

 **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.:	958 -BH-89
	Date:	November 2, 1989
Claimant: John Nims	Appeal No.:	8808121
	S. S. No.:	
Employer: Bay Fence Company, Inc.	L O. No.:	33
	Appellant:	CLAIMANT

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 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.

THE PERIOD FOR FILING AN APPEAL EXPIRES ON December 2, 1989

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**— APPEARANCES —**

FOR THE CLAIMANT:

John Nims, Claimant

FOR THE EMPLOYER:

Stanley Bloom, Pres.  
Judy Bloom, Business  
Manager

## 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.

## FINDINGS OF FACT

The claimant was employed by the Bay Fence Company from January, 1987 to October 21, 1987. The claimant's employment was terminated when he was discharged by his employer.

The claimant was discharged for numerous reasons:

- (1) Lateness: The claimant was scheduled to work from 7:00 a.m. until 5:00 p.m. On numerous occasions he was late reporting for work and would also leave early without authorization.
- (2) Missed appointments: On at least three instances the claimant missed scheduled appointments relative to his job. The dates of these missed appointments were July 22, August 5 and October 20, 1987.
- (3) Failure to follow standard operating procedures: In one instance the claimant failed to obtain a signed contract relative to a job. This resulted in a cost to the company of approximately \$1,400. In another instance, the claimant undersold a job. The job should have been sold for \$12.50 per foot; instead the claimant sold the job for \$9.75 per foot.
- (4) Unauthorized vacation: The claimant took four vacation days which he did not have permission to take.

The claimant was given verbal warnings by his employer regarding his work habits.

## CONCLUSIONS OF LAW

Based upon the findings of fact in this case, the Board of Appeals concludes that the claimant was terminated from his employment for gross misconduct. Gross misconduct as defined in Section 6(b) of the Maryland Unemployment Law means conduct that is a deliberate and willful disregard of standards of behavior which an employer has a right to expect, showing a gross indifference to the employer's interest, or a series of repeated violations of employment rules, proving that the employee has wantonly disregarded his obligations.

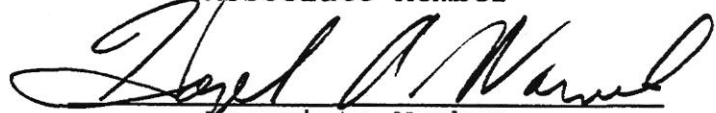
The claimant's continued practice of arriving late and leaving early, combined with his failure to follow proper business operating procedures and his taking of an unauthorized vacation, are sufficient to sustain a finding of gross misconduct as defined in Section 6(b).

DECISION

The claimant was discharged for gross misconduct in connection 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 October 18, 1987 and until the claimant becomes re-employed, 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

  
Associate Member

  
Chairman

DW:W:K

kbm

Date of Hearing: September 19, 1989

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CLAIMANT

EMPLOYER

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