

 **Maryland**  
Department of Economic &  
Employment Development

*William Donald Schaefer, Governor*  
*J. Randall Evans, Secretary*

*Board of Appeals*  
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*Baltimore, Maryland 21201*  
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*Board of Appeals*  
*Thomas W. Keech, Chairman*  
*Hazel A. Warnick, Associate Member*  
*Donna P. Watts, Associate Member*

— DECISION —

	Decision No.:	607-BR-90
	Date:	June 21, 1990
Claimant: Josie Nabavian Washlaber	Appeal No.:	9004104
	S. S. No.:	
Employer: RMI & Associates, Inc.	L O. No.:	23
	Appellant:	CLAIMANT
Issue:	Whether the claimant left work voluntarily, without good cause, within the meaning of Section 6(a) of the law.	

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— NOTICE OF RIGHT OF APPEAL TO COURT —

YOU MAY FILE AN APPEAL FROM THIS DECISION IN ACCORDANCE WITH THE LAWS OF MARYLAND. THE APPEAL MAYBE 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.

July 21, 1990

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

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— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals modifies the decision of the Hearing Examiner.

The Board adopts the findings of fact of the Hearing Examiner. Based on these facts, the Board agrees that the claimant did not have good cause for voluntarily leaving her employment, within the meaning of Section 6(a) of the law. The Board, however, concludes that the claimant has shown that she left work for a substantial cause, connected with the conditions of employment. This substantial cause amounts to a "valid circumstance" within the meaning of the law. As a result, the claimant will still be penalized under Section 6(a) of the law, but the penalty will be modified.

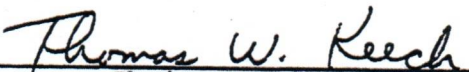
The fact that \$85 was to be deducted from the claimant's monthly salary (in order to pay for health benefits) was a detrimental change in the work conditions originally agreed upon at the time of her hiring. Although the testimony was less than precisely clear on this subject, the Board agrees with the findings of fact that the claimant was told of the health insurance benefits, but was not told of the \$85 charge.


This was a substantial detrimental change in the conditions of employment. It was not so substantial, however, as to amount to "good cause," because the claimant did expect to pay at least a token amount for these benefits. Another factor that might conceivably amount to good cause would be a deliberately deceptive statement by the employer of the terms and conditions of employment. This factor is not present in this case, as the employer did not deceive the claimant about the terms of employment. Rather, the employer simply omitted mention of the \$85 payment. For these reasons, the change in the conditions of employment does not amount to "good cause."

#### DECISION

The claimant left work voluntarily, without good cause, but for valid circumstances, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. She is disqualified from receiving benefits from the week beginning February 25, 1990 and the nine weeks immediately following.

The decision of the Hearing Examiner is modified.

  
\_\_\_\_\_  
Chairman

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

K:DW  
kbm

employment, without good cause or valid circumstances, within the meaning of Section 6(a) of the Law.

The paramount reason that this claimant left the job was that there was little or no advancement in the position and she did not like the fact that \$85 was to be deducted from her salary to cover monthly health benefits for the family. Neither of these matters were discussed at the time she accepted the position, and therefore, cannot be considered a deviation from the conditions of her employment such as to justify good cause for her resignation.

The determination by the Claims Examiner will be affirmed.

DECISION

The claimant quit her employment for reasons which do not constitute good cause or valid circumstances, within the meaning of section 6(a) of the Law. Benefits are denied from the week beginning February 25, 1990 and until the claimant becomes re-employed and earns at least ten times her WBA \$1,800 and thereafter becomes unemployed through no fault of her own.

The determination of the Claims Examiner is affirmed,

*Mary Welcome* EC  
Mary Welcome  
Hearing Examiner

Date of Hearing: 4/9/90  
ec/Specialist ID: 23993  
Cassette No: 2917  
copies mailed on 4/20/90 to:

Claimant  
Employer  
Unemployment Insurance - Columbia - (MABS)



 **Maryland**  
Department of Economic &  
Employment Development

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— D E C I S I O N —

Claimant:	Josie L. Nabavian	Date:	Mailed 4/20/90
		Appeal No.:	9004104
		S. S. No.:	
Employer:	RMI & Associates, Inc.	LO. No.:	23
		Appellant:	Claimant

Issue: Whether the unemployment of the claimant was due to leaving work voluntarily, without good cause, within the meaning of Section 6(a) of the Law.

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— NOTICE OF RIGHT TO PETITION FOR REVIEW —

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A REVIEW AND SUCH PETITION FOR REVIEW MAYBE FILED IN ANY OFFICE OF THE DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT, OR WITH THE APPEALS DIVISION, ROOM 515, 1100 NORTH EUTAW STREET, BALTIMORE, MARYLAND 21201, EITHER IN PERSON OR BY MAIL

May 7, 1990

THE PERIOD FOR FILING A PETITION FOR REVIEW EXPIRES AT MIDNIGHT ON

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— A P P E A R A N C E S —

FOR THE CLAIMANT:

Claimant-Present

FOR THE EMPLOYER:

Not Represented

FINDINGS OF FACT

The claimant began working for the employer on February 25, 1990 and, submitted her resignation on March 1, 1990. The claimant was hired as a secretary and was to earn a salary of \$18,000 per year.

The claimant was hired through an employment service, At the time of her interview, with the agency she was advised that she would be working for two company vice presidents and that she would receive good company benefits. The Agency informed her of the kind of computer software that the potential employer used and when the claimant advised her that she was unfamiliar with the software, she was told that training would be provided.

Based upon the information provided by the job search agency, the claimant expected an interview with the employer. At the time of that interview, the claimant was given the name of the two persons for whom she would be working but there was no mention that they were vice presidents. She was further advised that she would be required in addition to her secretarial work; make coffee, and answer the telephones. At the time of the initial interview, the claimant did not inquire nor was she advised that there would be training on the company's equipment. However, she was advised that should she have any questions that she should seek the assistance of the one of the secretaries who had been with the company for a lengthy period of time.

The claimant began working and discovered that the company provided health insurance benefits, but for the family plan approximately \$85 a month would be deducted from her salary. This was not something that the claimant was told about at the time of her acceptance of the position.

AS she began working, she felt very uncomfortable with the computers and did not feel that she was in control of the job, There was no formed training on the computers nor did she inquire further about the training which she was led to believe that she would receive.

During the first week the claimant was working, she was informed by the employment agency that there was little or no advancement in that position, even though she would receive raises . The claimant resigned.

#### CONCLUSIONS OF LAW

Article 95A, Section 6(a) provides that an individual shall be disqualified for benefits where his 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. The preponderance of the credible evidence in the record will support a conclusion that the claimant voluntarily separated from

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