

 **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.:	960-BR-91
	Date:	August 2, 1991
Claimant:	Appeal No.:	9107241
	S. S. No.:	
Employer:	L. O. No.:	7
	Appellant:	EMPLOYER
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.	

— 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

September 1, 1991

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record in this case the Board of Appeals reverses the decision of the Hearing Examiner. The Board concludes that the claimant voluntary quit her job for reasons that do not amount to good cause within the meaning of Section 6(a) of the law.

The claimant's job was changed because she was unsuccessful in generating business, as required by the sales position she had held. Although she had the potential to earn commission, in fact, she had not earned any commission in the five months she held that position. The Board has held that a demotion is not an unreasonable action on the part of an employer where the claimant had demonstrated an inability to perform the higher position, and such a demotion is not good cause to quit. Krack v. WaWa Market, 816-BH-84.

However, the Board concludes that since the claimant's inability to perform was caused in part by the lack of training by the employer, valid circumstances are present, warranting a less than maximum penalty.

DECISION

The claimant left work voluntarily, without good cause connected with the work but with valid circumstances, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. She is disqualified from receiving benefits from the week beginning February 10, 1991 and the nine weeks immediately following.

The decision of the Hearing Examiner is reversed.

Associate Member

Thomas W. Keech
Chairman

H:K
kmb

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - COLLEGE PARK

 **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

— D E C I S I O N —

Claimant:	Mary P. Burke	Date:	Mailed: 6/4/91
		Appeal No.:	9107241
		S. S. No.:	
Employer:	B S I Temporaries, Inc. Corine G. Jones	L.O. No.:	7
		Appellant:	Employer

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 OFFICE OF THE DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT, 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

6/19/91

— A P P E A R A N C E S —

FOR THE CLAIMANT:

Claimant-Present

FOR THE EMPLOYER:

Michele Blevins,
Director of Human
Resources

FINDINGS OF FACT

The claimant was employed by BSI Temporaries, from September 17, 1989 until February 12, 1991.

The claimant was a Personnel Coordinator and from October 2,

until February was a Sales Representative. She received \$23,000 a year plus commissions.

The claimant was returned to the position of Personnel Coordinator where she would receive no commission, nor training. As a result of this, the claimant left the employment.

The claimant felt that she could have made substantially more had she been permitted to be in sales.

CONCLUSIONS OF LAW


In the case or Divers v. Light Street Deli, 73-BH-82, the Board held: a significant reduction in hours and rate of pay from \$3.10 to \$1.75 per hour constitutes good cause for voluntary resignation.

In this case, the claimant was removed from her ability to receive commissions and put back on her regular straight salary. Under such circumstances, it is concluded that she left work for a good cause. The determination of the Claims Examiner will be affirmed.

DECISION

The unemployment of the claimant was due to leaving work voluntarily, but with good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. No disqualification is imposed based on her separation from her employment with B S I Temporaries, Inc.

The determination of the Claims Examiner is reversed.



John F. Kennedy, Jr.
Hearing Examiner

Date of hearing: 5/20/91
rc/Cassette No: 4457
Specialist ID: 07200
Copies mailed on 6/4/91 to:

Claimant
Employer
Unemployment Insurance - College Park - MABS