



DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND
HARRY HUGHES
Governor

BOARD OF APPEALS
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201
(301) 383-5032

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Chief Hearing Examiner

— DECISION —

Claimant: Johnetta R. Lomax

Decision No.: 946-BR-85
Date: October 18, 1985
Appeal No.: 08237
S. S. No.:

Employer: Sinai Hospital of Baltimore
ATTN: Evelyn Smith

L.O. No.: 45
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 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 November 17, 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 Board adopts the findings of fact of the Hearing Examiner, with the following important exception. The Board finds as a fact that the claimant did voluntarily resign her position when she refused a transfer by her employer to a similar position at the same rate of pay. The Board has ruled in the past that a refusal of an employer's reasonable request for a transfer is a voluntary quit. Kramp v. Balto. Gas & Electric Co. (1051-RR-82). Whether the quit was for good cause or valid circumstances, or neither, depends on the circumstances of each case.

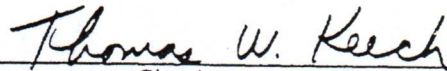
The Board does not agree that there was "good cause" for the resignation. The new position paid the same as the old position for substantially the same hours. The claimant's belief that the new position would soon be phased out was not grounded in any fact but was just a belief.


Since there was some reduction in the claimant's responsibilities, however, and since acceptance of the new position would have required a continuation in the occasional working of amounts of uncompensated overtime, the Board concludes that the claimant resigned for a substantial cause, connected with the conditions of employment. This is a "valid circumstance" as that term is used in §6(a) of the Maryland Unemployment Insurance Law.

DECISION

The claimant's unemployment was due to leaving work voluntarily, without good cause, within the meaning of §6(a) of the Maryland Unemployment Insurance Law. She is disqualified from receiving benefits from the week beginning June 30, 1985 and the nine weeks immediately following.

The decision of the Hearing Examiner is reversed.


Chairman


Associate Member

K:W

kmb

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CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - NORTHWEST