

# DLLR

STATE OF MARYLAND

DEPARTMENT OF LABOR, LICENSING AND REGULATION

PARRIS N. GLENDENING, Governor

EUGENE A. CONTI, JR., Secretary

Board of Appeals

Hazel A. Warnick, Chairperson

## - DECISION -

**Claimant:**

ROLAND C. VORIS JR

Decision No.: 02408-BR-97

Date: July 18, 1997

Appeal No.: 9705571

S.S. No.:

**Employer:**

AVESTA SHEFFIELD EAST INC

L.O. No.: 22

Appellant: Claimant

**Issue:** Whether the claimant left work voluntarily, without good cause within the meaning of Maryland Code, Labor and Employment Article, Title 8, Section 1001.

---

## - NOTICE OF RIGHT OF APPEAL TO COURT -

You may file an appeal from this decision in the Circuit Court for Baltimore City or one of the Circuit Courts in a county in Maryland. The court rules about how to file the appeal can be found in many public libraries, in the Maryland Rules of Procedure, Title 7, Chapter 200.

The period for filing an appeal expires: August 17, 1997

---

## 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 concludes that these facts warrant a different conclusion of law



Section 8-1001 of the Labor and Employment Article provides that an individual shall be disqualified from the receipt of benefits where their unemployment is due to leaving work voluntarily, without good cause arising from or connected with the conditions of employment or actions of the employer or without serious, valid circumstances. A circumstance for voluntarily leaving work is valid if it is a substantial cause that is directly attributable to, arising from, or connected with conditions of employment or actions of the employing unit or of such necessitous or compelling nature that the individual had no reasonable alternative other than leaving the employment.

In a case of a voluntary quit the burden is on the claimant to establish either good cause or valid circumstances for quitting his employment. The claimant has established valid circumstances as defined in §8-1001 of the Labor and Employment Article.

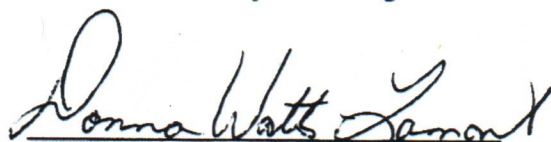
The claimant in this case was not at risk of losing his job if he did not accept early retirement. Compare Bishop v. Digital Equipment., 270-BH-91. The claimant, an employee with over thirty years at this job, was at risk of losing continuing, affordable health benefits while continuing to work and when he retired, if he did not retire before March 15, 1997. The claimant chose to retire effective February 14, 1996. The claimant's reason for quitting rise to the level of valid circumstances.

The claimant's reason for quitting; the need to have continuing affordable health care, was a substantial cause that was directly attributable to actions of the employing unit and of such a necessitous and compelling nature that the claimant had no reasonable alternative other than leaving the employment.

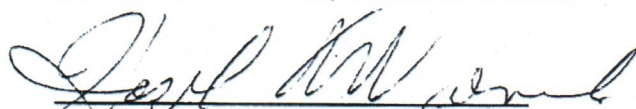
### DECISION

The claimant left work voluntarily, without good cause but for valid circumstances, within the meaning of §8-1001 of the Labor and Employment Article. He is disqualified from receiving benefits from the week beginning March 2, 1997 and the four weeks immediately following.

The decision of the Hearing Examiner is reversed.



Donna Watts-Lamont, Associate Member



Hazel A. Warnick, Chairperson

dt

Copies mailed to:  
ROLAND C. VORIS JR  
AVESTA SHEFFIELD EAST INC  
Local Office - #22

## UNEMPLOYMENT INSURANCE APPEALS DECISION

ROLAND C. VORIS JR

Before the:

**Maryland Department of Labor,  
Licensing and Regulation  
Appeals Division  
1100 North Eutaw Street  
Room 511  
Baltimore, MD 21201  
(410) 767-2421**

SSN ;

**Claimant**

vs.

AVESTA SHEFFIELD EAST INC

**Employer/Agency**

Appeal Number: 9705571  
Appellant: Claimant  
Local Office: 22 / Bel Air

April 18, 1997

**For the Claimant: PRESENT**

**For the Employer:**

**For the Agency:**

### ISSUE(S)

Whether the claimant's separation from this employment was for a disqualifying reason within the meaning of the MD. Code Annotated, Labor and Employment Article, Title 8, Sections 1001 (Voluntary Quit for good cause), 1002 - 1002.1 (Gross/Aggravated Misconduct connected with the work), or 1003 (Misconduct connected with the work).

