



DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND

HARRY HUGHES  
Governor

BOARD OF APPEALS  
1100 NORTH EUTAW STREET  
BALTIMORE, MARYLAND 21201  
383-5032

THOMAS W KEECH  
Chairman

HAZEL A WARNICK  
MAURICE E DILL  
Associate Members

SEVERNE E LANIER  
Appeals Counsel

-DECISION-

CLAIMANT: Vivian E. Best

DECISION NO.: 550-BR-84  
DATE: June 7, 1984  
APPEAL NO.: 15374  
S.S.NO.:

EMPLOYER Kelly Girl Temporary  
Services

LO.NO.: 2  
APPELLANT: CLAIMANT

ISSUE Whether the unemployment of the claimant 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 July 7, 1984

-APPEARANCE-

FOR THE CLAIMANT

FOR THE EMPLOYER

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals reverses the decision of the Appeals Referee.

The claimant did not voluntarily quit her job with Kelly Girl Temporary Services. She refused a three-day assignment on November 25, 1983 because her husband was sick. Considering the reason for her refusal and the fact that the assignment was only

for three days, the Board concludes that the claimant had good cause within the meaning of §6(d) of the law to refuse the offer of work. Although the employer became suspicious of the claimant's true motives, there is no evidence to contradict the claimant's testimony.

Subsequently, on November 30, 1983, the claimant went on "inactive status" with the employer. This meant that she was not available for assignments and is somewhat akin to what would be termed a leave of absence in a regular, permanent employment situation. The claimant did not intend to quit, as evidenced by her return to active status one week later, on December 5, 1983. The claimant accepted and began a new assignment for the employer on December 19, 1983.

The proper disqualification in this case is under §4(c) of the law. The claimant was not available for work from November 25, 1983 until December 5, 1983. This is also consistent with recent Board decisions involving claimants on leaves of absence. See, e.g., Muller v. Board of Education, Board Decision No. 144-BH-83.

#### DECISION

The claimant did not quit her employment voluntarily, within the meaning of §6(a) of the Maryland Unemployment Insurance Law. No disqualification is imposed based on her separation from her employment with Kelly Girl Temporary Services.

The claimant refused, with good cause, to accept available, suitable work within the meaning of §6(d) of the law. No disqualification is imposed under this section of the law.

The claimant is disqualified from receiving unemployment benefits, within the meaning of §4(c) of the law, for the two weeks ending November 26, 1983 and December 3, 1983 only.

The decision of the Appeals Referee is reversed.

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

  
\_\_\_\_\_  
Chairman

W:K  
kbm

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CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - GLEN BURNIE