

Maryland

DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT

BOARD OF APPEALS

Thomas W. Keech
Chairman

Hazel A. Warnick
Associate Member

1100 North Eutaw Street
Baltimore, Maryland 21201
(301) 333-5033



William Donald Schaefer, Governor
J. Randall Evans, Secretary

Decision No.: 885 -BH-87
Date: Dec. 17 , 1987
Appeal No.: 8700326
S. S. No.:
Claimant: Dale Bruce
Employer: Peoples Security Life
L.O. No.: 27
Appellant: CLAIMANT

Issue: Whether the claimant left 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.

January 16 , 1988

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

— APPEARANCES —

FOR THE CLAIMANT:

Dale Bruce, Claimant

FOR THE EMPLOYER:

Employer not
represented

Unemployment Insurance Law and was disqualified from benefits for the week beginning October 12, 1986 and nine weeks immediately thereafter. From this determination the claimant appealed and a hearing was scheduled to be held telephonically for the claimant and the employer on April 1, 1987. The claimant was not available for the telephone conference hearing and the appeal was dismissed.

The claimant filed a timely petition for reopening and appeared telephonically at a hearing on May 13, 1987 at which time for good cause shown the case was reopened and heard.

The claimant filed a claim for benefits, effective December 14, 1986. His weekly benefit amount was determined to be \$195.00.

The claimant was employed by Peoples Security Life from May, 1986 until October 17, 1986. He was a salesperson and also collected debits. The claimant resigned his employment because of personal problems.

The claimant alleged that he was under stress; however, he did not present any medical evidence of his problems from a physician or hospital to the Agency.

CONCLUSIONS OF LAW

In the case of Davis v. Maryland Homes for the Handicapped, 25-BR-84, the Board of Appeals held that Section 6(a) of the Law specifically provides that "If the individual leaves his employment because of a circumstance relating to the health of the individual or another person who must be cared for by the individual, the individual must furnish a written statement or other document of that health problem from a physician or hospital." Therefore, where the claimant fails to provide medical evidence of alleged stomach pain caused by stress or overwork neither good cause nor valid circumstances are supported.

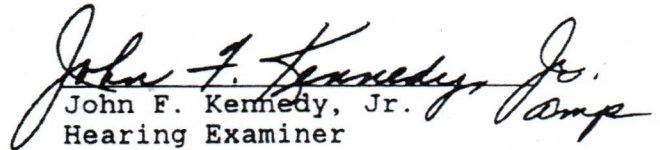
Within the purview of the above captioned case, it is concluded that the claimant left work, without good cause or valid circumstances. Therefore, the maximum disqualification will be imposed, and the determination of the Claims Examiner will be modified accordingly.

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. He is disqualified from receiving benefits from the week beginning October 12, 1986 and until he becomes re-employed, earns at least ten times his weekly benefit amount (\$1,950) and thereafter becomes unemployed through no fault of his own.

The determination of the Claims Examiner is modified accordingly.


John F. Kennedy, Jr.
Hearing Examiner

Date of hearing: 5/13/87

amp/George/1654

Copies mailed on June 2, 1987 to:

Claimant

Employer

Unemployment insurance - Snow Hill (Pre-MABS)



DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

STATE OF MARYLAND
William Donald Schaefer
Governor

(301) 383-5040

BOARD OF APPEALS

THOMAS W. KEECH
Chairman
HAZEL A. WARNICK
Associate Member
SEVERN E. LANIER
Appeals Counsel
MARK R. WOLF
Chief Hearing Examiner

DECISION

Date: Mailed: 6-2-87
Appeal No.:
S. S. No.: 8700326
Employer: Peoples Security Life
L.O. No.: 27
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 there is good cause to reopen this dismissed case under COMAR 24.02.06.02N.

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

June 17, 1987

APPEARANCES

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Dale Bruce - Claimant
(Telephone hearing - May 13, 1987 - Ellicott City, Maryland)

Frank Morrell -
Manager and Barbara Killmon -
Administrator
(Telephone hearing - May 13, 1987 - Columbus, Ohio)

FINDINGS OF FACT

The claimant was denied benefits by determination of the Claims Examiner on the ground that he voluntarily left work, without good cause, within the provisions of Section 6(a) of the Maryland

EVALUATION OF 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 Economic and Employment Development's documents in the appeal file.

Since a crucial issue in this case is whether the claimant left his employment for a medical reason which gave him no reasonable alternative other than to leave the job, the Hearing Examiner correctly ruled that Section 6(a) of the law required documentary medical evidence in order for the claimant's reason to be considered. The Board, at the hearing on October 6, 1987, granted the claimant an additional ten days to provide this medical documentation. As of the date of this decision, the claimant has not provided any medical evidence.

FINDINGS OF FACT

The claimant was employed from May of 1986 until October 17, 1986 with the Peoples Security Life Insurance Company. On the latter date, the claimant resigned employment because of personal problems. These problems resulted at some point in quite serious psychological consequences.

CONCLUSIONS OF LAW

Since the claimant has not submitted "a written statement or other documentary evidence of that health problem from a physician or hospital," as required by Section 6(a) of the law, the Board must find that the claimant voluntarily quit his employment, without good cause or valid circumstances, within the meaning of that section.

DECISION

The claimant voluntarily quit his employment, without good cause and without valid circumstances, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. He is disqualified from receiving benefits from the week beginning October 12, 1986 and until he becomes reemployed, earns at least ten times his weekly benefit amount (\$1,950) and thereafter becomes unemployed through no fault of his own.

The decision of the Hearing Examiner is affirmed.

Thomas W. Keech
Chairman

Gayle A. Smith
Associate Member

K:W

kbm

Date of Hearing: October 6, 1987

COPIES MAILED TO:

CLAIMANT

EMPLOYER

Peoples Security Insurance Co.

UNEMPLOYMENT INSURANCE - SNOW HILL