



DEPARTMENT OF EMPLOYMENT AND TRAINING

BOARD OF APPEALS
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

383-5032

THOMAS W. KEECH
Chairman

HAZEL A. WARNICK
MAURICE E. DILL
Associate Members

SEVERN E. LANIER
Appeals Counsel

STATE OF MARYLAND
HARRY HUGHES
Governor

-DECISION-

DECISION NO.: 395-BH-84.

DATE: April 13, 1984

CLAIMANT: Bessie Salisbury

APPEAL NO.: 09144

S.S.NO.:

EMPLOYER: Levenson & Klein

LO. NO.: 1

APPELLANT: REMAND FROM COURT
CLAIMANT APPEAL

ISSUE: Whether the claimant was discharged for gross misconduct or misconduct, connected with the work, within the meaning of §6(b) or §6(c) 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 MAYBE 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

May 13, 1984

-APPEARANCE-

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Claimant not present

Janet Drass -
Automatic Data
Processing
Michael D'Auria -
Service Manager

EVALUATION OF THE EVIDENCE

The Board of Appeals has considered all of the evidence presented, including the testimony offered at the hearings. The Board has also considered all of the documentary evidence introduced into this case, as well as the Department of Employment & Training's documents in the appeal file.

FINDINGS OF FACT

The claimant was employed from April 7, 1981 until June 1, 1982 for Levenson & Klein. She was paid \$3.45 per hour for her duty as a service clerk. After returning from work from a leave of absence at the end of March in 1982, the claimant compiled a long history of being late or absent without excuse. She was either late, absent or late returning from lunch or dinner on March 28, 30, April 6, 10, 12, 13, 14, 15, 17, 19, 21, 22, and 28. She was late on one day the following week. She did not show up for work on May 10. She was late on May 12 and 15. After returning from vacation, she did not show for work on May 24. On May 25 she was late.

On May 26, the claimant submitted a letter of resignation, to be effective June 9, 1982.

While at work on June 1, 1982, the claimant disappeared from the work site for long periods of time. When she was reprimanded about this, she caused a big argument at the work site which began to disrupt the work. The claimant was then fired for her continued failure to perform her work duties.

CONCLUSIONS OF LAW

Although the claimant submitted her resignation, the claimant's termination on June 1, 1982 was not merely an acceleration of the date of her leaving. Rather, it was done for her behavior on June 1, 1982, which was but a culmination of a long history of unexcused absences from the work site. Since the claimant had been warned several times about this type of behavior, her conduct clearly constitutes a series of repeated violations of employer's rules, showing a gross indifference to her employer's interests. This is gross misconduct within the meaning of §6(b) of the Maryland Unemployment Insurance Law.

DECISION

The claimant was discharged for gross misconduct, connected with the work, within the meaning of §6(b) of the Maryland Unemployment Insurance Law. She is disqualified from receiving benefits from the week beginning May 30, 1982 and until she becomes reemployed, earns at least ten times her weekly benefit amount (\$840.00) and thereafter becomes unemployed through no fault of her own.

The previous decision of the Board of Appeals is affirmed.

Thomas W. Keech

Chairman

Maurice E. Hill

Associate Member

Harold A. Ward

Associate Member

K:W:D

kmb

DATE OF HEARING: October 25, 1983

COPIES MAILED TO:

CLAIMANT

EMPLOYER

Ms. Janet Drass

UNEMPLOYMENT INSURANCE - BALTIMORE



DEPARTMENT OF HUMAN RESOURCES

EMPLOYMENT SECURITY ADMINISTRATION

1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

383-5032

- DECISION -

BOARD OF APPEALS

THOMAS W. KEECH
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Appeals Counsel

STATE OF MARYLAND

HARRY HUGHES
Governor

KALMAN R. HETTLEMAN
Secretary

DECISION NO.: 1430-BR-82

DATE: September 24, 1982

APPEAL NO.: 09144

S. S. NO.:

CLAIMANT: Bessie Salisbury

EMPLOYER: Levenson & Klein

L. O NO.: 1

APPELLANT: CLAIMANT

ISSUE Whether the Claimant was discharged for gross misconduct con-
nected with the work within the meaning of Section 6(b) of the
Maryland Unemployment Insurance 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 SUPERIOR 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 October 24, 1982

-APPEARANCE-

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

After having reviewed the record in this case, the Board of
Appeals adopts the facts and the reasoning contained in the
decision of the Appeals Referee.

