

DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND
HARRY HUGHES
Governor

BOARD OF APPEALS
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

(301) 383-5032

BOARD OF APPEALS

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Chairman

HAZEL A. WARNICK
MAURICE E. DILL
Associate Members

SEVERN E. LANIER
Appeals Counsel

MARK R. WOLF
Chief Hearing Examiner

- DECISION -

Decision No.: 765-BE-84

Date: September 18, 1984

Claimant: Joe R. Cortez

Appeal No.: 13593

S. S. No.:

Employer: American Cooperage &
Steel Drum

LO. No.: 40

Appellant EMPLOYER

Issue:
Whether the claimant was discharged for misconduct connected with the work, within the meaning of §6(c) 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.

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON October 18, 1984

- APPEARANCES -

FOR THE CLAIMANT:

FOR THE EMPLOYER:

EVALUATION OF EVIDENCE

The Board has made this decision based on the evidence taken before Appeals Referee Gerald E. Askin at the hearing date on March 14, 1984. At the previous hearing, on December 7, 1983, the employer was present, but the claimant had not been given

any notice of the hearing. For this reason, the second hearing was scheduled on March 14, 1984 and both parties were duly notified of that hearing. At that hearing, only the claimant appeared. The Board of Appeals scheduled an additional hearing on June 26, 1984 at which both parties would have had the opportunity to confront and cross-examine each other. Neither party appeared at that hearing, and the Board must make its decision based on the evidence presented at the hearing of March 14, 1984.

FINDINGS OF FACT

The claimant was employed as a full-time welder and maintenance mechanic from December 7, 1982 through March 31, 1983. The claimant had missed a great amount of time from work on account of personal problems. The employer, however, had acquiesced to these absences. Despite this fact, the claimant was discharged for these absences.

Since the employer acquiesced to the claimant's conduct in this case, it cannot be considered misconduct or gross misconduct within the meaning of §6(b) or §6(c) of the law.

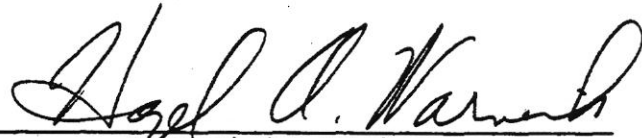
DECISION

The claimant was discharged, but not for misconduct connected with the work within the meaning of §6(b) or §6(c) of the Maryland Unemployment Insurance Law. No disqualification is imposed based on the claimant's separation from employment with American Cooperage and Steel Drum. The claimant may contact the local office concerning the other eligibility requirements of the law.

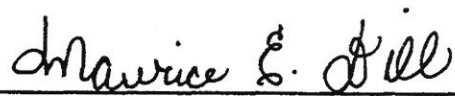
The decision of the Appeals Referee is affirmed.



Chairman



Associate Member



Associate Member

K:W:D

kbm

Date of Hearing: June 26, 1984

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CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - EASTPOINT