

 **Maryland**
Department of Economic &
Employment Development

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.:	414-BR-91
	Date:	April 12, 1991
Claimant: Ramona L. Daughton	Appeal No.:	9017601
	S. S. No.:	
Employer: Oxford Realty Services Corp.	L. O. No.:	40
	Appellant:	EMPLOYER
Issue:	Whether the claimant left 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 AT MIDNIGHT ON May 12, 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 Board concludes that the claimant voluntarily quit her job without good cause or valid circumstances, within the meaning of Section 6(a) of the law.

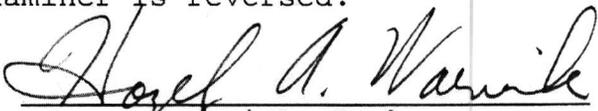
The claimant quit because she received a reprimand during which she was told that she could be discharged if she didn't improve her performance. In order for this reason to be good cause or valid circumstances, the claimant must show either that the reprimand was unreasonable, (see e.g., Dashield v. K & L Microwave, 784-BR-86) or given in a degrading, insulting or harassing manner (see e.g., Dunn v. Greenspring Dairy, 823-BH-81).

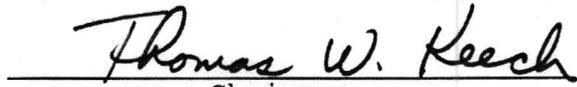
The claimant has failed to prove either of these situations existed. While some of the things she was reprimanded for may not have been totally within her control, overall the employer's demands of the claimant were reasonable. Therefore, the claimant's quit was without good cause or valid circumstances.

DECISION

The claimant voluntarily quit, without good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. She is disqualified from the receipt of benefits from the week beginning October 7, 1990 and until she becomes reemployed, earns at least ten times her weekly benefit amount (\$2,150.00) and thereafter becomes unemployed through no fault of her own.

The decision of the Hearing Examiner is reversed.


Associate Member


Chairman

H:K
kmb

COPIES MAILED TO:

CLAIMANT

EMPLOYER

Frank S. Solomon, Esquire

UNEMPLOYMENT INSURANCE - EASTPOINT



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 —

Date:	Mailed: 2/14/91
Claimant: Ramona L. Daughton	Appeal No.: 9017601
	S. S. No.:
Employer: Oxford Realty Serv. Corp.	L.O. No.: 40
	Appellant: CLAIMANT

Issue: Whether the claimant voluntarily quit her employment without good cause, within the meaning of Section 6(a) of the Law. Whether the appeal was late under Section 7(c)(3) 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.

March 1, 1991

THE PERIOD FOR FILING A FURTHER APPEAL EXPIRES AT MIDNIGHT ON

— APPEARANCES —

FOR THE CLAIMANT:

Claimant Present
Ronnie Daughton - Husband
Rita Graham - Witness

FOR THE EMPLOYER:

Frank Solomon -
ADP
John Tarrant -
Property Mgr.

FINDINGS OF FACT

The last day to file an appeal in this case was December 18, 1990. I find that the claimant's appeal was received by the Agency on or about December 17, 1990. Her appeal is timely.

The claimant voluntarily quit and applied for benefits. The Claims Examiner determined that she voluntarily quit without good cause or valid circumstances and the maximum penalty was imposed. She appeals.

The employer operates a property management firm.

The claimant was employed as an assistant resident manager until February, 1989 when she was promoted to resident manager.

During the period of her employment as resident manager she received several warnings and written documents in the nature of reprimands.

She quit after receiving a reprimand on or about September 26, 1990 which informed her that she could be discharged if she failed to reduce delinquency rates, respond to housing code violations, and monitor a maintenance contract for the installation of cable.

I find that the claimant made a good faith effort to perform her duties but some of the things she was reprimanded for, such as the delinquency rent rate was beyond her control.

I also find that the claimant had little or no training in management, consequently her problems were due more to inability than misconduct.

CONCLUSIONS OF LAW

Under Section 7(c)(3) I find that the claimant filed a timely appeal. The last day to file an appeal was December 18, 1990; her appeal was filed on or about December 17, 1990.

Article 95A, Section 6(a) provides no disqualification from unemployment insurance benefits where a claimant leaves employment with good cause attributable to the actions of the employer or the conditions of employment. The facts established in the instant case will support a finding that the claimant's leaving the employment was for good cause within the meaning of Article 95A, Section 6(a).

DECISION

The claimant filed a timely appeal.

The claimant left her employment 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 Oxford Realty Service, Corp.

The determination of the Claims Examiner is reversed.


W. Van Caldwell
Hearing Examiner

Date of Hearing: January 31, 1991
kmb/Wilson/106

Copies mailed on February 14, 1991 to:

Claimant

Employer

Frank S. Solomon, Esquire

Unemployment Insurance - Eastpoint (MABS)