

**- DECISION -**

Claimant:  
BRANDON L KIRBY

Decision No.: 862-BR-11

Date: February 11, 2011

Appeal No.: 1039199

S.S. No.:

Employer:  
CHESAPEAKE SERVICE CENTER LLC

L.O. No.: 63

Appellant: Claimant

Issue: Whether the claimant's separation from this employment was for a disqualifying reason within the meaning of the Md. Code Annotated Labor and Employment Article, Title 8, Sections 1002-1002.1 (Gross/Aggravated Misconduct connected with the work), 1003 (Misconduct connected with the work) or 1001 (Voluntary Quit for good cause).

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**- NOTICE OF RIGHT OF APPEAL TO COURT -**

You may file an appeal from this decision in the Circuit Court for Baltimore City or one of the Circuit Courts in a county in Maryland. The court rules about how to file the appeal can be found in many public libraries, in the *Maryland Rules of Procedure, Title 7, Chapter 200*.

The period for filing an appeal expires: March 14, 2011

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**REVIEW ON THE RECORD**

After a review on the record, the Board deletes "or about" from the first sentence and both times from the third sentence of the first paragraph. The Board adopts the hearing examiner's modified findings of fact. The Board makes the following additional findings of fact:

During his 3-month review, the claimant was cautioned about his excessive cell phone use while trying to perform repair work. He attempted to minimize this and was not warned about it again through the final eight months of employment. At his discharge, the employer stated that things were just not working out, that the claimant's performance was too slow, and that the claimant was not billing enough hours for the pay he was receiving.