

 **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.:	918-BR-89
	Date:	October 20, 1989
Claimant: Lawrence J. Fetty	Appeal No.:	8909462
	S. S. No.:	
Employer: Changing Point, Inc. ATTN: Donald Stein, Counselor	L. O. No.:	2
	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.	

—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 November 19, 1989

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals affirms the decision of the Hearing Examiner.

While negative comments about one's job conditions is generally not considered misconduct, see the Board decision in Krevere v. MAD Intelligent Systems, Inc., (890-BR-89) in this case the claimant's comments were a direct violation of his duty to his employer and the residents he was there to counsel. He knew or should have known that his remarks would severely undermine the morale of the resident. Under these circumstances, the claimant's discharge was for gross misconduct.

DECISION

The claimant was discharged for gross misconduct, connected with the work, within the meaning of Section 6(b) of the Maryland Unemployment Insurance Law. He is disqualified from receiving benefits from the week beginning July 9, 1989 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 affirmed.

Associate Member

Thomas W. Keech
Chairman

H:K

kmb

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - GLEN BURNIE

 **Maryland**
Department of Economic &
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Baltimore, Maryland
21201
(301) 333-5040

- DECISION -

Date: Mailed: 9/1/89
Decision No.: 8909462
s. s. No.:
LO. No.: 2
Appellant: Claimant
Claimant: Lawrence J. Fetty
Employer: Changing Point, Inc.

Issue: Whether the claimant was discharged for misconduct connected with the work, within the meaning of Section 6(c) 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 PETITION FOR REVIEW EXPIRES AT MIDNIGHT ON

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Lawrence J. Fetty - Present

Donald Stein,
Counselor/Technician
Coordinator
Paul Wells,
Clinical Director

FINDINGS OF FACT

The claimant was employed for some two years as a Counselor/Technician at the time of separation. He was being paid \$8.76 per hour for full-time employment in the employer's addiction treatment center. The claimant was discharged on or about July 11, 1989 concerning an incident on June 20, when the

claimant made disparaging remarks about the place of employment to a client, upsetting the client, and further indicated that he, the claimant, was looking for other employment. These actions were against company policy which the claimant knew or should have known. When the employer learned of this conduct, they investigated the incident and when the claimant admitted he had made some of the remarks, which were detrimental to the employer, they dismissed him.

CONCLUSIONS OF LAW

It is held that the claimant was discharged for gross misconduct connected with the work, within the meaning and intent of Section 6(b) of the Maryland Unemployment Insurance Law. He will be disqualified under that provision of the Statute. The determination of the Claims Examiner which ruled under Section 6(c) of the Maryland Unemployment Insurance Law will be reversed.

DECISION

The claimant was discharged for gross misconduct connected with the work, within the meaning of Section 6(b) of the Maryland Unemployment Insurance Law. Benefits are denied from the week beginning July 9, 1989 and until re-employed and earns at least ten times his weekly benefit amount.

The determination of the Claims Examiner under provisions of Section 6(c) of the Law is hereby reversed.

Date of hearing: 8/22/89
kac/Specialist ID: 02424/6935
Copies mailed on September 1, 1989 to:

Claimant
Employer
Unemployment insurance - Glen Burnie (MAILS)