



DEPARTMENT OF HUMAN RESOURCES

EMPLOYMENT SECURITY ADMINISTRATION

1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

383-5032

- DECISION -

STATE OF MARYLAND

HARRY HUGHES
Governor

KALMAN R. HETTLEMAN
Secretary

BOARD OF APPEALS

THOMAS W. KEECH
Chairman

HAZEL A. WARNICK
MAURICE E. DILL
Associate Members

SEVERN E. LANIER
Appeals Counsel

DECISION NO.: 352-BR-83

DATE: March 21, 1983

APPEAL NO.: 14558

S. S. NO.:

CLAIMANT: Darvil J. Ridgelev

EMPLOYER: Glenelg County School

L. O. NO.: 45

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

April 20, 1983

- APPEARANCES -

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon a review of the record in this case, the Board of Appeals reverses the decision of the Appeals Referee with regard to §7(c) (ii) of the Law. Upon receipt of the Claims Examiner's determination, the Claimant appeared in an office of the Employment Security Administration and attempted to file an appeal.

For some reason not shown in the record, an appeal was either not taken or was lost. The Board finds that, under these circumstances, the Claimant had "good cause" for filing his appeal late.

On the merits, the Board finds as facts that the Claimant was hired in February of 1980 as a part-time bus driver working about three hours a day. On about August of 1981, the Claimant was given additional hours of work as a maintenance man, for a total of about 40 hours per week.

Because the Claimant, over a year's period of time, failed to learn the maintenance duties satisfactorily, those duties were removed from him in August of 1982. There is no allegation of misconduct on the Claimant's part in his failure to learn the duties of the maintenance position. In August of 1982 the Claimant was relegated to performing the duties of a bus driver only, for about three hours a day. Upon learning this, the Claimant resigned, stating that he could not live on the bus driver's salary.

The Board of Appeals concludes that the Claimant did voluntarily quit his job, without good cause. The original agreement was only for part-time work as a bus driver. The agreement was later modified for a substantial period of time; but the Employer was entirely reasonable in later removing the additional maintenance duties, since they were not being satisfactorily performed.

The Claimant did, however, have serious, valid circumstances connected with his work for leaving his employment. The hours and pay which he had enjoyed for approximately one year were substantially cut, and the remaining hours did not pay anywhere near the salary of any full-time job. For this reason, a less severe penalty under §6(a) of the Law will be imposed.

DECISION

The unemployment of the Claimant was due to leaving work voluntarily, without good cause, within the meaning of §6(a) of the Maryland Unemployment Insurance Law. He is disqualified from receiving benefits from the week beginning August 22, 1982, and the four weeks immediately following.

The decision of the Appeals Referee is modified.

This denial of unemployment insurance benefits for a specified number of weeks will also result in ineligibility for Extended Benefits, and Federal Supplemental Compensation, unless the Claimant has been employed after the date of the disqualification.

Thomas W. Keech

Chairman

Hayel A. Karmil

Associate Member

K:W
gm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - PIMLICO



DEPARTMENT OF HUMAN RESOURCES
 EMPLOYMENT SECURITY ADMINISTRATION
 1100 NORTH EUTAW STREET
 BALTIMORE, MARYLAND 21201
 383 - 5040

STATE OF MARYLAND
 HARRY HUGHES
 Governor
 KALMAN R. HETTLEMAN
 Secretary

BOARD OF APPEALS
 THOMAS W. KEECH
 Chairman
 MAURICE E. DILL
 HAZEL A. WARNICK
 Associate Members
 SEVERN E. LANIER
 Appeals Counsel
 MARK R. WOLF
 Administrative
 Hearings Examiner

— DECISION —

CLAIMANT: Daryl J. Ridgeley

DATE: Dec. 30, 1982

APPEAL NO.: 14558

S. S. NO.:

EMPLOYER: Glenelg Country School

L. O. NO.: 45

APPELLANT: Claimant

ISSUE: Whether the claimant's unemployment was due to leaving work voluntarily without good causes within the meaning of Section 6(a) of the Law.
 Whether the appealing party filed a timely appeal or had good cause for an appeal filed late within the meaning of Section 7(c) (ii) 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 January 17, 1983

— APPEARANCES—

FOR THE CLAIMANT:

Daryl J. Ridgeley - Claimant

FOR THE EMPLOYER:

John Mann -
 Business Manager

FINDINGS OF FACT

The claimant was sent a notice on September 29, 1982, advising him that he had quit his job voluntarily and that he was denied benefits for the week beginning August 22, 1982 and the nine weeks immediately following, and as a result, was found to be overpaid benefits in the amount of \$286.00. The claimant was also advised that he could file an appeal no later than October 14, 1982, if he wished to do so. It informed him that he could file an appeal by writing to the Local Office or to come to the Local Office personally.

The claimant did not file an appeal until November 18, 1982. His reason was that he simply did not get around to it.

CONCLUSIONS OF LAW

Since the claimant failed to file a valid and timely appeal or present any reason why he had not appealed the determination in a timely fashion, the original decision must stand. No authority exists to change the original decision.

DECISION

The claimant failed to file a timely and valid appeal within the meaning of Section 7(c) (ii) of the Maryland Unemployment Insurance Law.

The determination of the Claims Examiner that the claimant voluntarily terminated his employment, without good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law, stands. The disqualification imposed from the week beginning August 22, 1982 and the nine weeks immediately following, remains in effect.

This denial of unemployment insurance benefits for a specified number of weeks will also result in ineligibility for Extended Benefits, and Federal Supplemental Compensation (FSC), unless the claimant has been employed after the date of the disqualification.


John G. McGucken
APPEALS REFEREE

DATE OF HEARING: December 21, 1982

ras

(7341 --- Shannon)

copies mailed to:

Claimant
Employer
Unemployment Insurance - Pimlico