the work had been completed. The claimant then submitted notice of her resignation, and she continued to work until February 11, 1987, when she quit the job. Immediately after the claimant quit, her job was formally abolished.

I find as fact, that for at least a year, the employer intended to abolish the claimant's job. I find that the services which the claimant was coordinating were continuously diminishing. I find that at the end of her employment, there were no longer any volunteers to coordinate, and that all work that she was doing was completed. I find that her job was abolished.

#### CONCLUSIONS OF LAW

The cause of the claimant's unemployment was due to leaving work voluntarily, but for good cause, within the meaning of Section 6(a) of the Unemployment Insurance Law. "Good cause" is a cause which is directly attributable to the conditions of employment or actions of the employer. Here, the evidence shows that the employer intended to abolish the claimant's job, that work was continuously diminishing, the employer was in financial difficulty and the job was, in fact, finally abolished immediately after the claimant's voluntary separation. Therefore, while voluntary, the claimant's unemployment was directly attributable to the conditions of the employment and actions of the employer, resulting in the final abolition of her job.

#### DECISION

It is held that the claimant's unemployment was due to leaving work voluntarily, with good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. Benefits are



allowed for the week beginning February 15, 1987 and thereafter, provided the claimant is otherwise eligible and has been meeting the requirements of the Unemployment Insurance Law.

*Robin L. Brodinsky*

Robin L. Brodinsky  
Hearing Examiner

Date of hearing: 7/10/87  
Cassette: 4065  
hf (Specialist ID:09658)

Copies mailed on 7/17/87 to:

- Claimant
- Employer
- Unemployment Insurance - Towson- (MABS)