



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.:	928-BR-90
		Sept. 17, 1990
Claimant: Wanda Sealock	Appeal No.:	9008280
	S. S. No.:	
Employer: Turner Development Co., Inc.	L O. No.:	4
ATTN : Phyllis Fisher Office Manager	Appellant:	CLAIMANT
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 BALTIMORE CITY, CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

October 17, 1990

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record of this case, the Board of Appeals reverses the decision of the Hearing Examiner. The Board adopts the findings of fact of the Hearing Examiner. However, the Board concludes that these facts warrant a lesser penalty than imposed.

The claimant had worked for this employer for a little over a year. During most of that time she had to work every weekend. The claimant was put in a position of continually choosing between employment or maintaining visitation rights with her son. She chose visitation with her son. The Board concludes that the claimant's reason for quitting was of such a necessitous or compelling nature that she had no reasonable alternative other than to leave the employment.

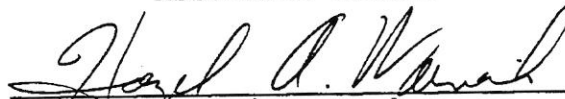
DECISION

The claimant voluntarily quit her employment without good cause, but with valid circumstances as defined in Section 6(a) of the Maryland Unemployment Insurance Law. She is disqualified from receiving benefits from the week beginning March 18, 1990 and for the four weeks immediately following.

The decision of the Hearing Examiner-is reversed.



Associate Member



Associate Member

DW:W

kbm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - HAGERSTOWN

 **Maryland**
Department of Economic &
Employment Development

William Donald Schaefer, Governor
J. Randall Evans, Secretary

William R. Merriman, Chief Hearing Examiner
Louis Wm. Steinwedel, Deputy Hearing Examiner

1100 North Eutaw Street
Baltimore, Maryland 21201

Telephone: 333-5040

— DECISION —

Date: Mailed: July 20, 1990
Appeal No.: 9008280
S. S. No.:
Employer: Turner Developpe Co. , Inc. LO. No.: 04
Appellant: Claimant
Claimant: Wanda K. Sealock

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 TO PETITION FOR REVIEW —

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A REVIEW AND SUCH PETITION FOR REVIEW MAYBE FILED IN ANY OFFICE OF THE DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT, OR WITH THE APPEALS DIVISION, ROOM515.1100 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 6, 1990

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Wanda K. Sealock - Claimant

Phylis Fisher,
Office Manager

FINDINGS OF FACT

The claimant became employed on February 11, 1989 and continued in the employment until March 24, 1990. The claimant, at the time of separation was a front desk clerk and earned a salary of \$4.75 per hour.

At the time, the claimant was employed to work evenings and weekends from 3 p.m. to 11 p.m. While the shift did not change, the days often varied. At the time, the claimant initially accepted employment with this employer, she requested that she be allowed to take every other weekend off to spend with her eleven year old son. The claimant's son lived with his father and she was permitted visitations on every other weekend. For more than a year, the claimant quite frequently was required to work every weekend and carried her son with her to work. When her former husband discovered that she was taking her son to work, he threatened to stop visitations if she could not take the time off. The claimant could not afford a babysitter and requested that the employer try to work something out so that she would not lose visitation rights with her son. The record shows that the company was extremely busy on weekends, but efforts were being made to hire and train someone so that the claimant could have the weekends off as she requested. However, before this process could be completed, the claimant resigned.

CONCLUSIONS OF LAW

Babysitting problems, like transportation problems are treated as personal problems of the employee. Only cases of extreme hardship are considered to be valid circumstances. Other cases which may sometimes amount to valid circumstances arise where the employer suddenly changes an employee schedule without giving the claimant an opportunity to change child care arrangements.

The claimant requested that her employer try to make arrangements to have someone else work every other weekend so that she could spend the time with her son and not jeopardize her visitation rights. However, the claimant quit rather precipitously, she just stopped showing up for work and did not give the employer an ample opportunity to respond to her request for assistance. In fact, the employer testified at this hearing that if the claimant reported for work the next week, she would had discovered that an employee had been hired and which would have given her the relief she requested. The evidence supports a conclusion that the claimant did not exercise reasonable alternatives which would have enabled her to remain employed.

The determination by the Claims Examiner will be affirmed.

DECISION

The claimant voluntarily quit her employment without good cause or valid circumstances, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law.

Benefits are denied for the week beginning March 18, 1990 and until he becomes re-employed, earns at least ten times his weekly benefit amount (\$1020) and thereafter becomes unemployed through no fault of his own.

The determination of the Claims Examiner is affirmed.

Mary Welcome
Mary Welcome
Hearing Examiner

Date of "Hearing: July 3, 1990
bch/Specialist ID: 04457
Cassette No: 4872
Copies mailed on July 20, 1990 to:

Claimant
Employer
Unemployment Insurance - Hagerstown (MABS)