



STATE OF MARYLAND
HARRY HUGHES
Governor

RUTH MASSINGA
Secretary

DEPARTMENT OF HUMAN RESOURCES

EMPLOYMENT SECURITY ADMINISTRATION
1100 North Eutaw Street
Baltimore, Maryland 21201
Telephone: 383-5032

BOARD OF APPEALS
THOMAS W. KEECH
Chairman
HAZEL A. WARNICK
MAURICE E. DILL
Associate Members
SEVERN E. LANIER
Appeals Counsel

—DECISION—

DECISION NO.: 516-EP-83

DATE: April 21, 1983

CLAIMANT: Natalie M. Wartzach

APPEAL NO.: 01199

S. S. NO.:

EMPLOYER: Wendy's

LO. NO.: 3

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 May 21, 1983

— APPEARANCE —

FOR THE CLAIMANT

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record in this case, the Board disagrees with the findings of fact and conclusions of law of the Appeals Referee.

The Claimant left her part-time job with Wendy's on January 8, 1983, which was only providing her with a few hours of work per week, because it was uneconomical for her to work there so few hours and, more importantly, because it was interfering with her productivity at her full-time job with Nicki, Inc. She had been working full-time at Nicki, Inc. since November 15, 1982.

On January 18, 1983, her hours at Nicki, Inc. were temporarily reduced. It was then that she applied for unemployment insurance benefits.

The Board has held in several decisions that quitting a part-time job in order to obtain or to continue to work at a full-time job constitutes good cause attributable to, arising from or connected with the conditions of employment, within the meaning of § 6(a) of the Law. See, the Board's published precedent decision of Pangborn v. Hannah's, 473-BR-82. See also, Henderson v. Caton Manor Nursing Home, 1487-BR-82, and Baywood v. R.M.R. Corporation, 408-BR-82.

The Board concludes that the reasoning of these decisions is clearly applicable here and that the Claimant, therefore, had good cause to quit her job with Wendy's.

DECISION

The Claimant left her employment voluntarily, but for good cause, within the meaning of § 6(a) of the Maryland Unemployment Insurance Law. No disqualification is imposed based on her separation from her employment with Wendy's. The Claimant may contact the local office about the other eligibility requirements of the Law.

The decision of the Appeals Referee is reversed.

W:K
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COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - CUMBERLAND



STATE OF MARYLAND
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 Secretary

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 383 - 5040

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 SEVERN E. LANIER
 Appeals Counsel
 MARK R. WOLF
 Administrative
 Hearings Examiner

- DECISION -

LAIMANT: Natalie M. Wartzach

DATE: March 10, 1983

APPEAL NO.: 01199

S. S. NO.:

EMPLOYER: Wendy's

L.O. NO.: 3

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 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

March 28, 1983

-APPEARANCES -

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Natalie M. Wartzach - Claimant

Not Represented

FINDINGS OF FACT

The claimant filed an original claim for unemployment insurance benefits effective September 19, 1982. Her weekly benefit amount is \$105.00. The claimant was employed from May 4, 1982 to January 8, 1983 as a crew member. She was earning \$3.40 per hour and worked five to ten hours a week. She acquired a position with Nicki, Incorporated as a sewing machine operator on a full-time basis, earning \$4.10 per hour. She left her position at Wendy's, which was part-time, because it was affecting her production at her full-time position with Nicki, Incorporated. She is presently engaged in full-time employment.

CONCLUSIONS OF LAW

It is held that the claimant voluntarily left her place of employment, without good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law, when she left her position because it was affecting her production at her full-time position. Working two jobs is solely at the discretion of the person working the same, and if one leaves a part-time position because they feel that it is interfering with their full-time position, it is solely at their election and not attributable to the employer and/or the employment. Therefore, the determination of the Claims Examiner will be affirmed, but the disqualification imposed will be modified, as there are no serious, valid circumstances present to warrant the imposition of less than the maximum disqualification allowed by Law.

DECISION

The unemployment of the claimant was due to leaving work voluntarily, without good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. Benefits are denied for the week beginning January 2, 1983 and until the claimant becomes reemployed and earns at least ten times her weekly benefit amount (\$1050) and thereafter becomes unemployed through no fault of her own.

The determination of the Claims Examiner is affirmed, but modified to this extent.

DATE OF HEARING: March 2, 1983

ras

(1214 -- Dudley, Jr.)

copies mailed to:

Claimant
Employer
Unemployment Insurance - Cumberland