



William Donald Schaefer, Governor
J. Randall Evans, Secretary

Board of Appeals
1100 North Eutaw Street
Baltimore, Maryland 21201
Telephone: (301) 333-5032

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

— DECISION —

Decision No.:	702-BR-91
Date:	June 13, 1991
Claimant: Torrie Johnson	Appeal No.: 9104126
	S. S. No.:
Employer: Gladenia, Inc.	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 CIRCUIT COURT OF BALTIMORE CITY, IF YOU RESIDE IN BALTIMORE CITY, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

THE PERIOD FOR FILING AN APPEAL EXPIRES

July 13, 1991

— 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 testimony established that the owner of the temporary agency had been told by the employer that the job was supposed to become permanent after six weeks. The claimant wanted the position to have, permanent status because no benefits were offered with the job as long as it remained temporary. After approximately six weeks, the claimant inquired about renegotiating her salary and being placed on a permanent status. The employer told the claimant that the position would remain temporary indefinitely and that he would decide whether or not he wanted the position to become permanent. The claimant stayed on at the temporary position an additional seven weeks after learning it was not going to become permanent. She began looking for permanent employment elsewhere and learned about a job training program offered through the Department of Economic and Employment Development. The claimant decided to enter the Department of Economic and Employment Development Program and informed her employer that she was resigning her temporary position. The testimony established that if the claimant had not entered the Department of Economic and Employment Development Program she would have quit her temporary position when she found suitable permanent employment.

CONCLUSIONS OF LAW

Article 95A, Section 6(a) provides that an individual shall be disqualified from benefits where his unemployment is due to leaving work voluntarily, without good cause arising from or connected with the conditions of employment or actions of the employer. The facts established in the instant case do not demonstrate such good cause under the Law. However, Section 6(a) provides that a reduced disqualification may be imposed where the separation is precipitated by (1) a substantial cause connected with the conditions of employment or (2) another cause of such a necessitous or compelling nature that the claimant had no reasonable alternative but to leave the employment. The facts in this case demonstrate such valid circumstances, and therefore, a reduced disqualification is appropriate.

In the instant case, valid circumstances are warranted because the claimant was misled about the status of her job. She had been told that the position would be a temporary position for only six weeks and then would become a permanent position with a higher salary and benefits. When the claimant learned that the job would remain temporary indefinitely, she began to look elsewhere for employment.

Article 95A, Section 6(a) provides in pertinent part that leaving work to attend an educational institution is neither good cause nor valid circumstances for voluntarily leaving work. In the instant case, the claimant left her temporary position to enter a Department of Economic and Employment Development Program. She did not leave to attend an educational institution as that term is defined in Section 20(u) of the Statute. The claimant had

The Hearing Examiner found that the claimant voluntarily quit her job without good cause, but with valid circumstances. The Board concludes, based upon the same facts, that the claimant had, good cause for leaving her employment.

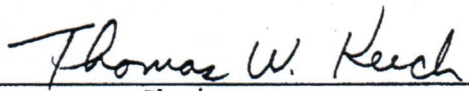
This case is made more difficult because the claimant had more than one reason for quitting her job. But the Board concludes that the primary reason that the claimant quit was because the employer had broken the agreement made at the time she was hired. The agreement was that the claimant would be made a permanent employee after six weeks, and that she would then get health care benefits at that time. After six weeks, the claimant requested that this agreement be carried out, but the employer declined. The claimant worked at the job for seven more weeks and periodically requested to be made permanent. There is no evidence that there was anything wrong with her work. The employer declined to make her permanent. The claimant began looking for permanent jobs and looking into getting job training. When a job training opening came up, she took it.

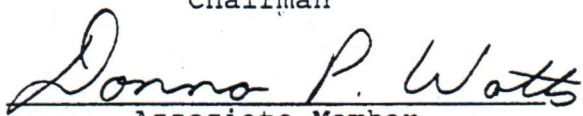
Since the primary reason that the claimant left her job was because of a violation of the employment agreement, and since this was a substantial violation; the Board concludes that the claimant had good cause for leaving the employment, within the meaning of Section 6(a) of the law.

DECISION

The claimant left work voluntarily, but for good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. No disqualification is imposed based upon her separation from employment with Gladenia, Inc.

The decision of the Hearing Examiner is reversed.


Chairman


Associate Member

K:DW
kbm
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CLAIMANT
EMPLOYER
UNEMPLOYMENT INSURANCE - TOWSON

 **Maryland**
Department of Economic &
Employment Development

William Donald Schaefer, Governor
J. Randall Evans, Secretary

William R. Merriman, Chief Hearing Examiner
Louis Wm. Steinwedel, Deputy Hearing Examiner

1100 North Eutaw Street
Baltimore, Maryland 21201

Telephone: 333-5040

— DECISION —

Claimant:	Torrie C. Johnson	Date:	Mailed: 4/11/91
		Appeal No.:	9104126
		S. S. No.:	
Employer:	Gladenia, Inc.	L.O. No.:	009
		Appellant:	Claimant

Issue: Whether the unemployment of the claimant was due to leaving 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 OFFICE OF THE DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT, 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

April 26, 1991

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Claimant - Present

Not Represented

FINDINGS OF FACT

The claimant was employed by a temporary agency as a marketing representative from November 5, 1990 until February 1, 1991, earning \$11.00 per hour.

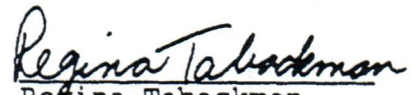
When the claimant received this temporary assignment, she accepted it with the understanding that the job would become permanent after six weeks and her salary would be renegotiated at that time.

valid circumstances for leaving her job despite the fact that she entered a Department of Economic and Employment Development Program after quitting.

DECISION

The claimant's unemployment was due to leaving work voluntarily, without good cause, but with valid circumstances, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. Benefits are denied for the week beginning February 3, 1991 and for the nine weeks thereafter.

The determination of the Claims Examiner is reversed.


Regina Tabackman
Hearing Examiner

Date of Hearing: April 1, 1991
lr/Specialist ID: 09654
Cassette No: 2964
Copies mailed on April 11, 1991 to:

Claimant
Employer
Unemployment Insurance - Towson (MABS)