

 **Maryland**
Department of Economic &
Employment Development

William Donald Schaefer, Governor
J. Randall Evans, Secretary

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

— DECISION —

	Decision No.:	957-BH-89
	Date:	November 2, 1989
Claimant: George C. Cox, Jr.	Appeal No.:	8905573
	S. S. No.:	
Employer: B. Green & CO., Inc.	L.O. No.:	1
	Appellant:	CLAIMANT

Issue:

Whether the claimant's unemployment was due to leaving work voluntarily, without good cause, within the meaning of Section 6(a) of the law; whether there is good cause to reopen this dismissed case within the meaning of COMAR 24.02.06.02(N).

—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, IF YOU RESIDE IN BALTIMORE CITY OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

December 2, 1989

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

— APPEARANCES —

FOR THE CLAIMANT:

George C. Cox, Jr., Claimant

John T. McGucken, Legal Counsel, D.E.E.D.

FOR THE EMPLOYER:

Jan Squitieri, Dir.
of Human Resources

EVALUATION OF EVIDENCE

The Board of Appeals has considered all of the evidence presented, including the testimony offered at the hearings. The Board has also considered all of the documentary evidence introduced in this case, as well as the Department of Economic and Employment Development's documents in the appeal file.

PROCEDURAL STATEMENT

There are two issues involved in this case: (1) whether or not the claimant has good cause for his case to be reopened within the meaning of COMAR 24.02.06.02(N); and (2) whether or not the claimant voluntarily quit his employment without -good cause within the meaning of Section 6(a) of the law.

After becoming separated from B. Green & Company, Inc., the claimant took a new job with a company that was headquartered in St. Louis, Missouri. The claimant contacted the agency several times, explaining that he was not able to personally attend a hearing. It is inexplicable why this case was not postponed until such time as the claimant was available to attend a hearing or why this case was not scheduled for a telephonic hearing.

FINDINGS OF FACT

As to the issue of whether or not the claimant has good cause to reopen his dismissed case, the following facts are found. After being terminated from his employment with B. Green & Co., Inc., the claimant obtained employment with a company that was headquartered in St. Louis, Missouri. The claimant was required to be out of state for training except for weekends. The claimant repeatedly called the agency and asked for a telephone hearing and also sent in a letter requesting a postponement. Neither one of these requests were granted, and hearings were scheduled for May 30, 1989 and June 26, 1989. Due to being out of town for job training, the claimant was unable to attend either of these hearings, and his case was dismissed.

As to whether or not the claimant voluntarily quit his employment without good cause, the Board finds the following facts. There had been two attempted buy-outs of B. Green & Co., Inc. that were unsuccessful. The claimant and another employee of the company then attempted to buy the company out themselves. They were able to obtain financing, and in October of 1988 they were close to closing the deal. On or about October 7, Bernard Green came to the claimant and