



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

THOMAS W. KEECH  
Chairman

HAZEL A. WARNICK  
MAURICE E. DILL  
Associate Members

SEVERN E. LANIER  
Appeals Counsel

MARK R. WOLF  
Chief Hearing Examiner

— DECISION —

Decision No.: 807-BR-85

Date: September 24, 1985

Appeal No.: 05952

S. S. No.:

Claimant: Reva L. DeLoach

Employer: Anne Arundel Co. Schools  
ATTN: Personnel Dept.

L.O. No.: 50 (GA)

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 ON October 24, 1985

— 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 adopts the findings of fact of the Hearing Examiner. The claimant in this case quit her job to accompany her husband to another state. The reason that her husband transferred to another state was that his mother was seriously ill and needed his care. The Hearing Examiner explicitly found that it was the claimant's husband, not the claimant, who was to care for his ill mother.

Section 6(a) of the law provides that leaving one's work because of "the health of . . . another person who must be cared for by the individual . . ." may be a valid circumstance within the meaning of that section. Section 6(a) also states, however, that leaving work "to accompany or join one's spouse in a new locality . . ." is not a valid circumstance.

The Board concludes that the claimant did not have a valid circumstance. She left work in order to accompany her spouse to Georgia. It was her spouse, not the claimant herself, who had to care for his mother. In the last sentence of §6(a), the word "individual" clearly refers to the claimant; the sentence speaks of the "individual" leaving work "because of a circumstance relating to the health of the individual or another person who must be cared for by this individual . . ." Clearly, the statute grants valid circumstances only where it is necessary for a claimant to care for the other person.

In this case, where the claimant left work to accompany a spouse, who in turn had to care for an ill individual, that part of the law dealing with leaving work to accompany one's spouse is the most appropriate section of the law to apply in this case.

#### DECISION

The unemployment of the claimant was due to leaving work voluntarily, without good cause, within the meaning of §6(a) of the Maryland Unemployment Insurance Law. She is disqualified from receiving benefits from the week beginning December 30, 1984 and until she becomes re-employed, earns at least ten times her weekly benefit amount (\$1,570) and thereafter becomes unemployed through no fault of her own.

The decision of the Hearing Examiner is reversed.

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Associate Member

K:D  
kbm

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CLAIMANT

EMPLOYER

OUT-OF-STATE CLAIMS



**DEPARTMENT OF EMPLOYMENT AND TRAINING**

**STATE OF MARYLAND  
1100 NORTH EUTAW STREET  
BALTIMORE, MARYLAND 21201**

**(301) 383-5040**

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**BOARD OF APPEALS**

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MAURICE E. DILL  
Associate Members**

**SEVERN E. LANIER  
Appeals Counsel**

**MARK R. WOLF  
Chief Hearing Examiner**

**— DECISION —**

Date: Mailed June 28, 1985

Appeal No.: 05952 & 05958

S. S. No.:

Claimant: Reva L. DeLoach

Employer: Anne Arundel County Schools

L.O. No.: 50 (GA)

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.

Whether the claimant was able, available and actively seeking work within the meaning of Section 4 (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 PETITION FOR REVIEW EXPIRES AT MIDNIGHT ON July 15, 1985

**— APPEARANCES —**

FOR THE CLAIMANT:

Present - via telephone 6/20/85

FOR THE EMPLOYER:

NOT REPRESENTED  
UNABLE TO BE CONTACTED  
(line busy twice)

OTHER: DEPARTMENT OF EMPLOYMENT & TRAINING:  
John Barnard - Claims Specialist

**FINDINGS OF FACT**

The claimant was employed by Anne Arundel County School System for 15½ years as a secretary, earning approximately \$13,800 per year until her last day of work, January 2, 1985.

The claimant's husband's mother who lived in Georgia had recently lost her husband, and suffered from anemia and depression. This was supported by medical verification. The claimant's husband left to take care of his mother. As a result, the claimant joined her husband in their relocation to Georgia. This necessitated the claimant quitting her employment with this employer.

The claimant's husband who is retired assumes full responsibility for the care of his mother.

As of the time of the hearing, the claimant was unemployed.

#### CONCLUSIONS OF LAW

The claimant quitting her employment to relocate with her husband in Georgia to take care of his mother was not attributable to the employer or employment and, therefore, not good cause within the meaning of the Maryland Unemployment Insurance Law.

However, the relocation to care for the claimant's mother-in-law was valid, compelling circumstances justifying a less than the maximum disqualification.

As the claimant's husband assumes full responsibility for the care of his mother, and the claimant's mother-in-law, the claimant may be able, available, and actively seeking employment within the meaning of the Maryland Unemployment Insurance Law. Therefore, the determination of the Claims Examiner will be reversed.

#### DECISION

In Re: Appeal #05952 - The claimant left work voluntarily, without good cause, within the meaning of Section 6 (a) of the Law. Benefits are denied for the week beginning December 30, 1984 and the nine weeks immediately following.

The determination of the Claims Examiner, under Section 6 (a) of the Law, is modified to this extent.

In Re: Appeal #05958 - The claimant is able, available, and actively seeking work within the meaning of Section 4 (c) of the Law. She is eligible for benefits from March 31, 1985, if otherwise eligible under the Law.

The determination of the Claims Examiner, under Section 4 (c), is reversed.

This denial of unemployment insurance benefits for a specified

number of weeks will also result in ineligibility for Extended Benefits, and Federal Supplemental Compensation (FSC), unless the claimant has been employed after the date of the disqualification.

*John G. Hennegan*

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John G. Hennegan  
APPEALS REFEREE

Date of Hearing - 6/20/85  
cd/9297  
(4377/Barnard)

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