



**DEPARTMENT OF HUMAN RESOURCES
EMPLOYMENT SECURITY ADMINISTRATION**

1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

STATE OF MARYLAND

HARRY HUGHES
Governor

KALMAN R. HETTLEMAN
Secretary

383-5032
- DECISION -

BOARD OF APPEALS

JOHN J. KENT
Chairman

HENRY G. SPECTOR
HAZEL A. WARNICK
Associate Members

SEVERN E. LANIER
Appeals Counsel

CLAIMANT: Roger Fountain

DECISION NO.: 833-BH-81

DATE: 9/2/81

APPEAL NO.: 13592

S. S. NO:

EMPLOYER: J. H. Neuman and Son

L. O. NO: 9

APPELLANT: CLAIMANT

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 SUPERIOR COURT OF BALTIMORE CITY, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT 10/2/81

-APPEARANCES -

FOR THE CLAIMANT:

Roger Fountain - Claimant
Stanley H. Miller - Attorney

FOR THE EMPLOYER:

Robert K. Neuman -
Owner
Lois Arnette -
Bookkeeper

EVALUATION OF THE EVIDENCE

The Board of Appeals, before reaching a decision in this case, has considered all of the evidence presented, including the testimony of the parties. The Board has also considered all of the documentary evidence introduced in this case as well as Employment Security Administration's documents in the appeals file.

FINDINGS OF FACT

The Claimant worked as a Salesman from March 17, 1979, until December 19, 1980, for the Employer, J. H. Neuman and Son, a wholesale florist.

The Claimant was harrassed and hindered in the performance of his job by his immediate supervisor. Following a complaint made to Mr. Robert K. Neuman, the Claimant was put on equal footing with this (former) immediate supervisor in order to solve the problem. This complaint and rearrangement of roles took place in July of 1980.

The Claimant made no further complaints to Mr. Neuman after July . The Claimant, however, was unable to take advantage of his new position as an equal of his former supervisor. The Claimant still felt harrassed and intimidated by his former supervisor.

Rather than register any more complaints, the Claimant resigned on or about Thanksgiving of 1980. The effective date of the Claimant's resignation was January 3, 1981.

The Employer terminated the Claimant on December 19, 1980, approximately two weeks prior to the effective date of the Claimant's resignation. The reason for this early termination was a lack of work.

CONCLUSIONS OF LAW

The reason that the Claimant was unemployed between December 19, 1980 and January 3, 1981, was because of a lack of work. This is not a disqualifying reason under Section 6 of the Law.

After January 3, 1981, the Claimant's unemployment was due to having voluntarily quit, without good cause. The Employer had made reasonable efforts to solve the harassment suffered by the Claimant. The Claimant gave the Employer no reason to doubt that the new arrangement was not successful, as he didn't really complain about the continued harassment after July of 1980. Under these circumstances, the Claimant's quitting is held to have been without good cause. Further, no serious, valid circumstances were present in this case. Therefore, the maximum disqualification allowable under the Law is warranted.

DECISION

The Claimant's unemployment from December 19, 1980, through January 3, 1981, was due to a non-disqualifying reason, within the meaning of Section 6 of the Maryland Unemployment Insurance Law. He is entitled to benefits from the week beginning December 14, 1980, to the week beginning December 28, 1980, if he is otherwise eligible.

The Claimant's unemployment after January 3, 1981, was due to leaving work voluntarily, without good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. He is disqualified from receiving unemployment benefits from the week beginning January 4, 1981, and until he becomes re-employed, earns at least ten times his weekly benefit amount (\$1,200.00) and thereafter becomes unemployed through no fault of his own.

The decision of the Appeals Referee is modified to this extent.

Thomas W. Keech
Chairman

Raymond P. Womack
Associate Member

dh
K:W

DATE OF HEARING: August 24, 1981

COPIES MAILED TO:

CLAIMANT

EMPLOYER

Stanley H. Miller, Esq.
GOLDSTEIN & MILLER

UNEMPLOYMENT INSURANCE - TOWSON



DEPARTMENT OF HUMAN RESOURCES
 EMPLOYMENT SECURITY ADMINISTRATION
 1100 NORTH EUTAW STREET
 BALTIMORE, MARYLAND 21201
 383 - 5040

BOARD OF APPEALS

JOHN J. KENT
 Chairman
 HENRY G. SPECTOR
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 Associate Members

SEVERN E. LANIER
 Appeals Counsel

GARY SMITH
 Chief Hearings Office

STATE OF MARYLAND

HARRY HUGHES
 Governor

KALMAN R. HETTLEMAN
 Secretary

DATE: April 23, 1981

CLAIMANT: Roger Fountain

APPEAL NO: 13952-EP

S. S. NO:

EMPLOYER: J. H. Neuman and Son

L.O.NO.: 9

APPELLANT: Employer

ISSUE:
 Whether the claimant left work voluntarily, without good cause, within the meaning of Section 6(a) 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 EMPLOYMENT SECURITY OFFICE, 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 May 8, 1981

-APPEARANCES -

FOR THE CLAIMANT:

Roger Fountain, Present
 Stanley H. Miller, Esquire

FOR THE EMPLOYER:

Robert K. Neuman,
 Owner

FINDINGS OF FACT

The claimant began working for the employer, a wholesale florist, as a full time fresh flower salesman March 17, 1979. His last day of work was December 19, 1980 when he quit the

employment because he was unhappy with working conditions. In particular, the claimant felt that a co-employee who was once his supervisor was harassing him by changing prices that the claimant had quoted to customers. The claimant had protested this to the owner of the firm and the owner had taken appropriate steps to remove the co-employee as the claimant's supervisor so that the situation which distressed the claimant would be removed. However, the claimant was still not satisfied with working conditions and gave the employer notice that he was going to leave the employment as of January 3, 1981. The claimant informed the employer of his intention of quitting on December 19, 1981 and the employer told him to leave at that time if he had the intention of quitting.

COMMENTS

The nonmonetary determination of the Claims Examiner that the claimant's separation from the employment was due to his having left work voluntarily, without good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law is supported by the testimony of the claimant and the employer. The claimant separated himself from the employment on his own initiative when there was continuous work available to him and for personal reasons not attributable to the employer. This is not good cause as defined by the Law and it is for this reason that the determination of the Claims Examiner must be reversed and the maximum disqualification allowed by the Law imposed.

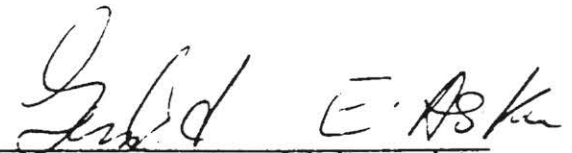
The appeals referee finds no serious or valid circumstances in the claimant's reason for quitting the employment.

DECISION

The unemployment of the claimant was due to leaving work voluntarily, without good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. He is disqualified from receiving benefits for the week beginning December 14, 1980, and until he becomes reemployed, and earns at least ten times his weekly benefit amount (\$1200) and thereafter becomes unemployed through no fault of his own.

The determination of the Claims Examiner is modified.

The employer's protest is allowed.



Gerald E. Askin
APPEALS REFEREE

Date of hearing: April 16, 1981

Cassette: 7290

hf (E. Singleton)

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Claimant
Employer
Unemployment Insurance-Towson

Stanley H. Miller, Esquire