



DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND
HARRY HUGHES
Governor

BOARD OF APPEALS
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

(301) 383-5032

BOARD OF APPEALS

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Chairman

HAZEL A. WARNICK
MAURICE E. DILL
Associate Members

SEVERN E. LANIER
Appeals Counsel

MARK R. WOLF
Chief Hearing Examiner

- DECISION -

Decision No.: 285-BR-86
Date: April 21, 1986
Claimant: Gloria Villalobos
Appeal No.: 8601209
S. S. No.:
Employer: Paz Medical Association
ATTN: Aurlia St. John
L.O. No.: 43
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 May 21, 1986

- 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 but disagrees with his reasoning.

The claimant's reason for quitting was clearly connected with the actions of her employer and the conditions of her employment. However, her reasons are not good cause under Section 6(a).

The claimant worked for the employer on a part-time basis, approximately 30 hours per week, Monday through Thursday. The employer asked the claimant to increase her hours, but, because of a part time job that she had with another employer on Saturdays, and also due to some personal reasons she chose instead to resign.

The Board has held that where a claimant leaves a part-time job in order to conform to the requirements of a full-time job, good cause is usually found. The claimant's reasons were good cause and were connected with the total conditions of employment. Pangborn v. Hannah's, 473-BR-82.

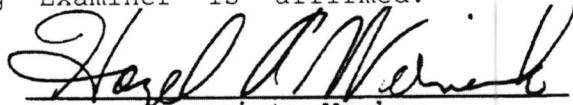
However, where, as here, the claimant leaves a 30 hour per week job, that was going to become full-time, in order to accommodate a much less substantial part-time job there is neither good cause nor valid circumstances. See, Melnyk v. Busch's Chesapeake Inn, 1139-BH-83, where the Board held that a claimant who left a permanent, part-time job to accept a temporary full-time job had neither good cause nor valid circumstances.

Therefore, the decision of the Hearing Examiner is affirmed, but for the reasons set forth above.

DECISION

The claimant's unemployment 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 January 5, 1986 and until she becomes reemployed, earns at least ten times her weekly benefit amount (\$1240.00) and thereafter becomes unemployed through no fault of her own.

The decision of the Hearing Examiner is affirmed.



Associate Member



Chairman

W:K

kmb
COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - WHEATON



DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND
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Chief Hearing Examiner

— DECISION —

Date: Mailed 3/5/86
Appeal No.: 8601209-EP
S. S. No.:
Employer: PAZ Medical Associates, P. A.
L.O. No.: 43
Appellant: EMPLOYER
Claimant: Gloria Villalobos

Issue: Whether the claimant's unemployment was due to leaving work voluntarily, without good cause, under 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 EXPIRE SAT MIDNIGHT ON March 20, 1986

— APPEARANCES —

FOR THE CLAIMANT:

Present

FOR THE EMPLOYER:

Represented by
Aurlia St. John,
Manager Silver
Spring Medical
Center

FINDINGS OF FACT

The claimant was employed by Paz Medical Associates from September, 1984 until January 15, 1986 as a Registered Nurse. The claimant was separated from her employment during that time, but rehired in April, 1985. The claimant is a Registered Nurse and worked part-time for Paz Medical Associates, and earned \$8.00 an hour plus health insurance

When the claimant returned back to work from vacation, she had a discussion with her employer about the hours she was working. The claimant had been working Monday-8 a.m. to 2 p.m., Tuesday-8 a.m. to 8 p.m. and Wednesday and Thursday-8 a.m. to 2 p.m., and was off on Fridays and Saturdays. The employer wanted her to work from 8 a.m. to 4 p.m. Monday through Saturday, or from 4 p.m. to 8 p.m. Monday to Friday, and Saturday 8 a.m. to 4 p.m. The medical clinic is opened from 8 a.m. 8 p.m., Monday through Saturday.

The employer wanted to increase the claimant's hours, because of the increase in business. The claimant could not comply with his request, because of her family and because of her part-time job on Saturdays.

The claimant is presently employed for two hours on Friday, eight hours, on Saturday and for three hours on Monday. Otherwise, the claimants unemployed.

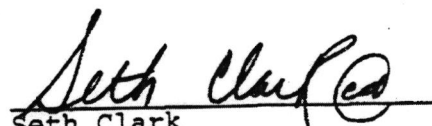
CONCLUSIONS OF LAW

The claimant voluntarily left her employment, without good cause connected with the work, within the meaning of Section 6 (a) of the Maryland Unemployment Insurance Law. The claimant left her job, because she was unable to work the hours that the employer requested, because of the increased demands of his practice. Thus, her separation from employment was not because of the actions of the employer, or the conditions of the employment within the meaning of Section 6 (a) of the Law. There is not good cause for the claimant's actions, nor are there any serious, valid circumstances present to warrant less than the maximum disqualification. Therefore, the determination of the Claims Examiner under Section 6 (a) of the Law, will be affirmed.

DECISION

The claimant voluntarily left her employment, without good cause, within the meaning of Section 6 (a) of the Law. Benefits are denied for the week beginning January 5, 1986 and until she becomes re-employed, earns at least ten times her weekly benefit amount (\$1240), and thereafter becomes unemployed through no fault of her own.

The determination of the Claims Examiner is affirmed.


Seth Clark
HEARINGS EXAMINER-

DATE OF HEARING - 2/18/86

cd

0886/MASCHKE

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Claimant

Employer

Unemployment Insurance - Wheaton