

 **Maryland**
Department of Economic &
Employment Development

William Donald Schaefer, Governor
J. Randall Evans, Secretary

Board of Appeals
1100 North Eutaw Street
Baltimore, Maryland 21201
Telephone: (301) 333-5032

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

— DECISION —

	Decision No.:	988-BR-91
	Date:	August 12, 1991
Claimant: Jewel Mallory	Appeal No.:	91-UCX-35
	S. S. No.:	
Employer: Gulf Development	L. O. No.:	2
	Appellant:	CLAIMANT
Issue:	Whether the claimant left work voluntarily, without good cause, within the meaning of Section 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, IF YOU RESIDE IN BALTIMORE CITY, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

THE PERIOD FOR FILING AN APPEAL EXPIRES

September 11, 1991

— 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.

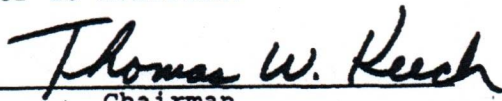
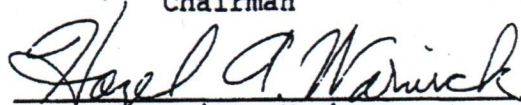
The Board agrees that the claimant did not have good cause for quitting. When the claimant first took the job, she was not directly misinformed about the nature of her compensation. She was informed that she would not be paid until she earned commissions. This condition did not change. This condition of employment, therefore, cannot be good cause for quitting.

The Board, however, concludes that the claimant had valid circumstances for quitting. This was a personal reason, i.e., her own financial difficulties. The claimant needed income on a regular basis. She took the job because the possibility of making quick and regular sales was made to appear easy, and she quit when she learned that this was not the case. Since the claimant could not afford to stake her economic survival on these sales, she did have a compelling reason to quit, and she had no reasonable alternative than to do so. The claimant thus has "valid circumstances" within the meaning of Section 6(a) of the law.

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 for the week beginning April 14, 1991 and the four-weeks immediately following.

The decision of the Hearing Examiner is modified.


Chairman

Associate Member

K:HW

kbm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

M. R. Rohrback, Esq

UNEMPLOYMENT INSURANCE - GLEN BURNIE

 **Maryland**
Department of Economic &
Employment Development

William Donald Schafer, Governor
J. Randall Evans, Secretary

William R. Merriman, Chief Hearing Examiner
Louis Wm. Steinwedel, Deputy Hearing Examiner

1100 North Eutaw Street
Baltimore, Maryland 21201

— DECISION —

Claimant:	Jewel A. Mallory	Date:	Mailed: 06/17/91
		Appeal No.:	91-UCX-35
		S. S. No.:	
Employer:	Gulf Development	L.O. No.:	02
		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 TO PETITION FOR REVIEW —

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A REVIEW AND SUCH PETITION FOR REVIEW MAY BE 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.

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

July 2, 1991

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Claimant - Present

Not Represented

FINDINGS OF FACT

The claimant was employed between April 15, 1991 and April 19, 1991. She was working as a seller of lighted signs for private industry, on a full-time basis, and was to receive a commission for each item she sold.

The credible evidence indicated that the claimant was hired by

Steven Hill, the regional manager. Mr. Hill assured the claimant she would have "ample time" to learn sales techniques and become familiar with the inventory that she was going to be selling. In fact, the claimant admitted that there was a training period which she completed before going out on sales calls with Mr. Hill. It was on April 19, 1991, when she spent the day with him making these calls, that she determined that she no longer desired to work at this position, because Mr. Hill was unsuccessful in making any sales that day.

The claimant was told by Mr. Hill that there were good days and bad days, and that it does take some time to become proficient in this type of sales. The claimant was also told by Mr. Hill at the time she was hired that she would be earning commission only, without draw or any other form of monetary advance. The claimant was aware that she would go out on April 22, 1991, again with Mr. Hill, to learn how to make sales calls correctly. For reasons which she did not say at the appeals hearing, the claimant did not feel that she was ready to do this. When she discussed her misgivings with Mr. Hill, he indicated that, based upon her statement, this evidently would not be the job for her, and he accepted her resignation.

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

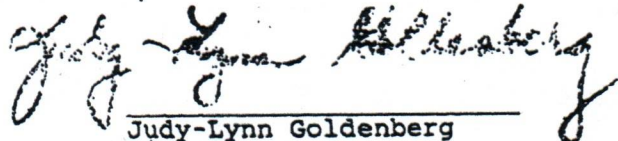
The claimant in the present case was well aware, at the time she accepted employment, what the terms of the job were to be. Specifically, she was advised that her sole basis of income would be a commission for each item she sold, and that there would be a training period, followed by a learning period when she made in-person sales calls under the supervision of her regional manager. Nevertheless, the claimant quit after only four days, out of despair that on the one day she made sales calls with Mr. Hill, that they were unsuccessful in making sales of the product.

It is clear that the claimant did not pursue all reasonable alternatives prior to quitting, which would have included giving the job more time, as well as giving herself more time to develop her skills in sales.

DECISION

It is held that the unemployment of the claimant was due to leaving work voluntarily, without good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. She is disqualified from receiving benefits from the week beginning April 14, 1991 and until she becomes re-employed, earns at least ten times her weekly benefit amount (\$2,150) and thereafter becomes unemployed through no fault of her own.

The determination of the Claims Examiner below is hereby affirmed for the reasons hereinabove stated.



Judy-Lynn Goldenberg
Hearing Examiner

Date of Hearing: 06/12/91
dma/Specialist ID: 02423
Cassette No.: 5070
Copies mailed on 06/17/91 to:

Claimant
Employer
Unemployment Insurance - Glen Burnie (MABS)