DECISION

The Claimant was discharged for gross misconduct connected with the work within the meaning of Section 6(b) of the Maryland Unemployment Insurance Law. He is disqualified from receiving benefits from the week beginning May 30, 1982 and until the Claimant become-s re-employed, earns at least ten times her weekly benefit amount (\$840.00) and thereafter becomes unemployed through no fault of her own.

The decision of the-Appeals Referee is affirmed.

Thomas W. Kerch

Chairman

Maurice E. Hill

Associate Member

K:D
gm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

Automatic Data Processing

UNEMPLOYMENT INSURANCE' - BALTIMORE



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

BOARD OF APPEALS

THOMAS W. KEACH
 Chairman

HAZEL A. WARNICK
 MAURICE E. DILL
 Associate Members

SEVERN E. LANIER
 Appeals Counsel

STATE OF MARYLAND

HARRY HUGHES
 Governor

KALMAN R. HETTLEMAN
 Secretary

- DECISION -

DATE: August 10, 1982 MARK R. WOLF
 Administrative Hearings Examiner

APPEAL NO.: 09144-EP

S. S. NO.:

L. O. NO.: 1

APPELLANT: Employer

CLAIMANT: Bessie Salisbury

EMPLOYER: Levenson & Klein

ISSUE: Whether the claimant was discharged for misconduct connected with the work within the meaning of Section 6(c) 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 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 FURTHER APPEAL EXPIRES AT MIDNIGHT ON August 25, 1982

- APPEARANCES -

FOR THE CLAIMANT:

Bessie Salisbury - Claimant

FOR THE EMPLOYER:

Mr. Levenson -
 President;
 Janet Drass -
 Automatic Data Processing

FINDINGS OF FACT

The claimant worked for the employer as a service clerk for approximately one year. She earned \$3.45 per hour. Two days per week, the claimant worked twelve hours a day commencing at 9:00 a.m. Three days per week, the claimant worked eight hours a day commencing at 8:30 a.m. She worked a total of forty-eight hours per week.

The claimant was discharged by the employer on June 2, 1982, after having several of her co-employees point out that she had taken several breaks that day and was not taking her calls, resulting in customer complaints and co-employee complaints. The claimant had previously been warned by the employer on several occasions for taking excessively long breaks and failing to return to work after her lunch period. As recently as May 31, 1982, the claimant had been docked by the employer after being away from her job for approximately forty minutes. The claimant had received warnings in April, 1982 about her tardiness and absenteeism but, despite the warnings, she continued to be late for work and absent from work, without medical certification, even after it was requested by the employer for her to bring in medical certification. The claimant continued to leave work for personal family problems.

On May 26, 1982, the claimant submitted her resignation to be effective June 9, 1982 indicating that she had a better job to go to. The claimant's possible other employment was at Johns Hopkins earning \$4.00 an hour, working less hours per week.

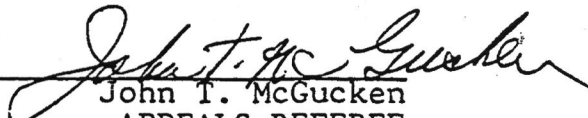
CONCLUSIONS OF LAW

The claimant's repeated violations of the employer's rules concerning lateness, absenteeism and excessively long breaks, even after warnings by the employer and being docked by the employer for taking excessively long breaks, clearly demonstrates a total disregard for the best of the employer. The claimant will be found to have been discharged for gross misconduct connected with the works for repeated violations of company rules and procedures, even after warnings by the employer. Therefore, the determination of the Claims Examiner will be reversed.


DECISION

The claimant was discharged for gross misconduct connected with the work within the meaning of Section 6(b) of the Maryland Unemployment Insurance Law. Benefits are denied from the week beginning May 30, 1982 and until the claimant becomes reemployed, and earns at least ten times her weekly benefit" amount (\$840) and thereafter becomes unemployed through no fault of her own.

The determination of the Claims Examiner is reversed.



 John T. McGucken
 APPEALS REFEREE



DATE OF HEARING: July 29, 1982

ras

(4237 -- Johns)

copies mailed to:

Claimant

Employer

Unemployment Insurance - Baltimore

Automatic Data Processing