



DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND

BOARD OF APPEALS
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

(301) 383-5032

BOARD OF APPEALS

THOMAS W. KEECH
Chairman

HAZEL A. WARNICK

Associate Member

SEVERN E. LANIER
Appeals Counsel

MARK R. WOLF
Chief Hearing Examiner

DECISION

Decision No.: 340-BR-87

Date: May 12, 1987

Claimant: Patsy Reed

Appeal No.: 8612544

S. S. No.:

Employer: Eduardo Armenta, M.D.

L.O. No.: 7

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 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 ON

June 11, 1987

APPEARANCES

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals affirms the decision of the Hearing Examiner.

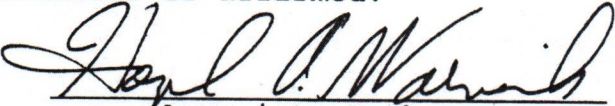
The claimant's benefits were not cut by the employer, with the exception of her vacation time. However, since the claimant was working part time, at her own request, this reduction in vacation was not unreasonable. Further, she quit without discussing the matter with her employer and giving him a chance to work out any problems.

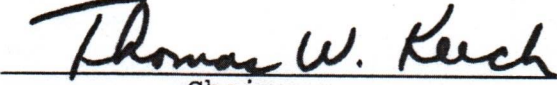
Therefore, the Hearing Examiner's decision is affirmed.

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 from the week beginning July 29, 1986 and until she becomes reemployed, earns at least ten times her weekly benefit amount (\$1,950) and thereafter becomes unemployed through no fault of her own.

The decision of the Hearing Examiner is affirmed.


Associate Member


Chairman

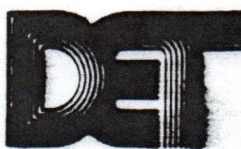
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COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - COLLEGE PARK



DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

STATE OF MARYLAND
William Donald Schaefer
Governor

(301) 383-5040

REMAND
- DECISION -

BOARD OF APPEALS

THOMAS W. REED - Chairman
HAZEL A. WARRICK - Assoc. Member
SEVERNE LANER - Assoc. Member
MARK R. WOLFE - Assoc. Member

Claimant Patsy Reed

Date Mailed 3/26/86

Appeal No.: 8612544

S. S. No.:

Employer Edward Armenta, M.D.

L.O. No.: 07

Appellant Claimant

Issue: Whether the claimant left 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 April 10, 1987

- APPEARANCES -

FOR THE CLAIMANT

FOR THE EMPLOYER

Claimant-Present
Jane Dye-Witness & Mother

Eduardo Armenta,
M.D.

This case was remanded by the Board of Appeals to the Hearing Officer for a new hearing and decision.

The Board instructed that testimony should be taken on the claimant's hours, salary, benefits and duties prior to the coming of Dr. Armenta; that after she resigned in January,

what were the claimant's hours, salary, benefits, including holidays and vacation pay when she became employed for Dr. Armenta and what date did the employment begin. Also, what date did the claimant move and what changes were made, if any, in July or August 1986 in the conditions of employment agreed upon with Dr. Armenta.

FINDINGS OF FACT

The claimant worked for Dr. Perkins from February 1973 until January 1, 1986. She was paid \$8.50 an hour and worked from 32 to 40 hours a week. The claimant had sick leave, but in actuality, this did not amount to very much because the claimant was rarely sick. She also had four weeks vacation and holidays were paid for January 1; May 30; July 4; Labor Day; Thanksgiving; and Christmas. The claimant had Blue Cross until October 1985, however, her husband worked and he took over the Blue Cross payment. The claimant, as a result of this, received an increase in her salary.

From January 1, 1986, the claimant started to work for Dr. Armenta with the same arrangements.

The claimant, on January 1, lived in Waldorf, Maryland, thirty miles from the place of employment. She lived there until April 30. The claimant moved to Riverdale, Maryland to stay with her mother, two miles from the employer's premises and stayed there from April 30 until her new house was ready in Chesapeake Beach, Maryland at the end of August, 1986. The shortest route from Chesapeake Beach, to the employer's premises would be thirty-two miles.

The claimant requested that her hours be changed, effective February 9. The employer agreed, and the new hours were 7 a.m. to 3 p.m., three days a week; Monday, Wednesday and Friday. The claimant at this time was raised to \$9.00 hourly and was also given a \$30. a week allowance for uniforms. In actuality, this turned out to be payment for babysitter, making her pay \$10.33 an hour.

The claimant was paid the holidays as she was with Dr. Perkins and her Blue Cross and Blue Shield did not come up, as it was taken care of by her husband. At the time of the new arrangement, the claimant would be working twenty-four hours starting February 9. The employer advised the claimant they would discuss vacation pay and arrangements later.

The claimant's mother requested a week of vacation and was told by the employer that she had not earned it, as she was a part-time worker and had not been there a year. He agreed to give her one week's pay of vacation, provided she stayed until the end of the year, that is, until the end of 1987 and if she left earlier, in effect, he would dock this from her. The claimant's mother became very upset. The claimant was under the impression that her benefits were taken from her and she and her mother resigned without further discussion. The claimant's actual last day of work was July 25.

In effect, what the doctor wanted the claimant to have, was one week of vacation, which she had earned, and another week if she would stay until the end of the year. He was willing to give her two weeks of vacation pay. He contended that she had not worked one full year with him, and he felt that four weeks under this new arrangement was excessive. The claimant and her mother both resigned, without fully discussing the matter with the employer. In actuality, the only benefit change by the claimant's new part-time arrangement was the cutting of vacation pay to two weeks, that is, provided she worked a year from the original four weeks she had with the previous physician.

The matter of the claimant's sick pay did not arise, because, in effect, the claimant was not sick and rarely applied for sick leave.

CONCLUSIONS OF LAW

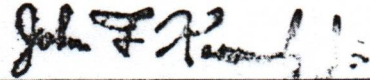
In the case of Robert v. Gorn Management, the Board of Appeals held that the claimant's resignation due to dissatisfaction with the job, where evidence shows she was treated fairly and in accordance with the employer's policies which were explained at the time of hire, was not for good cause or valid circumstances.

In this case, it is concluded that the only change in benefits when the claimant went on part-time work on February 9, was the change in vacation pay. This was not discussed at that time, but was reserved for a later date, as the claimant could have preserved her employment by accepting the two weeks vacation which was available to her, it is concluded that she left without good cause or valid circumstances, as there certainly was a change in her working status with the employer. The determination of the Claims Examiner will 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 from the week beginning July 29, 1986 and until she becomes reemployed and earns at least ten times her weekly benefit amount (\$1,950) and thereafter becomes unemployed through no fault of her own.

The determination of the Claims Examiner is affirmed.



John F. Kennedy, Jr.
Hearing Examiner

Date of hearing: 3/20/87
Cassette: 1367
hf (Fletcher)

Copies mailed on 3/26/87 to:

Claimant
Employer
Unemployment Insurance - College Park

Board of Appeals