



Maryland

Department of Economic & Employment Development

William Donald Schaefer, Governor
J. Randall Evans, Secretary

Board of Appeals
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Board of Appeals
Thomas W. Keech, Chairman
Hazel A. Warnick, Associate Member
Donna P. Watts, Associate Member

— DECISION —

	Decision No.:	659-BR-90
	Date:	July 3, 1990
Claimant: Samuel P. Abate	Appeal No.:	9000312
	S. S. No.:	
Employer: Russoli Temps	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; whether the claimant failed, without good cause, to apply for or to accept available, suitable work, within the meaning of Section 6(d) 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 IN WHICH YOU RESIDE.

August 2, 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 adopts the findings of fact of the Hearing Examiner with respect to the dates the claimant was given assignments with Russoli Temps and the job duties and pay at each assignment. The Board also adopts the Hearing Examiner's finding of fact that the claimant was offered an assignment on November 27, 1989 at Scranton Lithograph.

The Board, however, disagrees with the Hearing Examiner's conclusions of law. one of the most important legal issues in this case is whether the claimant voluntarily quit, within the meaning of Section 6(a) of the law, or whether he refused suitable work within the meaning of Section 6(d) of the law.

It is sometimes difficult to determine, in a case involving a temporary agency as employer, which section of the law to apply when a claimant has refused a particular assignment. A claimant cannot be said to "quit" his employment unless he is, in fact, employed; and, for the purposes of the Maryland Unemployment Insurance Law, a person is not employed unless he is, for any specific week, performing services for which wages are payable. In other words, a person is not considered employed simply because his name is registered with one or more temporary employment agencies. If that registration is his only connection with that employment agency, there is no employment, and a person cannot quit.

If a claimant, however, has been working for a substantial length of time, and virtually continuously, for a temporary agency, on a single assignment, or in a series of virtually uninterrupted assignments, the refusal of the next following assignment should be considered a voluntary quit, and the case decided under Section 6(a) of the law.

If a claimant has been working for a short time, or only sporadically, for this agency, the completion of a specific assignment ends the employment relationship, and a refusal of another offer of work should be considered a "refusal of work" under Section 6(d) of the law.

The claimant in this case obtained assignments for the following dates from Russoli Temps: from May 3 to August 25, from September 8 through September 17, from September 26 through September 27 and from October 9 through November 17.

The Board concludes that the claimant was not working continuously, or in a series of virtually uninterrupted assignments for Russoli Temps. Therefore, he cannot be said to have been employed by Russoli Temps on November 27, 1989. His refusal of an assignment on that day was thus not a voluntary quit within the meaning of Section 6(a) of the law.