

 **Maryland**  
Department of Economic &  
Employment Development

*William Donald Schaefer, Governor*  
*J. Randall Evans, Secretary*

*Board of Appeals*  
*1100 North Eutaw Street*  
*Baltimore, Maryland 21201*  
*Telephone: (301) 333-5032*

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

— DECISION —

Decision No.: 864-BR-89

Date: October 4 , 1989

Claimant: Edward Patterson

Appeal No.: 8906509

S. S. No.:

Employer: Applied Physics Laboratory  
c/o Johns Hopkins University  
ATTN: Ned Aull, Pers. Supvr.

L.O. No.: 1

Appellant: EMPLOYER

Issue:

Whether the claimant was discharged for gross misconduct or misconduct, connected with his work, within the meaning of Section 6(b) or 6(c) of the law.

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—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.

November 3 , 1989

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

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— 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. In making the findings of fact below, the Board has reversed the credibility

finding of the Hearing Examiner, based upon a careful review of the evidence.

The claimant was employed as a senior maintenance worker.

The employer had hired a private investigator to investigate the use and sale of illegal drugs on their property. In the presence of the private investigator, and on company property, the claimant purchased, on credit, a \$10.00 bag of marijuana. This was a violation of the employer's standards of ethics and conduct.

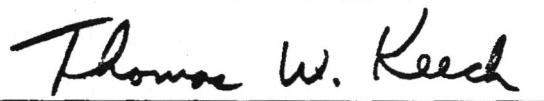
The claimant was discharged for this incident. The claimant's actions constitute gross misconduct as defined in Section 6(b) of the Maryland Unemployment Insurance Law, as it was a deliberate violation of standards of behavior the employer has a right to expect, showing a gross indifference to the employer's interest.

#### DECISION

The claimant was terminated from employment due to gross misconduct, as defined in Section 6(b) of the Maryland Unemployment Insurance Law. He is disqualified from receiving benefits from the week beginning February 12, 1989 and until he becomes re-employed, earns at least ten times his weekly benefit amount (\$1,570), and thereafter becomes unemployed through no fault of his own.

The decision of the Hearing Examiner is reversed.

  
\_\_\_\_\_  
Associate Member

  
\_\_\_\_\_  
Chairman

DW:K

kbm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

Jeffrey Ayers, Esq.  
1800 Mercantile Bank & Trust  
2 Hopkins Plaza  
Baltimore, MD 21201

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 **Maryland**  
**Department of Economic &  
Employment Development**

**-DECISION-**

Date Mailed: July 31, 1989

Claimant: Edward J. Patterson

Decision No.: 8906509

S.S.No.:

Employer: Applied Physics Lab  
The Johns Hopkins University

LO. No.: 1

Appellant: Claimant

Issue: Whether the claimant was discharged for gross misconduct connected with the work, within the meaning of Section 6(b) of the Law. Whether there is good cause to reopen this dismissed case, within the meaning of COMAR 24.02.06.02(N).

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**- 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 PETITION FOR REVIEW EXPIRES AT MIDNIGHT ON August 15, 1989

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**-APPEARANCES-**

FOR THE CLAIMANT:

Edward J. Patterson - Claimant  
Howard Margulies - Attorney

FOR THE EMPLOYER:

Ned Aull,  
Personnel Supervisor  
Applied Physics Lab  
Luch Smith,  
Investigator  
Jeffery Ayres,  
Attorney

PREAMBLE

This case was scheduled for hearing on June 22, 1989 in the Baltimore office of the Department of Economic and Employment Development. For non-appearance of the claimant/appellant, the case was dismissed. For good cause shown and timely filed, the case is hereby reopened.

Howard Margulies, Esq.  
1017 N. Calvert Street  
Baltimore, MD 21202

UNEMPLOYMENT INSURANCE - BALTIMORE

FINDINGS OF FACT

The claimant was employed from December, 1988 and at the time of separation was a senior maintenance worker at a pay rate of \$7.40 per hour for full-time employment. On February 17, 1989, he was discharged for an incident on December 12, 1988. On that day, the claimant allegedly brought a small amount of marijuana from a co-worker on the employer's premises in violation of the employer's standards of ethics and conduct.

The claimant denied the allegation at the time they occurred and continued to do so at the appeal hearing. The claimant did not commit the act alleged. The above described incident was the only reason for his discharge.

CONCLUSIONS OF LAW

It is held that the claimant was discharged by decision of the employer but the evidence is insufficient to disqualify him under provisions of Section 6(b) or 6(c) of the Maryland Unemployment Insurance Law.

No disqualification will be imposed based on his separation from this employment.

The determination of the Claims Examiner will be reversed.

DECISION

The claimant was discharged but not for misconduct connected with the work, within the meaning of Section 6(b) or 6(c) of the Maryland Unemployment Insurance Law.

No disqualification is imposed based on his separation from this employment on or about February 17, 1989.

The determination of the Claims Examiner is hereby reversed.



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P.J. Hackett  
Hearing Examiner

Date of Hearing: July 25, 1989  
bch/Specialist ID: 01032  
Cassette No: 6602 A-B  
Copies mailed on July 31, 1989 to:

Claimant  
Employer  
Unemployment Insurance - Baltimore (MABS)

Edward Margulies, P.A.