



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 —

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|-----------|---|-----------------|----------|
| | Decision No.: | 1361-BR-92 | |
| | Date: | August 13, 1992 | |
| Claimant: | Joseph Goodwin | Appeal No.: | 9211371 |
| | | S. S. No.: | |
| Employer: | R&R Service, Inc. ATTN: Al Young, Pers. Mgr. | L O. No.: | 001 |
| | | Appellant: | CLAIMANT |
| Issue: | Whether the claimant left work voluntarily, without good cause, within the meaning of Section 8-1001 of the Labor and Employment Article. | | |

— 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

September 12, 1992

— APPEARANCE —

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 did not voluntarily quit his employment.

In cases where a claimant's assignment with a temporary agency ends, the Board has held that, in general, when the assignment has come to an end, the claimant is no longer employed; since he is not employed, the claimant cannot quit. See, e.g., Leitzel v. Select Temporary Services, 493-BR-90. Only in a well-documented case where a temporary employment agency can show that a claimant had a long history of practically uninterrupted work assignments, and was virtually assured of continuing work after completing the last assignment, will the Board find that such a failure to recontact the agency constitutes a voluntary quit. In making these type of determinations, generalized statements about the availability of work will not be given much weight. Laster v. Manpower, Inc., 220-BR-90.

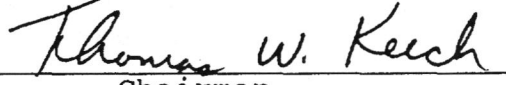
In this case the claimant worked for the employer for a little over two months. This is too short a time to constitute "a long history" of employment. Further, there is insufficient evidence that during this time the claimant had "practically uninterrupted work assignments." The employer has the burden of proving that the claimant's work tenure meets the requirements set out in Laster, supra, before a claimant's failure to recontact the employer can constitute a voluntary quit. The employer has not met that burden here. Therefore, the decision of the hearing examiner will be reversed.

DECISION

The claimant did not voluntarily quit his employment, within the meaning of Section 8-1001 of the Labor and Employment Article. No disqualification is imposed based upon the claimant's separation from employment with R&R Service, Inc..

The decision of the Hearing Examiner is reversed.


Associate Member


Chairman

W:K

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CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - BALTIMORE

 **Maryland**
Department of Economic &
Employment Development

William Donald Schaefer, Governor
Mark L. Wasserman, Secretary

Gary W. Wiedel, Administrator
Louis Wm. Steinwedel, Chief Hearing Examiner

Room 501
1100 North Eutaw Street
Baltimore, Maryland 21201

Telephone: (410) 333-5040

— DECISION —

Mailed 6/23/92

Date:

Claimant: Joseph Goodwin

Appeal No.: 9211371

S. S. No.:

Employer: R&R Service, Inc.

LO, No.: 01

Appellant: Employer

Issue: Whether the claimant was discharged for misconduct connected with the work, within the meaning of MD Code, Labor and Employment Article, Title 8, Section 1003.

— NOTICE OF RIGHT OF FURTHER APPEAL —

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A FURTHER APPEAL AND SUCH APPEAL MAYBE FILED IN ANY OFFICE OF THE DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT, OR WITH THE BOARD OF APPEALS, ROOM 515, 1100 NORTH EUTAW STREET, BALTIMORE, MARYLAND 21201, EITHER IN PERSON OR BY MAIL.

July 8, 1992

THE PERIOD FOR FILING A FURTHER APPEAL EXPIRES ON

NOTICE: APPEALS FILED BY MAIL, INCLUDING SELF-METERED MAIL ARE CONSIDERED FILED ON THE DATE OF THE U.S. POSTAL SERVICE POSTMARK

— APPEARANCES —

FOR THE CLAIMANT:
PRESENT

FOR THE EMPLOYER:

Al Young - Pers.
Mgr.

FINDINGS OF FACT

Claimant began working for Employer on September 12, 1991; his last day of work was November 29, 1991. He was employed full-time as a warehouse production worker and was compensated at the rate of \$4.25 per hour. The temporary assignment at which

Claimant had been placed by Employer's agent ended on November 29, 1991. Claimant was instructed to report back immediately thereafter for reassignment. There was work available for claimant and he would have been immediately placed in another assignment had he contacted Employer. Claimant did not contact Employer after November 29, 1991. He believes that he cannot afford to meet expenses on the amount he was being paid.

CONCLUSIONS OF LAW

The Maryland Code, Labor and Employment Article, Title 8, Section 1001 provides that an individual shall be disqualified for 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 or without serious, valid circumstances. The preponderance of the credible evidence in the record will support a conclusion that the claimant voluntarily separated from employment, without good cause or valid circumstances, within the meaning of Title 8, Section 1001.

Claimant was not discharged, but rather voluntarily quit his employment. Although additional work was available for Claimant after his current assignment had ended, Claimant did not contact Employer for reassignment. His reasons for his voluntary separation from employment constitute neither good cause a nor valid circumstance for leaving work.

DECISION

It is held that Claimant voluntarily left his employment, but not for good cause or due to a valid circumstance. He is disqualified from receiving unemployment insurance benefits beginning November 24, 1991, and until such time as he might become reemployed and earn wages for covered employment in an amount equal to or greater than \$960, which amount is ten times his weekly benefit amount of \$96.

The determination of the Claims Examiner is reversed.


Kevin C. Sippel
Hearing Examiner

Date of Hearing: 6/19/92
Specialist ID: 01036
ah/CASSETTE IN FILE

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Claimant
Employer
Unemployment Insurance - Baltimore (MABS)