

 **Maryland**
Department of Economic &
Employment Development

William Donald Schaefer, Governor
Mark L. Wasserman, Secretary

Board of Appeals
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Baltimore, Maryland 21201
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Board of Appeals
Thomas W. Keech, Chairman
Hazel A. Warnick, Associate Member
Donna P. Watts, Associate Member

— DECISION —

Decision No.: 774-BR-92
Date: May 8, 1992
Appeal No.: 9201131
S. S. No.:

Claimant: Willie J. Washington

Employer: Montgomery Co. Public Schools
c/o Unemployment Tax Service

L.O. No.: 43
Appellant: CLAIMANT

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Issue: Whether the claimant was discharged for gross misconduct, connected with the work, within the meaning of Section 8-1002 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 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.

THE PERIOD FOR FILING AN APPEAL EXPIRES

June 7, 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 Board adopts the findings of fact but disagrees with the Hearing Examiner's conclusion of law that the employer condoned the claimant's behavior.

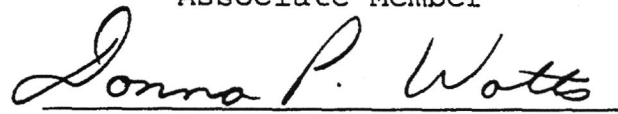
The employer repeatedly warned the claimant about his absenteeism, lateness and failure to properly request leave. Repeated warnings, even over a long period of time, are not condonation. The claimant's excessive absences and lateness, without calling in and in the face of warnings amount to a repeated violation of employment rules that prove a regular and wanton disregard of his obligations, one of the definitions of gross misconduct.

DECISION

The claimant was discharged for gross misconduct, connected with the work, within the meaning of Section 8-1002 of the Labor and Employment Article stands. He is disqualified from receiving benefits from the week beginning December 1, 1991 and until he becomes reemployed, earns at least ten times his weekly benefit amount (\$2,230.00) and thereafter becomes unemployed through no fault of his own.

The decision of the Hearing Examiner is reversed.


Associate Member


Associate Member

H:D

kmb

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CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - WHEATON