



STATE OF MARYLAND
HARRY HUGHES
Governor

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Secretary

DEPARTMENT OF HUMAN RESOURCES

EMPLOYMENT SECURITY ADMINISTRATION
1100 North Eutaw Street
Baltimore, Maryland 21201
Telephone: 383-5032

BOARD OF APPEALS
THOMAS W. KEECH
Chairman
HAZEL A. WARNICK
MAURICE E. DILL
Associate Members
SEVERN E. LANIER
Appeals Counsel

—DECISION—

	DECISION NO:	991-BR-83
	DATE:	October 13, 1983
CLAIMANT: Theresa M. Carbone	APPEAL NO:	03054
	S.S.NO:	
EMPLOYER: Baltimore Goodwill Inc ,	LO. NO:	40
	APPELLANT:	CLAIMANT
ISSUE	Whether the claimant's unemployment was due to leaving work voluntarily, without good cause, within the meaning of §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, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT

November 12, 1983

— APPEARANCE —

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 Appeals Referee and concludes that, the claimant's reason for voluntarily quitting her job, while not good cause, is a valid circumstance, within the meaning of §6(a) of the law.

The Board has ruled that a reduction in pay and or hours may constitute good cause or a valid circumstance for leaving one's job, depending on the individual facts of each case. Here the claimant's pay was reduced from \$4.40 per hour to \$3.50 per hour. There appears to have also been a minor decrease in her hours, although the evidence on this point is not clear.

These reductions all resulted from a change in the claimant's position after she returned from a 30 day leave of absence. Prior to taking the leave, the claimant was made aware that her former position as a manager might not be available when she returned. In Savage v. Church Hospital, 1067-BH-83, the Board found that the granting of a leave of absence by an employer was tantamount to a promise to reinstate the employee at the conclusion of the leave and the employer's failure to do so was a discharge for a non-disqualifying reason even where the claimant was made aware that reinstatement would not be guaranteed.

Here however, the claimant was reinstated but at a lower pay rate, and she accepted the rate and worked for a while at that job before deciding to quit. Under these circumstances, the Board concludes that the reduction in the claimant's status and pay does not rise to the level of good cause but is a "substantial cause which is directly. . . connected with the conditions of employment" and therefore is a valid circumstance within the meaning §6(a) of the law.

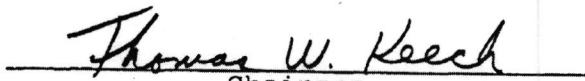
DECISION

The claimant left work voluntarily, without good cause, within the meaning of §6(a) of the Maryland Unemployment Insurance Law. She is disqualified from receiving benefits from the week beginning February 13, 1983, and the nine weeks immediately following.

The decision of the Appeals Referee is modified.



Associate Member



Chairman

W:K

vh

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - EASTPOINT



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 Appeals Counsel
 MARK R. WOLF
 Administrative
 Hearings Examiner

- DECISION -

CLAIMANT: Theresa M. Carbone
 DATE: April 15, 1983
 APPEAL NO.: 03054
 S.S.NO.:
 EMPLOYER: Baltimore Goodwill, Incorporated
 L.O.No.: 40
 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 TO PETITION FOR REVIEW

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A REVIEW AND SUCH PETITION FOR REVIEW 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 PETITION FOR REVIEW EXPIRES AT MIDNIGHT ON May 2, 1983

-APPEARANCE-

FOR THE CLAIMANT:

Theresa M. Carbone - Claimant
 Louis Carbone - Husband - Witness

FOR THE EMPLOYER:

Amber St.Clair -
 The Gibbens Company,
 Incorporated;
 Douglas Hiob -
 Sales Director

FINDINGS OF FACT

The claimant began working for the employer on September 14, 1978. Her last day of work was February 16, 1983 and she resigned the employment effective February 18, 1983 without notice.

In May of 1982, the claimant took a thirty-day leave of absence due to the illness of her husband. At that time, she was a supervisor earning \$4.40 per hour. At the time the claimant was granted the leave, there was an understanding between her and the sales director that her position as supervisor might not be available to her when she returned to work. When she did return after her leave her expired, she was assigned as a cashier which resulted in a reduction in her hourly pay to \$3.50 per hour. The claimant's hours were cut when she returned, but not drastically. She appeared to be averaging thirty-five hours per week. The claimant found working to be stressful under these conditions and decided to quit the employment.

There was continuous work available to the claimant, if she had chosen to remain at the employment.

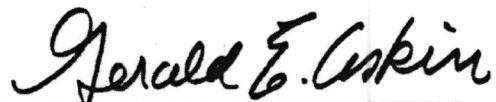
CONCLUSIONS OF LAW

The non-monetary determination of the Claims Examiner that the claimant's unemployment was due to leaving 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 herself from the employment on her own initiative when there was continuous work available to her, for reasons attributable to the conditions of the employment, but for reasons that do not constitute good cause under the Law. The Appeals Referee finds that the claimant's reasons for quitting the employment were not of a compelling and necessitous nature or reasons that constitute serious, valid circumstances as provided for under the Law. It is for this reason, the determination of the Claims Examiner must be affirmed.

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. She is disqualified from receiving benefits for the week beginning February 13, 1983 and until such becomes reemployed and earns at least ten times her weekly benefit amount (\$1030) and thereafter becomes unemployed through no fault of her own.

The determination of the Claims Examiner is affirmed.



Gerald E. Askin
APPEALS REFEREE

DATE OF HEARING: April 7, 1983

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copies mailed to:

Claimant

Employer

Unemployment Insurance - Eastpoint

The Gibbens Company, Incorporated