



DEPARTMENT OF HUMAN RESOURCES

EMPLOYMENT SECURITY ADMINISTRATION
1100 North Eutaw Street
Baltimore, Maryland 21201
Telephone: 383-5032

BOARD OF APPEALS
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Appeals Counsel

STATE OF MARYLAND
HARRY HUGHES
Governor

RUTH MASSINGA
Secretary

—DECISION—

	DECISION NO.:	817-BR-83
	DATE:	June 24, 1983
CLAIMANT: Maxine P. Morris	APPEAL NO.:	03283
	S.S.NO.:	
EMPLOYER: Automated Health Systems	LO. NO.:	40
Attn: Darlene Wakefield Director	APPELLANT:	CLAIMANT

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

July 24, 1983

— APPEARANCE —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon a review of the record in this case, the Board of Appeals reverses the decision of the Appeals Referee.

The Claimant was given a written evaluation by her supervisor. The Claimant disputed certain allegations made by the supervisor in the written evaluation. As a result, she responded in the form of a written memorandum to her supervisor, sending a copy to the president of the company. The Claimant also set forth complaints she had with her supervisor. For this reason, the Claimant was discharged for the Employer determined that the Claimant's actions constituted insubordination.

We conclude upon a review of the entire record in this case, including the Claimant's memorandum, that the Claimant was discharged for reasons which do not constitute misconduct connected with the work within the meaning of Unemployment Insurance Law.

The Board of Appeals denies the Claimant's request to withdraw the appeal.

DECISION

The Claimant was discharged, but not for misconduct connected with the work within the meaning of §6(c) of the Maryland Unemployment Insurance Law. No disqualification is imposed under this section of the Law.

The decision of the Appeals Referee is reversed.



Associate Member



Chairman

D:K
gm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

Joseph T. Williams, Esquire
O'Donnell & Williams

UNEMPLOYMENT INSURANCE - EASTPOINT



STATE OF MARYLAND
 HARRY HUGHES
 Governor
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 Secretary

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 MARK R. WOLF
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 Hearings Examiner

- DECISION -

CLAIMANT: Maxine P. Morris
 EMPLOYER: Automated Health Systems
 DATE: Apr. 27, 1983
 APPEAL NO.: U3283
 S. S. NO.:
 L. O. NO.: 40
 APPELLANT: Claimant

ISSUE:
 Whether the claimant was discharged for gross misconduct con-
 netted with the work within the meaning of Section 6(b) 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 FURTHER APPEAL EXPIRES AT MIDNIGHT ON May 12, 1983

- APPEARANCES -

FOR THE CLAIMANT:

Maxine P. Morris, Present

FOR THE EMPLOYER:

Darlene Wakefield,
 Director;
 Joseph T. Williams,
 Attorney for
 Employer

FINDINGS OF FACT

The claimant filed a claim for benefits effective February 20, 1983, and established a weekly benefit amount of \$107. The claimant was denied benefits by the Local Office under Section 6(b) of the Law on the ground that she was discharged for poor attendance, poor job performance, and insubordination after

being warned.

The claimant was employed by Automated Health Systems, Towson, Maryland beginning September, 1979. Her last day of work in this employment was February 23, 1983. The claimant had been given an evaluation by her supervisor. The evaluation forms evaluated the claimant on several aspects of the employment, generally the claimant disagreed with the evaluation. She wrote a letter to the employer, addressing it to the supervisors, and sent a copy to the president, who was located in Pittsburgh, Pennsylvania. In the letter the claimant mentioned some of what she thought were deficiencies on the part of the employer and maintained that her supervisors' ways were not always the best way to do things. She mentioned, among other things, that the supervisor got credit for what the claimant and others had done. She took the supervisors "to task" over the actions of the supervisor. The claimant made reference in the memo to the president of the company, telling him that he was also wrong in some of the things that he had accused the claimant of doing. As a result of the claimant's memorandum, a copy of which was sent to the president, the president made a special trip from Pittsburgh to the Baltimore to see what the trouble was and to correct it. According to the employer's representative, the claimant was discharged because of the flippant attitude and addressing the memo personally to the president of the company.

CONCLUSIONS OF LAW

The evidence shows that the claimant was separated from the employment because of the memorandum that she wrote to the president of the company which specifically spoke of the shortcomings of supervision. The claimant's actions constituted misconduct connected with the work within the meaning of Section 6(c) of the Maryland Unemployment Insurance Law. The determination of the Claims Examiner shall be reversed.

DECISION

The claimant was discharged for misconduct connected with the work within the meaning of Section 6(c) of the Maryland Unemployment Insurance Law. She is disqualified from receiving benefits for the week beginning February 20, 1983 and the nine weeks immediately following.

This denial of unemployment insurance benefits for a specified

number of weeks will also result in ineligibility for Extended Benefits and Federal Supplemental Compensation (FSC), unless the claimant has been employed after the date of the disqualification.


M. Zahner
APPEALS REFEREE

Date of hearing: April 7, 1982

Cassette: 1714

hf (J. Self)

COPIES MAILED TO:

Claimant
Employer
Unemployment Insurance-Eastpoint

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