### FINDINGS OF FACT

The claimant was employed from January 3, 1960 through February 14, 1997. At the time of separation he was an entry end operator earning \$14.75 per hour. The claimant voluntarily retired effective March 1, 1997.

On or about March 15, 1995, the employer, Avesta Sheffield, purchased Armco, the claimant's former employer. Pursuant to the purchase agreement, employees with 30 or more years of service would be guaranteed medical benefits under Armco's defined benefit plan only if they retire within two years of the purchase, that is March 15, 1997. This provision was significant to the claimant because under Avesta's benefit plan, medical benefits were not guaranteed and could be terminated by the company at any time. The claimant tendered notice of his intention to resign in order to retire effective March 1, 1997. Had the claimant not resigned, continuing employment was available to him with Avesta, though his medical benefits would not be guaranteed.

Prior to the effective date of the claimant's retirement, he was laid off temporarily for lack of work from February 14-28, 1997. The claimant did not return to work following the temporary layoff, because his retirement had become effective.

### CONCLUSIONS OF LAW

Md. Code Ann., Labor & Emp., Section 8-1001 (Supp. 1994) provides that an individual shall be disqualified for benefits where unemployment is due to leaving work voluntarily without good cause arising from or connected with the conditions of employment or actions of the employer, or without valid circumstances. A circumstance is valid only if it is "(i) a substantial cause that is directly attributable to, arising from, or connected with conditions of employment or actions of the employing unit; or (ii) (a cause) of such necessitous or compelling nature that the individual has no reasonable alternative other than leaving the employment." Board of Educ. v. Paynter, 303 Md. 22, 491 A.2d 1186 (1985).

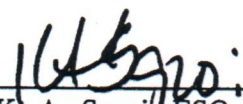
### EVALUATION OF EVIDENCE

In this case, the claimant was unemployed due to lack of work from February 14-28, 1997. During that time, benefits are allowed because layoff due to lack of work is a non-disqualifying reason within the meaning of the Maryland Unemployment Insurance Law. However, the claimant's resignation in order to retire became effective thereafter, on March 1, 1997. Resigning in order to guarantee continuation of medical benefits, while understandable under the circumstances, does not constitute a good cause or a valid circumstances within the meaning of the Maryland Unemployment Insurance Law because continuing employment was available to the claimant had he not voluntarily resigned. The claimant's decision to resign or retire in order to guarantee medical benefits was a purely personal reason. Purely personal reasons, no matter how compelling, cannot constitute good cause or valid circumstances within the meaning of Section 8-1001 of the Maryland Unemployment Insurance Law. Because the claimant did not have good cause or valid circumstances within the meaning of Section 1001 benefits must be denied following the effective date of the claimant's resignation.

### DECISION

IT IS HELD THAT the claimant's unemployment was due to leaving work voluntarily without good cause or valid circumstances within the meaning of Md. Code Ann., Labor & Emp., Section 8-1001 (Supp. 1994). Benefits are denied for the week beginning March 2, 1997 and until such time as the claimant becomes re-employed and earns at least 15 times the claimant's weekly benefit amount in covered wages and thereafter becomes unemployed through no fault of the claimant.

The determination of the claims examiner is modified.

  
\_\_\_\_\_  
K. A. Sgroi ESQ  
Hearing Examiner

**Notice of Right of Further Appeal**

Any party may request a further appeal either in person or by mail which may be filed in any local office of the Department of Labor, Licensing and Regulation, or with the Board of Appeals, Room 515, 1100 North Eutaw Street, Baltimore, MD 21201. Your appeal must be filed by May 5, 1997.

Note: Appeals filed by mail are considered timely on the date of the U.S. Postal Service postmark.

Date of hearing: April 8, 1997

THJ/Specialist ID: 22157

Seq. No.: 001

Copies mailed on April 18, 1997 to:

ROLAND C. VORIS JR  
AVESTA SHEFFIELD EAST INC  
LOCAL OFFICE #22