



*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.:	997-BR-91
	Date:	August 13, 1991
Claimant: Terry Pyles	Appeal No.:	9109853
	S. S. No.:	
Employer: Jems Contracting, Inc.	L.O. No.:	50
	Appellant:	CLAIMANT

Issue: Whether the claimant left work voluntarily, without good cause or valid circumstances, 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 AT MIDNIGHT ON September 12, 1991

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals modifies the decision of the Hearing Examiner.


The Board adopts the Hearing Examiner's findings of fact. The Board agrees that the claimant's reason for quitting was not good cause within the meaning of Section 6(a) of the law. However, since the claimant quit in order to help his parents due to a family emergency, the Board concludes that he had compelling personal reasons. The claimant testified that there was no one else who could take care of his parents. Therefore, the Board finds that he had no reasonable alternative other than to leave. This amounts to valid circumstances under Section 6(a), warranting less than the maximum disqualification.

DECISION

The claimant left work voluntarily, without good cause but for valid circumstances, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. He is disqualified from receiving benefits from the week beginning April 7, 1991 and the nine weeks immediately following.

The decision of the Hearing Examiner is modified.


Associate Member


Associate Member

HW:W

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CLAIMANT

EMPLOYER

OUT-OF-STATE CLAIMS

 **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 7/10/91
Claimant: Terry E. Pyles	Appeal No.:	9109853
	S. S. No.:	
Employer: Jems Contracting, Inc.	L.O.No.:	50
	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 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 **July 25, 1991**

— APPEARANCES —

FOR THE CLAIMANT:

Present - via telephone

FOR THE EMPLOYER:

NOT REPRESENTED

FINDINGS OF FACT

The claimant was employed as a fuel truck driver from October 8, 1990 until April 15, 1991. The claimant worked full-time and was paid at a rate of \$9.00 an hour.

The claimant voluntarily resigned his position with Jems

Contracting, Incorporated, in order to move to West Virginia to help take care of his father's property.

The, record contained the doctor's statement dated May 13, 1991 which verified that the claimant's father suffers from chronic back problems. The claimant's father has been diagnosed as having arachnoiditis of the lumbar spine. The claimant's father is unable to do any type of labor. The claimant cut the lawn and does other work around the house that his father is unable to do.

The claimant's father's wife resides with them in West Virginia. The claimant's father is not totally bedridden.

CONCLUSIONS OF LAW

Although the claimant's father is ill and is not able to do any manual labor, he is not bedridden and does not require constant care. The claimant does labor around the household, but does not care for his father as required by Section 6 (a) of the Maryland Unemployment Insurance Law.

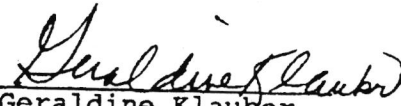
The claimant did not move to West Virginia, based upon the advice of a physician.

Article 95A, Section 6(a) provides no disqualification from unemployment insurance benefits where a claimant leaves employment with good cause attributable to the actions of the employer or the conditions of employment. The facts established in the instant case will support a finding that the claimant's leaving the employment was for good cause within the meaning of Article 95A, Section 6(a).

DECISION

The claimant left work voluntarily, without good cause, within the meaning of Section 6 (a) of the Law. Benefits are denied for the week beginning April 7, 1991 and until he becomes re-employed, earns at least ten times his weekly benefit amount (\$1800), and thereafter becomes unemployed through no fault of his own.

The determination of the Claims Examiner is affirmed.


Geraldine Klauber
Hearing Examiner

Date of Hearing: 7/8/91
cd/Cassette #6183
Specialist ID: 50520

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Claimant
Employer
Out of State Claims - (MABS)