

Maryland

DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT

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



William Donald Schaefer, Governor
J. Randall Evans, Secretary

BOARD OF APPEALS

Thomas W. Keech, Chairman
Hazel A. Warnick, Associate Member
Donna P. Watts, Associate Member

- DECISION -

Decision No.: 971 -BR-88
Date: October 14, 1988
Claimant: Margaret H. Stenner
Appeal No.: 8805857
S. S. No.:
Employer: Mine Safety Appliance Co.
Catalyst Research Division
L O. No.: 50
Appellant: EMPLOYER
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 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, IF YOU RESIDE IN 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 13, 1988

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD


Upon review of the record in this case, the Board of Appeals adopts the Findings of Fact of the Hearing Examiner. However, the Board finds that these facts are sufficient to conclude that the claimant voluntarily quit her employment with Mine Safety Appliance Company, with good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law.

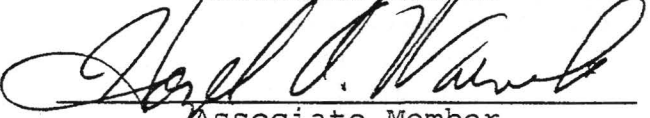
The medical problems suffered by the claimant were directly attributable to, arising from or connected with the conditions of employment. The claimant has provided medical evidence to support her claim. The employer has provided no evidence to rebut the claimant's testimony or medical evidence.

DECISION

The claimant left work voluntarily, but with good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. No disqualification is imposed based on her separation from employment with Mine Safety Appliance Company. The claimant may contact the local office concerning the other eligibility requirements of the law.

The decision of the Hearing Examiner is reversed.


Associate Member


Associate Member

D:H
mb

COPIES MAILED TO:

CLAIMANT

EMPLOYER

Kathleen Cox, Esquire

John B. Belchtol, Esquire
Reed, Smith, Shaw & McClay

OUT-OF-STATE CLAIMS

STATE OF MARYLAND
APPEALS DIVISION
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201
(301) 383-5040

STATE OF MARYLAND
William Donald Schaefer
Governor

--- DECISION -

Date: Mailed August 19, 1988
Appeal No: 8805857
S.S. No.:
Claimant: Margaret H. Stenner
Employer: Mine Safety Appliance Company L.O.No.: 50
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 September 6, 1988
NOTICE: APPEALS FILED BY MAIL, INCLUDING SELF-METERED MAIL, ARE CONSIDERED FILED ON THE DATE OF THE U.S. POSTAL SERVICE POSTMARK.

- APPEARANCES -

FOR THE CLAIMANT:

Present
Kathleen Cox, Attorney

FOR THE EMPLOYER:

Craig Stauffer,
Manager of Human
Resources, Witness

FINDINGS OF FACT

The Claimant filed an original claim for unemployment insurance benefits, effective March 27, 1988.

The Claimant was employed by Mine Safety Appliance Company, from February 1986 to on or about September 29, 1987, her last job classification as a supervisor of manufacturing at an annual salary of \$34,000.

The Claimant separated from her employment due to medical reasons. She remained on a sick leave status until her employer determined that she did not wish to return to the same environment; she was working in at the time of separation.

Extensive medical documentation has been presented.

There is some medical evidence to indicate that a medical problem was created or an existing medical condition exacerbated by working in an area which contained some toxic fumes. Medical information also indicates that the Claimant is feeling much better and feels that she could return to work.

CONCLUSIONS OF LAW

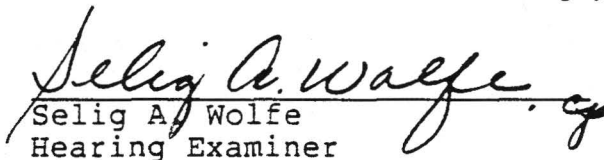
The Claimant's actions in failing to indicate a desire to return to work in the same conditions at the same environment in which she last worked, demonstrates a will, design, and intent to leave one's work voluntarily, without good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law.

However, there are serious and/or valid circumstances present to warrant the imposition of a minimal disqualification, especially in view of the fact that there is medical documentation to indicate that the reasons for leaving were brought about by either the creation or exacerbation of an existing medical condition due to the fact that there were some toxic fumes in the area in which she worked.

DECISION

The Claimant's unemployment was due to leaving work voluntarily, without good cause within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. The Claimant is denied unemployment insurance benefits for the week beginning March 13, 1988 and for the four weeks immediately following thereafter.

The determination of the Claims Examiner is modified accordingly.


Selig A. Wolfe
Hearing Examiner

Date of Hearing: June 23, 1988
Cassette: 4100 & 4101
Specialist ID: 50504
Copies Mailed on August 19, 1988 to:
Claimant
Employer
Out-of-State Claims (MABS)

Kathleen Cox, Attorney