

**- DECISION -**

Claimant:  
BETRICE M CLARK

Decision No.: 910-BR-06  
Date: April 27, 2006  
Appeal No.: 0601140  
S.S. No.:  
L.O. No.: 64  
Appellant: Employer

Employer:  
ARC OF BALTIMORE INC, THE

Issue: Whether the claimant left work voluntarily, without good cause within the meaning of Maryland Code, Labor and Employment Article, Title 8, Section 1001.

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**- NOTICE OF RIGHT OF APPEAL TO COURT -**

You may file an appeal from this decision in the Circuit Court for Baltimore City or one of the Circuit Courts in a county in Maryland. The court rules about how to file the appeal can be found in many public libraries, in the Maryland Rules of Procedure, Title 7, Chapter 200.

The period for filing an appeal expires: May 27, 2006

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**REVIEW ON THE RECORD**

Upon review of the record in this case, the Board of Appeals adopts the findings of fact but reaches a different conclusions of law, and corrects the starting date of the claimant's penalty.

There is no legal precedent to support a finding of valid circumstances in this case. Leaving full-time work to continue part-time work does not constitute valid circumstances. Contra, Henderson v. Caton Manor Nursing Home, 1978 BR-92; Ratliff v. Taco Bell, 2067-BH-83. A conclusion to the contrary defeats the purpose of the unemployment insurance program, which requires full-time work.

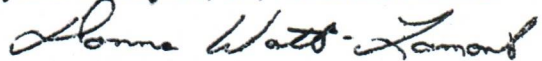
### DECISION

It is held that the unemployment of the claimant was due to leaving work voluntarily, without good cause or valid circumstances, within the meaning of Maryland Code Annotated, Labor and Employment Article, Title 8, Section 1001. She is disqualified from receiving benefits from the week beginning October 23, 2005 and until the claimant becomes re-employed, earns at least fifteen times her weekly benefit amount and thereafter becomes unemployed through no fault of her own.

The decision of the Hearing Examiner is reversed.



Clayton A. Mitchell, Sr., Associate Member



Donna Watts-Lamont, Associate Member

Copies mailed to:  
BETRICE M. CLARK  
ARC OF BALTIMORE INC THE  
DEBRA FISCHER  
Michael Taylor, Agency Representative

**Notice of Right to Request Waiver of Overpayment**

The Department of Labor, Licensing and Regulation may seek recovery of any overpayment received by the Claimant. Pursuant to Section 8-809 of the Labor and Employment Article of the Annotated Code of Maryland, and Code of Maryland Regulations 09.32.07.01 through 09.32.07.09, the Claimant has a right to request a waiver of recovery of the overpayment within 30 days from the date the overpayment is established. This request may be made by contacting Overpayment Recoveries Unit at 410-949-0022 or 1-800-827-4839. If this request is made, the Claimant is entitled to a hearing on this issue.

**A request for waiver of recovery of overpayment does not act as an appeal of this decision.**

**Notice of Right of Further Appeal**

Any party may request a further appeal either in person, by facsimile or by mail with the Board of Appeals. Under COMAR 09.32.06.01A (1) appeals may not be filed by e-mail. Your appeal must be filed by March 13, 2006. You may file your request for further appeal in person at or by mail to the following address:

Board of Appeals  
1100 North Eutaw Street  
Room 515  
Baltimore, Maryland 21201  
Fax 410-767-2787

**NOTE:** Appeals filed by mail are considered timely on the date of the U.S. Postal Service postmark.

Date of hearing: February 03, 2006  
CH/Specialist ID: RBA2M  
Seq No: 001  
Copies mailed on February 24, 2006 to:  
BETRICE M. CLARK  
ARC OF BALTIMORE INC THE  
LOCAL OFFICE #64

## **UNEMPLOYMENT INSURANCE APPEALS DECISION**

BETRICE M CLARK

SSN #

**Claimant**

vs.

ARC OF BALTIMORE INC, THE

**Employer/Agency**

Before the:

**Maryland Department of Labor,  
Licensing and Regulation**

**Division of Appeals**

1100 North Eutaw Street

Room 511

Baltimore, MD 21201

(410) 767-2421

Appeal Number: 0601140

Appellant: Claimant

Local Office : 64 / BALTOMETRO

CALL CENTER

February 24, 2006

**For the Claimant : PRESENT**

**For the Employer : PRESENT , CHARLES WELLS, JACQUELYN CARTER**

**For the Agency:**

### **ISSUE(S)**

Whether the claimant's separation from this employment was for a disqualifying reason within the meaning of the MD. Code Annotated, Labor and Employment Article, Title 8, Sections 1001 (Voluntary Quit for good cause), 1002 - 1002.1 (Gross/Aggravated Misconduct connected with the work), or 1003 (Misconduct connected with the work).

### **FINDINGS OF FACT**

The claimant worked for the above-captioned employer from September 28, 1998 to December 8, 2005. At the time the claimant resigned, she was employed as a supervisor, earning \$9.73 per hour in a full time capacity.

The claimant voluntarily resigned her position because she was retiring from this full time employment while continuing other part time employment. The claimant provided adequate notice to the employer and was seeking to reduce her workload from one full time and one part time job to just a part time position. The claimant continues to work with a bus company after the separation of this employer.

## CONCLUSIONS OF LAW

Md. Code Ann., Labor & Emp. Article, Section 8-1001 provides that an individual shall be disqualified for benefits where unemployment is due to leaving work voluntarily without good cause arising from or connected with the conditions of employment or actions of the employer, or without valid circumstances. A circumstance is valid only if it is "(i) a substantial cause that is directly attributable to, arising from, or connected with conditions of employment or actions of the employing unit; or (ii) of such necessitous or compelling nature that the individual has no reasonable alternative other than leaving the employment."

## EVALUATION OF EVIDENCE

A claimant who resigns is ineligible for benefits unless it is established, by a preponderance of the evidence, that this resignation was for good cause or valid circumstances. In the case at bar, this burden has been met.

The claimant has met her burden to show that she voluntarily resigned with valid circumstances under the Maryland Unemployment Insurance Law. The claimant is seeking to reduce her workload from one and a half jobs to just her part time position which she continues to work approximately 30 hours per week. The claimant credibly testified that her primary reason for resigning had nothing to do with the conditions of employment but was really for personal needs and for that reason a voluntary quit with valid circumstances is supported with a mitigating penalty.

## DECISION

IT IS HELD THAT the claimant's unemployment was due to leaving work voluntarily without good cause, but with valid circumstances within the meaning of Md. Code Ann., Labor & Emp. Article, Section 8-1001. The claimant is disqualified for the week beginning December 4, 2005 and for the four weeks immediately following. The claimant will then be eligible for benefits so long as all other eligibility requirements are met. The claimant may contact Claimant Information Service concerning the other eligibility requirements of the law at [ui@dllr.state.md.us](mailto:ui@dllr.state.md.us) or call 410-949-0022 from the Baltimore region, or 1-800-827-4839 from outside the Baltimore area. Deaf claimants with TTY may contact Client Information Service at 410-767-2727, or outside the Baltimore area at 1-800-827-4400.

The determination of the Claims Specialist is reversed.

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P G Randazzo, Esq.  
Hearing Examiner