



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.:	430-BR-90	
	Date:	May 4, 1990	
Claimant:	Martin Truesdale	Appeal No.:	9002165
		S. S. No.:	
Employer:	Luskins, Inc. c/o ADP/UCM Dept.	L. O. No.:	1
		Appellant:	EMPLOYER

Issue: Whether the claimant was discharged for misconduct, connected with his work, within the meaning of Section 6(c) of the law; 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 MAYBE 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 [N WHICH YOU RESIDE.

June 3, 1990

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

— 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 will adopt the findings of fact of the Hearing Examiner. However, the Board concludes that these facts warrant a different conclusion of law and decision.

The claimant left his job sick. He was out for a week. During this time, he failed to make any contact with his employer regarding the state of his health or his intentions. The claimant's actions amount to job abandonment.


The Board of Appeals has held in Stanley v. Eastern Shore State Hospital, 1488-BR-82, that a claimant's intent to abandon his employment is shown by his failure to provide required medical documentation and maintain required communication with his employer.

The facts of this case establish job abandonment. The claimant was able to get to the hospital, he certainly could have made a call to his employer.

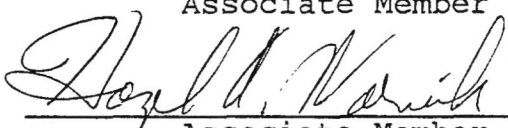
DECISION

The claimant voluntarily quit his employment, without good cause or valid circumstances as defined in Section 6(a) of the Maryland Unemployment Insurance Law. He is disqualified from receiving benefits from the week beginning December 17, 1989 and until he becomes re-employed, earns at least ten times his weekly benefit amount (\$1,610) and thereafter becomes unemployed through no fault of his own.

The decision of the Hearing Examiner is reversed.



Associate Member



Associate Member

DW:W

kbm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

Frank S. Solomon, Esq.

UNEMPLOYMENT INSURANCE - BALTIMORE

 **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:	March 8, 1990
Claimant:	Martin D. Truesdale	Appeal No.: 9002165
		S.S. No.: 9689
Employer:	Luskins, Inc. c/o ADP UCM	LO. No.: 1
	Lane Appellant	Claimant

Issue:
Whether the claimant was discharged for gross misconduct connected with the work, within the meaning of Section 6(b) of the Law.

— NOTICE OF RIGHT OF FURTHER APPEAL —

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A FURTHER APPEAL AND SUCH APPEAL MAYBE 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 March 23, 1990

— APPEARANCES —

FOR THE CLAIMANT:

Claimant - Present

FOR THE EMPLOYER:

Frank Solomon,
Attorney
John Damico,
Personnel Director
Richard Townley,
Service Manager

FINDINGS OF FACT

The claimant was employed by Luskins, Inc. on February 21, 1989. At the time of his separation from employment on December 18, 1989, he earned \$7.50 an hour as an electronics technician.

On December 18, 1989, the claimant's last day of work, the claimant became sick on the job and went home at lunch time. The claimant had been having stomach difficulties because of medication that he was taking for a tuberculosis virus.

At the time the claimant left, he told a co-worker to tell his supervisor, Donna Adams, that he was leaving due to illness and would contact the employer when he was well enough to return to work. The claimant remained off work for one week and failed to notify the employer during his absence. The employer's policy provides that an employee must notify the employer when he is going to be absent due to illness and if he is going to be absent for an extended period of time, to provide medical verification. The claimant called the employer after being absent due to illness for one week and was discharged for failure to notify the employer pursuant to company policy. The claimant's reason for not notifying the employer was that he was in too much pain to call or that he overslept due to the medications that he was taking. The claimant had a good employment history with the employer prior to this incident and had not received any written or verbal warnings.

CONCLUSIONS OF LAW

It has been held that as a condition of employment, an employer has the right to expect his workers to report to work regularly, on time, and as scheduled; and in the event of an unavoidable detainment or emergency to receive prompt notification thereof. Rogers v. Radio Shack 271 Md. 126, 314 A.2d 113. The Board of Appeals has held that a claimant discharged for failing to notify the employer of a single absence not due to illness constitutes misconduct under Section 6(c) of the Law. Burruss v. Little Tavern Shops, Inc., 345-BR-84. In this case, the claimant was absent for one week due to illness. However, he attempted to notify the employer before he left by leaving a message with a co-worker. Nevertheless, the claimant should have notified the

employer himself during his absence. Therefore, it is held that the claimant was discharged for misconduct connected with his work within the meaning of Section 6(c) of the Law.

DECISION

The claimant was discharged for misconduct within the meaning of Section 6(c) of the Law. Benefits are denied for the week beginning December 17, 1989 and the nine weeks immediately following. The Claims Examiner's determination is reversed.



Sarah L. Moreland
Hearing Examiner

Date of Hearing: 03/02/90
pdd/Specialist ID: 01083
Cassette No: 1846
Copies mailed on 03/08/90 to:

Claimant
Employer
Unemployment Insurance - Baltimore (MABS)

Frank S. Solomon
Attorney at Law