



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.: 899-BR-85

Date: October 10, 1985

Appeal No.: 07726

S. S. No.:

Claimant: Maggie C. Thomas

Employer: Washington Inventory Service
ATTN: Laurie Roberts

L.O. No.: 7

Appellant: EMPLOYER

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

November 9, 1985

APPEARANCES

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

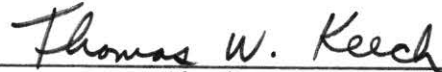
After having reviewed the record in this case, the Board of Appeals adopts the facts and reasoning contained in the decision of the Hearing Examiner.

The Board has ruled in the past that a transportation problem may be connected with the conditions of employment where the employer moves its location.

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 Washington Inventory Service. The Claimant may contact the local office concerning the other eligibility requirements of the Law.

The decision of the Hearing Examiner is affirmed.



Chairman



Associate Member

K:W
kmb

COPIES MAILED TO:

CLAIMANT

EMPLOYER

R. E. Harrington, Inc.
ATTN: Barb Morin

UNEMPLOYMENT INSURANCE - COLLEGE PARK



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Chief Hearing Examiner

— DECISION —

Date: Mailed August 14, 1985

Claimant: Maggie C. Thomas

Appeal No.: 07726

S. S. No.:

Employer: Washington Inventory Service

L.O. No.: 07

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 PETITION FOR REVIEW EXPIRES AT MIDNIGHT ON August 29, 1985

— APPEARANCES —

FOR THE CLAIMANT:

Present

FOR THE EMPLOYER:

Represented by Laurie
Roberts, Processing
Center Manager

FINDINGS OF FACT

The claimant worked for one year and two months as an inventory processor, earning \$4.25 an hour for Washington Inventory Services. Her last day of work was May 29, 1985. When she was hired, she took the job working at 8200 Professional Place in Landover, Maryland. This was approximately 20 minutes from her home by car, but almost all the time she took public transportation. It took her 45 minutes to get from her home to the place of employment. She would still be working for the employer had they not moved.

The employer moved its business to 7700 Old Branch Avenue, Clinton, Maryland, sometime about five weeks before the claimant quit her job. The only way the claimant could get to the Old Branch Avenue in Clinton, Maryland was by car. She could no longer utilize public transportation. There was no public transportation available to her. She had to depend on her husband to take her to work everyday, and pick her up from work. She changed her hours to accommodate this. Starting about the middle of April, 1985, the claimant was transported by her husband to and from work. It is only about 25 minutes by car from the claimant's residence to the employer's place of business. However, the burden was on the claimant because now she could only go by car, and not use public transportation.

The claimant's husband's car eventually became inoperative and she had to quit her job. She discussed this with the employer, and told the employer that this was the only reason she was leaving. The claimant quit her job.

CONCLUSIONS OF LAW

The evidence is clear that the claimant did quit her job. The question is whether or not there is or there is not good cause or valid circumstances for her doing so. The claimant did not ask the employer to move its premises to Clinton, Maryland. She had previously transported herself to and from work by public transportation, and no public transportation was now available. She had to, therefore, rely upon her husband to get her to and from work by private transportation. When private transportation was no longer available, the claimant had to quit her job. It is recognized, generally, that the claimant is responsible for transportation. However, in this case, the employer elected to change its place of employment from Landover to Clinton, Maryland. In doing so, the claimant left solely because of transportation difficulties. These difficulties had their genesis or root cause in the employer's actions and, hence, the employer caused the claimant to leave work. Thus, the claimant left for reasons that are directly attributable to, arising from, or connected with the conditions of employment. Hence, she left for good cause.

The Hearings Examiner is already aware of the line of cases such as Sutton v. Aberdeen Proving Grounds, 1461-BR-82; Yowell v. Whiting-Turner Contracting Company, 2234-BR-83; Miller v. Fairchild Industries, 697-BR-84; Baltimore v. Professional Builders, 1195-BR-82. In each of these cases, the claimant was caused to leave their job by the distance of commuting to and from work. In this instance, it must be remembered that

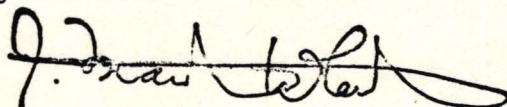
the means of public transportation that the claimant relied upon was now taken from her by the employer's decision to move to Clinton, Maryland. The claimant did not move, but the employer moved. Thus, the employer set in motion a chain of events which caused the claimant to leave work. It is true for about five or six weeks the claimant diligently utilized the only transportation available to her, namely, her husband. It is true that ultimately she had to leave work because of personal car difficulties of her husband. However, the root cause of her leaving work was not the personal car difficulties of her husband, but the fact that she had to rely upon her husband which, in turn, was caused by the employer's moving from Landover to Clinton, thus, denying the claimant the access to public transportation she had previously enjoyed. It is, therefore, believed by the Hearings Examiner that the claimant left for good cause, rather than valid circumstances in this case.

DECISION

The claimant left work voluntarily, but with good cause, within the meaning of Section 6 (a) of the Law.

There is no denial of benefits.

The determination of the Claims Examiner is, hereby, reversed, in favor of the claimant who should consult her local office with regard to the other eligibility factors of the Law.



J. Martin Whitman
HEARINGS EXAMINER

Date of Hearing - 8/6/85
cd/8243
(8348/Fletcher)

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Claimant
Employer
Unemployment Insurance - College Park