



DEPARTMENT OF HUMAN RESOURCES

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

STATE OF MARYLAND
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Governor

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Secretary

BOARD OF APPEALS
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HAZEL A. WARNICK
MAURICE E. DILL
Associate Members
SEVERN E. LANIER
Appeals Counsel

—DECISION—

	DECISION NO:	885-BR-83
	DATE:	July 21, 1983
CLAIMANT:	Lawrence J . Leon	APPEAL NO.: 02780
	S.S.NO:	CLAIMANT
EMPLOYER:	Southern States Cooperative	LO.NO.: 50
	APPELLANT:	CLAIMANT

ISSUE Whether the Claimant failed, without good cause, to accept suitable work when offered to him within the meaning of §6(d) of the Law; whether the unemployment of the Claimant was due to leaving work voluntarily, without good cause, within the meaning of §6(a) of the Law; and whether the Claimant was discharged for misconduct connected with his 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 MAY BE 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

August 20, 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 discharged by the Employer because, upon being transferred to a new location by the Employer, the Claimant insisted upon commuting rather than relocating. The Claimant, refused to relocate. Considering that the Claimant was willing to commute to the new location, the Board concludes that the Employer's policy was unreasonable and the Claimant's refusal to adhere to it is not misconduct.

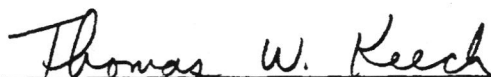
DECISION

The Claimant did not fail, without good cause, to accept suitable work when offered to him within the meaning of §6(d) of the Maryland Unemployment Insurance Law. No disqualification is imposed under this section of the Law.

The Claimant did not voluntarily leave his job. There is no disqualification imposed under this section of the Law.

The Claimant was discharged, but not for misconduct connected with the work within the meaning of §6(c) of the Maryland Unemployment Insurance of the Law. No disqualification is imposed based on his separation from his employment with the Southern States Cooperative. The Claimant may contact the local office concerning other eligibility requirements of the Law.

The decision of the Appeals Referee is reversed.


Chairman


Associate Member

K:D
gm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

OUT OF STATE CLAIM (Folder not available)



DEPARTMENT OF HUMAN RESOURCES
 EMPLOYMENT SECURITY ADMINISTRATION
 1100 NORTH EUTAW STREET
 BALTIMORE, MARYLAND 21201
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BOARD OF APPEALS
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 Administrative
 Hearings Examiner

STATE OF MARYLAND
 HARRY HUGHES
 Governor
 KALMAN R. HETTLEMAN
 Secretary

- DECISION -

CLAIMANT: Lawrence J. Leon
 DATE: 5/4/83
 APPEAL NO.: 02780
 S. S. NO.:
 EMPLOYER: Southern States Cooperative
 L. O. NO.: 50 (Virginia)
 APPELLANT: Claimant

ISSUE: Whether the claimant failed, without good cause, to accept suitable work when offered to him within the meaning of Section 6(d) of the Law.

Whether the unemployment of the claimant 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 MAYBE 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 19, 1983

-APPEARANCES-

FOR THE CLAIMANT: Claimant-Present at hearing on 4/5/83 Falls Church, Virginia
 FOR THE EMPLOYER: Not Represented

FINDINGS OF FACT

The claimant began working for the employer on June 8, 1981, as a full-time Junior Management Trainee. At the time of his separation, which was January 20, 1983, the claimant was a senior management trainee earning \$17,500 a year.

The facts reveal that the employer was going to transfer the claimant to the employer's office in Woodsboro, Maryland and a company policy required an employee to live in the same town where the local office was located. The claimant did not want to

move to Woodsboro, Maryland because he was building a home in Virginia and was engaged to a lady who lived and worked in that area. The claimant requested the employer to allow him to live in the Germantown area of Maryland, so that he would more or less in between Virginia and his work location, Woodsboro, Maryland but, the company insisted that the claimant conform to their policy. When the employer was not willing to accede to the claimants request and the claimant was not willing to accede to the employer's request, they mutually agreed to end the employment.

There was continuous work available to the claimant if he had chosen to remain with the employer.

CONCLUSIONS OF LAW

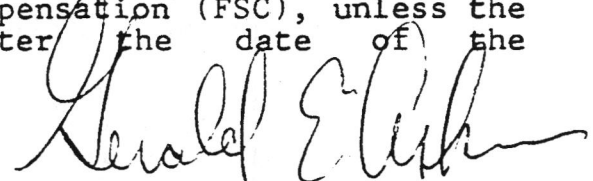
The non-monetary determination of the Claims Examiner that the unemployment of the claimant was due to his having left work voluntarily, without good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law, is supported by the testimony of the claimant. The claimant separated himself from the employment on his own initiative when there was continuous work available to him and for reasons connected to the employment but for reasons that do not constitute good cause. However, the Appeals Referee agrees with the Claims Examiner that there were serious valid circumstances present for the claimant's quitting the employment which would warrant a less than maximum disqualification under the Law. It is for this reason, the determination of the Claims Examiner must be reversed, disqualifying the claimant under Section 6(d) of the Law. However, the claimant must be disqualified under Section 6(a) the Law.

DECISION

The claimant's unemployment 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 January 16, 1983, and the nine weeks immediately following.

The determination under Section 6(d) of the Law, shall be reversed.

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.**



Gerald E. Askin
Appeals Referee

Date of Hearing: 4/5/83 & 4/21/83

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(o/s8660)

Copies mailed to:

Claimant

Employer

Out of State Claim - No Folder Attached