



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 —

Claimant:	Date: Mailed:	6/13/90
Donna L. Himes	Appeal No.:	9006716
	S. S. No.:	
Employer:	LO. No.:	
Baltimore Federal Financial	Appellant:	09
		Claimant

Issue. Whether the unemployment of the claimant was due to leaving work voluntarily, without good cause, within the meaning of Section 6(a) 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 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 PETITION FOR REVIEW EXPIRES AT MIDNIGHT ON

~~June 28, 1990~~

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Claimant-Present

Not Represented

FINDINGS OF FACT

The claimant was employed by Baltimore Federal Financial for approximately nine years. At the time of his separation from employment on April 13, 1990, she was an administrative secretary earning \$9.33 per hour.

The claimant turned in her resignation indicating that her final date would be April 20, 1990. The Government was taking over Baltimore Federal Financial and the claimant was interviewed by Service Master. The employer agreed to let the claimant leave a

week early because the new employment was in the claimant's benefit even though it was a lateral move.

The new employer deducted parking and travel time from the claimant's present salary and arrived at an amount of \$8.25 per hour. Because the claimant only worked six days, they did not put her on the payroll.

The claimant has been unemployed since.

CONCLUSIONS OF LAW

The Board of Appeals in Maryland has found in the past that leaving one's job for a better job may be "good cause," within the meaning of Section 6(a) of the Maryland Law if, and only if, the new job paid a substantially higher salary, for the same kind of work and was of equal or better stability than the first job. If all three of these elements have not been met, good cause has not been found. It is concluded from the evidence presented at the appeal hearing that all three elements were not met by the claimant because her salary was substantially less than her previous job. Therefore, the determination of the Claims Examiner under Section 6(a) of the Law will be affirmed.

DECISION

The claimant voluntarily left her employment, without good cause connected with the work, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. She is disqualified from receiving benefits for the week beginning April 8, 1990 and until she becomes re-employed, earns at least ten times her weekly benefit amount (\$2,050.00) and thereafter becomes unemployed through no fault of her own.

The determination of the Claims Examiner is affirmed.


 ...Seth Clark...
 ...Hearing Examiner...

Date of Hearing: 6/01/90
 alma/Specialist ID: 09664
 Cassette No: 5028
 Copies mailed on 6/13/90 to:

Claimant
 Employer
 Unemployment Insurance - Towson (MABS)

Baltimore Federal Financial



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.:	979-BH-90
Date:	October 3, 1990
Claimant: Donna L . Himes	Appeal No.: 9006716
	S. S. No.:
Employer: Baltimore Federal Financial	L O. No.: 9
	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 MAY BE TAKEN IN PERSON OR THROUGH 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.

November 2, 1990

THE PERIOD FOR FILING AN APPEAL EXPIRES A MIDNIGHT ON

- A P P E A R A N C E S -

FOR THE CLAIMANT:

Donna Himes, Claimant

FOR THE EMPLOYER:

Employer not
represented

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.

The Board notes that the employer has never appeared and presented evidence at either the hearing before the Hearing Examiner or before the Board of Appeals.

FINDINGS OF FACT

The claimant was employed by Baltimore Federal Financial, first as a disbursement clerk and later as an administrative assistant and secretary to an executive, from August 25, 1981 until on or about April 13, 1990.

The employer had been experiencing financial difficulties for the last several years, and sometime in early 1990 it was announced to the employees that the bank was being taken over by the federal government on April 20, 1990. After that date, Baltimore Federal Financial as such would cease to exist. Employees were not specifically told what would happen to their jobs, but they were generally advised by their supervisors that if they found other jobs, they should take them. The claimant was one of those employees who received such advice.

Many employees took this advice, and began leaving the employer. The claimant began to look for work, and in early April she obtained an offer to work for Service Master as an office manager. Although this job appeared to pay a little less per hour than her job with Baltimore Federal Financial (\$8.25 per hour as opposed to \$9.33 per hour), it was much closer to her home and would involve less travel time and less travel expense.

When she discussed this offer with her supervisors, she was told that they couldn't tell her whether or not to take this offer. Based on the impending takeover and the uncertainty of her future with Baltimore Federal Financial, she decided to accept the employment with Service Master. Service Master asked if she could start work on April 13, 1990. She asked her supervisor if she could leave prior to April 20 and was told it was approved. Therefore, her last day was April 13, 1990.

If the claimant had stayed on with Baltimore Federal, it is unclear what her future would have been there. Many of the jobs were taken over by Household Bank; some employees were allowed to stay on and some were let go, but all had to take a cut in pay.

The claimant's job with Service Master lasted only six days, due to reasons that are not at issue in this case.

CONCLUSIONS OF LAW

The Board concludes that the claimant voluntarily quit her job with Baltimore Federal Financial, but for good cause connected with the conditions of her employment, within the meaning of Section 6(a) of the law. It is uncontested that the employer was taken over by the federal government, and in large part by Household Bank, due to financial problems, and it is also undisputed that the claimant's future with the employer was at best uncertain as of April 20, 1990. She may or may not have had a job there, but it would not have been under the same conditions as the job she left, and it would have definitely been for a cut in pay. She was strongly advised by her own supervisors to seek other employment and she did so. The new job she obtained appeared to be a good job at the time she accepted it. Under all of these circumstances, the Board finds that the claimant's reason for leaving Baltimore Federal Financial was clearly good cause due to the conditions of the employment, and no penalty is warranted.

DECISION

The claimant left work voluntarily, but for good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. No disqualification is imposed based on her disqualification from employment with Baltimore Federal Financial.

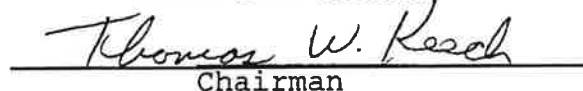
The decision of the Hearing Examiner is reversed.



Associate Member



Associate Member



Chairman

HW:W:K
kbm

Date of Hearing: September 11, 1990

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CLAIMANT

EMPLOYER

Baltimore Federal Financial

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UNEMPLOYMENT INSURANCE - TOWSON