



DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

383 - 5032

-DECISION-

STATE OF MARYLAND
HARRY HUGHES
Governor

BOARD OF APPEALS
THOMAS W. KEECH
Chairman

HAZEL A. WARNICK
MAURICE E DILL
Associate Members

SEVERN E. LANIER
Appeals Counsel

DECISION NO.: 246-BR-84

DATE: February 24, 1984

CLAIMANT: Phillip G. Spellman

APPEAL NO.: 12916

S.S. NO.:

EMPLOYER: Shady Grove Adventist Hospital

L.O.NO: 43

APPELLANT: EMPLOYER

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 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 March 25, 1984

-APPEARANCE-

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

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

The Claimant quit his job with Shady Grove Adventist Hospital for the following reasons: he was required to work some Sundays contrary to his religious practices and beliefs and despite the fact that the Employer had led him to believe that he would not have to work Sundays when he was hired; he had obtained a better position as a cook with a higher salary and with no requirement that he work on Sundays.

These reasons constitute good cause within the meaning of §6(a) of the Law.

DECISION

The Claimant left his employment voluntarily, but for good cause, within the meaning of §6(a) of the Maryland Unemployment Insurance Law. No disqualification is imposed based on his separation from his employment with Shady Grove Adventist Hospital. The Claimant may contact the local office concerning the other eligibility requirements of the Law.

The decision of the Appeals Referee is affirmed.

W:K
dp

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - WHEATON



STATE OF MARYLAND
 HARRY HUGHES
 Governor
 KALMAN R. HETTLEMAN
 Secretary

DEPARTMENT OF HUMAN RESOURCES
 EMPLOYMENT SECURITY ADMINISTRATION
 1100 NORTH EUTAW STREET
 BALTIMORE, MARYLAND 21201
 383 - 5040

BOARD OF APPEALS
 THOMAS W. KEECH
 Chairman
 MAURICE E. DILL
 HAZEL A. WARNICK
 Associate Members
 SEVERN E. LANIER
 Appeals Counsel
 MARK R. WOLF
 Administrative
 Hearings Examiner

DECISION -

CLAIMANT: Phillip G. Spellman
 DATE: 12/8/83
 APPEAL NO.: 12916
 NO.:
 EMPLOYER: Shady Grove Adventist Hospital
 L. O. NO.: 43
 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.

NOTICE OF RIGHT OF FURTHER APPEAL

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A FURTHER APPEAL AND SUCH APPEAL MAYBE 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.

Dec. 23, 1983

THE PERIOD FOR FILING A FURTHER APPEAL EXPIRES AT MIDNIGHT ON

-APPEARANCES -

FOR THE CLAIMANT:
 Claimant-Present

FOR THE EMPLOYER:
 Grace Kilchenstein,
 The Gibbens
 Company, Inc.
 Darrell Milam,
 Employment
 Assistant
 John Stiller,
 Director of
 Food Services
 Witnesses

FINDINGS OF FACT

The claimant filed an original claim for unemployment insurance benefits effective December 25, 1983.

The claimant was employed by Shady Grove Adventist Hospital, for approximately 2 1/2 months, his last job classification as a Relief Cook, at an hourly wage rate of \$5.89. He last worked for this employer on or about August 27, 1983.

The claimant at the time of hire explained to his employer his religious commitment and belief that required him to not work on Sundays. The claimant understood that he was hired as a Relief Cook, but was informed that he could change his work assignment with a cook that had his Sabbath on a Saturday. The claimant was thereafter informed that these arrangements could not be made. He thereafter worked on several Sundays as assigned but informed his employer that he was looking for other work in order for him to be able to meet his religious commitments. The claimant thereafter left his employment after finding another job paying \$6 an hour.

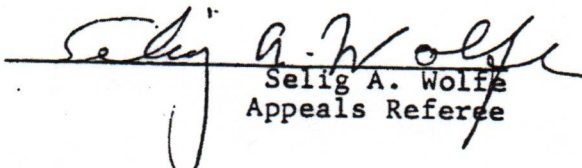
CONCLUSIONS OF LAW

The claimant's act in leaving his employment to accept a better paying position demonstrates a will, design and intent to leave one's work voluntarily, but with good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. The determination of the Claims Examiner shall, therefore be, reversed.

DECISION

The claimant's unemployment was due to leaving work voluntarily, but with good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. The disqualification imposed for the week beginning August 21, 1983 and until the claimant becomes re-employed and earns ten times his weekly benefit amount (\$1,560) and thereafter becomes unemployed through no fault of his own, is rescinded.

The determination of the Claims Examiner is reversed.


Selig A. Wolfe
Appeals Referee

Date of hearing: 11/30/83

rfc

(9099)-Herrmann

Copies mailed to:

Claimant

Employer

Unemployment Insurance - Wheaton

The Gibbens Company, Inc.