

Maryland

DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT

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



William Donald Schaefer, Governor
J. Randall Evans, Secretary

BOARD OF APPEALS

Thomas W. Keech, Chairman
Hazel A. Warnick, Associate Member
Donna P. Watts, Associate Member

— DECISION —

	Decision No.:	834-BR-88
	Date:	Sept. 14, 1988
Claimant: Lawrence H. Young	Appeal No.:	8804764
	S. S. No.:	20743
Employer: Robert F. Thorne, Sr.	L.O. No:	7
	Appellant:	EMPLOYER

Issue: Whether the claimant 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, 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 AT MIDNIGHT ON **October 14, 1988**

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record of this case, the Board of Appeals adopts the Findings of Fact of the Haering Examiner, but rejects the Conclusions of Law.

The claimant lost his mode of transportation through his own fault. Transportation to and from employment is the responsibility of the employee. Saunders v. Earl D. Wilk Contractors (332-BR-86). Loss of transportation, by one's own fault, is not good cause nor valid circumstances as defined in Section 6(a) of the Maryland Unemployment Insurance Law. The Board does not find the repossession of the claimant's car in these circumstances to constitute a "compelling" or "necessitous" reason for leaving the job. Compare this case with Johnson v. Direct Marketing Association (1814-BR-82) and Apson v. Kenster Tri-State and Co. (655-BH-83), where the claimants lost transportation through no fault of their own and could make no alternative arrangements.

DECISION

The unemployment of the claimant was due to leaving work voluntarily? without good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. He is disqualified from receiving benefits from the week beginning March 13, 1988 and until he becomes reemployed, earns at least ten times his weekly benefit amount and thereafter becomes unemployed through no fault of his own.

The decision of the Hearing Examiner is reversed.


Associate Member


Chairman

D:K

kmb

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - COLLEGE PARK

STATE OF MARYLAND
APPEALS DIVISION
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201
(301) 383-5040

STATE OF MARYLAND
William Donald Schaefer
Governor

--- DECISION ---

Date: Mailed June 20, 1988
Claimant: Lawrence H. Young Appeal No.: 8804764
S.S.No.:
Employer: Robert F. Thorne, Sr. L.O. No.: 0'7
Appellant: Claimant

Issue: Whether the claimant's unemployment was due to leaving 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 FURTHER APPEAL EXPIRES AT MIDNIGHT ON July 5, 1988
NOTICE: APPEALS FILED BY MAIL INCLUDING SELF-METERED MAIL ARE CONSIDERED FILED ON THE DATE OF THE U.S. POSTAL SERVICE POSTMARK.

- APPEARANCES -

FOR THE CLAIMANT:

Present

FOR THE EMPLOYER:

Represented by
Ms. Lucille Thorne,
Employee's Wife,
Bookkeeper-Secretary

FINDINGS OF FACT

The claimant voluntarily quit his job as a Construction Carpenter for Robert F. Thorne, Sr. on or about March 16, 1988, after substantially ten years of employment there, because he lost his transportation to work. The employer had completed the work the claimant could do at the job site in Prince George's County and assigned the claimant to work at a new job site in Anne Arundel County. The claimant had no transportation to the new job site when his car was repossessed due to an unpaid debt. The employer

was well satisfied with the claimants performance and would rehire the claimant if the claimant could get transportation to the job site.

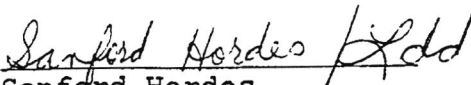
CONCLUSIONS OF LAW

It is concluded from the undisputed evidence that the claimant voluntarily quit his job, without good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. It is a well recognized practice among construction carpenters that it is their responsibility to get to the job site. And, that the employer has no responsibility for a worker's transportation to and from the job site unless specific arrangements to this effect were made between the employer and the construction carpenter. The claimant quit his job only because he had no transportation to the Anne Arundel County job site. Since it was his responsibility to get to work where the work was being performed, the claimant has no one but himself to blame for the unemployment that ensued when he was unable to get to his newly assigned job site.

A reduced disqualification will be imposed, however, in view of the valid circumstances in this case, since the claimant's inability to get transportation was due to economic circumstances, i.e. the repossession of his automobile due to unpaid debts. The Local Office is requested to look into the problem of the claimant's availability for work within the meaning of Section 4(c) of the Law, since he is seeking work as a construction carpenter and does not have the transportation to work sites where he is likely to find such work.

DECISION

The claimant is unemployed because he voluntarily quit his job with Robert F. Thorne, Sr., without good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. Benefits are denied for the week beginning March 13, 1988 and for the four weeks that followed ending April 16, 1988. Benefits are payable to the claimant as of April 17, 1988, if he was otherwise eligible under the Maryland Unemployment Insurance Law.


Sanford Hordes
Hearing Examiner

Date of Hearing on June 3, 1988:

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3392B(Specialist I.D:07211)

Copies Mailed on June 20, 1988 to:

Claimant
Employer
Unemployment Insurance - College Park (MABS)