



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  
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Chairman  
HAZEL A. WARNICK  
MAURICE E. DILL  
Associate Members  
SEVERN E. LANIER  
Appeals Counsel  
MARK R. WOLF  
Chief Hearing Examiner

— DECISION —

	Decision No.:	1000-BR-85
	Date:	November 1, 1985
Claimant: Marvin E. Mayhugh, Jr	Appeal No.:	08799
	S. S. No.:	-
Employer: Fischer Ed. Systems, Inc. ATTN: Personnel	L.O. No.:	7
	Appellant:	CLAIMANT

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 MAYBE 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 December 1, 1985

— APPEARANCES —

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 Hearing Examiner.

The claimant in this case was employed under a contract as a comptroller and also as a collection agent. His previous employer sold out to Fisher Educational Systems, Inc. the employer in this case, which assumed the duties of the contract.

The claimant was apparently paid his regular salary, but the new employer refused, despite his repeated requests, to pay him a \$1,721 commission owed to him. (This check was eventually paid, long after the claimant left the employment.) In addition, when the transfer of ownership took place, the claimant lost his family health care coverage, which was essential to him because of his wife's pregnancy.

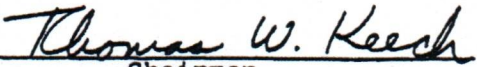
The claimant made numerous efforts to recover the check which was due him, but the employer would not acknowledge that it was liable for this payment. The employer was, in fact, liable for this payment. On his last day of work, June 10, 1985, the claimant made some further efforts to find out if he would be paid. His supervisor made a comment to him to the effect that the supervisor didn't understand why the claimant was coming in to work just to stare at the walls. The claimant took this to mean that he was not wanted on the premises, and he resigned.

The employer's statement was too ambiguous for the Board to consider as a discharge. The claimant, however, was not acting totally unreasonable in considering this statement as the employer's expression that the claimant was not wanted as an employee. The claimant did voluntarily quit his job, but his reasons, which included the employer's failure to pay or even acknowledge liability for commissions owed to the claimant, the cancellation of his family health insurance benefits and the statement implying that the claimant was not wanted on the premises, taken together, constitute "good cause" for leaving employment as that term is used in §6(a) of the Maryland Unemployment Insurance Law.

#### DECISION.

The claimant left work voluntarily, but for good cause, within the meaning of §6(a) of the Maryland Unemployment Insurance Law. No disqualification is imposed based upon his separation from his employment with Fischer Educational Systems, Inc. The claimant may contact the local office concerning the other eligibility requirements of the law.

The decision of the Hearing Examiner is reversed.

  
Chairman

  
Associate Member

K:W

kmb

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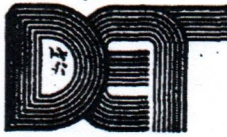
CLAIMANT

EMPLOYER

Automatic Data Processing

ATTN: Gregory Brunnhuber

UNEMPLOYMENT INSURANCE - COLLEGE PARK



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Chief Hearing Examiner

DECISION

Claimant: Marvin E. Mayhugh
Date: Mailed 9/13/85
Appeal No.: 08799
S. S. No.:
Employer: Fischer Educational Systems, Incorporated
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 TO PETITION FOR REVIEW

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A REVIEW AND SUCH PETITION FOR REVIEW 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 September 30, 1985

APPEARANCES

FOR THE CLAIMANT:

Present

FOR THE EMPLOYER:

Represented by Margaret Anawalt, Director of Yorktowne Business Schools; Carlene Ayers, Bookkeeper; and Gregory Brunnhuber, Automatic Data Processing

FINDINGS OF FACT

The claimant was employed by Fischer Educational Systems, Incorporated and its predecessor corporations from October, 1981 until June 18, 1985. At the time of his separation from employment, he was a Comptroller, earning \$27,000 per year, plus

commissions on delinquent accounts that were collected.

The claimant had an employment contract covering the period from September 1, 1984 through August 31, 1985. He supervised the accounting staff and their work. The stock of the employer corporation was sold.

When the claimant came back from vacation on June 3, 1985, the sale of the stock had been executed. The claimant was due commissions for collections that he had successfully made.

The claimant attempted to call the new owners to determine the status of his position with them. Through numerous telephone conversations, he was unable to determine exactly what his status would be. One of his main concerns was the continuance of his health insurance.

As a result of one of his contacts with the new ownership, the claimant felt he would no longer be paid. The employer, on the other hand, thought that the claimant was resigning, because the claimant could not work for the new owners.

#### CONCLUSIONS OF LAW

The claimant voluntarily left his employment without good cause connected with the work, within the meaning of Section 6 (a) of the Maryland Unemployment Insurance Law. The claimant left his job, because he felt he would not be paid, and because he anticipated problems with the new owners of the company. Thus, his separation from employment was not because of the actions of the employer, or the conditions of his employment. There is not good cause for his actions, nor are there any serious, valid circumstances present to warrant less than the maximum disqualification. Therefore, the determination of the Claims Examiner, under Section 6 (a) will be affirmed.

#### DECISION

The claimant left work voluntarily, without good cause, within the meaning of Section 6 (a) of the Law. Benefits are denied for the week beginning June 9, 1985 and until he becomes re-employed, earns at least ten times his weekly benefit amount (\$1750), and thereafter becomes unemployed through no fault of his own.

The determination of the Claims Examiner is, hereby, affirmed.

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**Seth Clark**  
HEARINGS EXAMINER

Date of Hearing - 8/29/85  
cd/9269  
(5516/Lopez)

COPIES MAILED ON 9/13/85 TO:

Claimant  
Employer  
Unemployment Insurance - College Park

Automatic Data Processing  
ATTN: Gregory R. Brunnhuber