

 **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.:	300-BR-91
Date:	March 15, 1991
Claimant: Edwin J. Ferraer	Appeal No.: 9017337
	S. S. No.:
Employer: Stay Incorporated	L. O. No.: 20
	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 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

April 14, 1991

---

— 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.

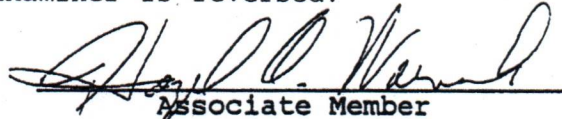
The Hearing Examiner found that at the time of hire, the claimant was promised full-time work (to start immediately) and a substantial raise to begin after several months. Neither of these promises materialized, and the claimant eventually quit because he couldn't afford to work there part-time and for only \$9.45 an hour.

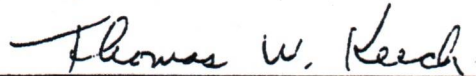
Based on these facts, the Board concludes that the claimant voluntarily quit his job for good cause within the meaning of Section 6(a) of the law. Where an employer breaks a promise to the claimant concerning wages or hours, the claimant has good cause for quitting. See, e.g., Bland v. Electrolux Company, 105-BR-84; Williamson v. Schatzie's, 324-BH-82.

DECISION

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

The decision of the Hearing Examiner is reversed.

  
Associate Member

  
Chairman

H:K

kmb

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - WALDORF



# Maryland

## Department of Economic & Employment Development

*William Donald Schaefer, Governor*  
*J. Randall Evens, Secretary*

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

1100 North Eutaw Street  
Baltimore, Maryland 21201

Telephone: 333-5040

— DECISION —

Date:	Mailed: 1/17/91
Claimant: Edwin J. Ferraer	Appeal No: 1907337
	<del>DATE:</del>
Employer: Stay Incorporated	L.O. No.: 20
	Appellant: 137-48-8788

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 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 FURTHER APPEAL EXPIRES AT MIDNIGHT ON

2/1/91

---

— APPEARANCES —

FOR THE CLAIMANT:

Claimant-Present

FOR THE EMPLOYER:

Vincent Windsor,  
Project Manager

FINDINGS OF FACT

The claimant worked as a Renovator for four months for the employer until he quit his job on September 11, 1990. The claimant was working approximately 20 to 30 hours a week at that time and was being paid \$9.45 an hour. He remained at that salary until the day that he quit.



At the time of hire the claimant was promised full-time work earning \$14 an hour within a couple of months. The promise of full-time work was to be effective as of the date of hire.

The claimant left his job without any other position.

The claimant found himself gradually getting into greater debt and he felt that he had "no options of intent to quit."

The claimant did miss three days from work because of a car problem during the four months that he worked at the employer.

#### CONCLUSIONS OF LAW

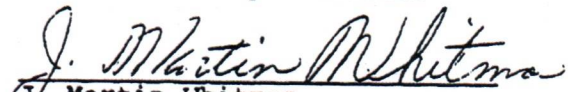
The overwhelming preponderance of the evidence clearly supports a finding that the claimant voluntarily quit his employment without having other suitable employment at that date.

However, the question is whether the claimant had good cause or valid circumstances. This Hearing Examiner finds that there was no good cause for leaving otherwise suitable employment, but there was valid circumstances. The employment did not materialize as presented to him at that time of hire namely the number of hours of work available during the week and the hourly remuneration. Thus, the claimant had valid circumstances attributable to the conditions of employment and actions of the employer for leaving otherwise suitable employment. A mitigated disqualification will be imposed.

#### DECISION

The unemployment of the claimant was due to leaving work voluntarily, without good cause, but for valid circumstances within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. Benefits are denied for the week beginning September 9, 1990 and nine weeks immediately thereafter.

The determination of the Claims Examiner is hereby modified.

  
J. Martin Whitman  
Hearing Examiner

Date of hearing: 1/16/91  
rc/Cassette No: 015  
(20691)-Specialist ID:  
Copies mailed on 1/17/91 to:

Claimant  
Employer  
Unemployment Insurance - Waldorf - MABS