

12/13/2022

LEAD4LIFE INC
2096 GAITHER RD STE 110
ROCKVILLE MD 20850-4014



42004825

Claimant:
NICOLE ELLIOTT
522 CAROUSEL CT
GAITHERSBURG MARYLAND 20877-3408

Appeal No: 2204215
S.S. No: XXX-XX-7901

Appellant: Claimant

Employer:
LEAD4LIFE INC
2096 GAITHER RD STE 110
ROCKVILLE MARYLAND 20850-4014

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LOWER APPEALS DECISION
WARNING: IT IS IMPORTANT TO READ ALL PAGES OF THIS NOTICE

ESTO ES UN DOCUMENTO LEGAL IMPORTANTE CON RESPECTO A SU DERECHO DE RECIBIR LOS BENEFICIOS DEL SEGURO DEL DESEMPLEO. CONTIENE FECHAS CON QUALES USTED TIENE QUE CUMPLIR PARA ASEGURAR SUS DERECHOS. SI USTED TIENE DIFICULTAD COMPRENDIENDO ESTE DOCUMENTO EN INGLES, POR FAVOR LLAME (301) 313-8000 INMEDIATAMENTE

For the Claimant: MAYAA GYASI, SATINA BANGURA, RAMON HOLT, KELLI AYERS, NICOLE ELLIOTT
For the Employer: BANDATE PARROTT, JENNIFER GAUTHIER, JOSHUA PESTANER, KADIJA RADDAR, LEAD4LIFE INC

ISSUE(S)

the claimant's separation from this employment was for a disqualifying reason within the meaning of the MD. Code Annotated, Labor and Employment Article, Title 8, Sections 1001 (Voluntary Quit for good cause), 1002 - 1002.1 (Gross/Aggravated Misconduct connected with the work), or 1003 (Misconduct connected with the work).

PREAMBLE

The Board of Appeals has remanded this case to the Lower Appeals Division for a decision on the merits from the prior hearing testimony and evidence. The appellant was previously denied a late appeal for good cause but the Board has reversed that decision.

FINDINGS OF FACT

The claimant, Nicole Elliott, worked for the above captioned employer, Lead4Life Inc., from February 29, 2019 until September 29, 2021 as a full time earning \$50,000.00 per year. The claimant voluntarily quit her job due to the conditions of employment and actions of the employer.

Jennifer Gauthier owns and operates the employer's non-profit organization that provides services to at-risk youths through counseling, placement and community service initiatives. Bandate Parrott is the employer's Human Resources manager. Ms. Gauthier has a Board of Directors in her organization as well.

The claimant was dissatisfied with a number of issues during her employment. There was a high rate of turnover during the claimant's tenure and she witnessed the separation or resignation of a number of her confidants, mentors and friends during the time she worked for the employer. The high turnover was frustrating for the claimant because people that she trusted or worked with left with frequency and often due to the same reasons that motivated the claimant to leave.

The claimant was also frustrated that employees at the employer's offices smoked marijuana in the office all the time. The claimant complained to Ms. Parrott and Ms. Gauthier but nothing was done about this issue which was exacerbated by the fact that Ms. Gauthier's son, one of the employees, was a prime offender of this type of conduct which was not approved but rather condoned by Ms. Gauthier. The claimant was also frustrated that many employees, including Ms. Gauthier's son, did not perform any tangible work and would often be seen surfing the internet on work hours.

The claimant ultimately decided to quit when she did not receive credit of any compensation for a contract that she helped to line up with Prince Georges County Department of Social Services (PG County DSS). Although Ms. Gauthier provided the contract that the claimant used to land the contract, the claimant discovered that Ms. Gauthier gave credit for the contract to her daughter and not the claimant. That issue and the fact that nothing was being done about people smoking weed in the office and the high turnover motivated the claimant to resign despite her belief that the employer provides important and tangible assistance to young people.

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CONCLUSIONS OF LAW

Md. Code Ann., Labor & Emp. Article, Section 8-1001 provides that an individual shall be disqualified for benefits where 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 valid circumstances. A circumstance is valid only if it is (i) a substantial cause that is directly attributable to, arising from, or connected with conditions of employment or actions of the employing unit; or (ii) of such necessitous or compelling nature that the individual has no reasonable alternative other than leaving the employment.

EVALUATION OF THE EVIDENCE

The credible evidence presented at the hearing shows that the claimant voluntarily quit this position. In a voluntary quit case, the claimant has the burden of proving, by a preponderance of the credible evidence, that the quit was for either good cause or valid circumstances, as those terms are defined above. Hargrove v. City of Baltimore, 2033-BH-83. In the present case the claimant has met that burden.

The claimant provided seven witnesses who all testified to the issues described by the claimant including employees smoking weed in the office and not performing work while surfing the internet. Many of these witnesses were victims of the high turnover issues that concerned the claimant and were confirmed by Ms. Parrott.

Ms. Gauthier attempted to impugn the characters of each witness for the claimant through questions that often did not relate to the testimony offered by the claimant and her witnesses. Ms. Gauthier did agree that employees, including her son, smoked weed in the office despite assertions that it was not permitted. Ms. Parrott confirmed that the claimant and other employees complained that some employees did not perform meaningful work in the office and smoked weed.

Overall, the claimant has demonstrated that the work conditions at the employer's offices were not professional or appropriate. The employer confirmed that there was significant turnover during the claimant's tenure and that many employees quit due to the same reasons that the claimant testified about. Lastly, the claimant credibly testified that she worked to obtain the contract with PG County DSS, with a connection originally from Ms. Gauthier, but that credit was given to someone else.

Therefore, I hold that the claimant voluntarily resigned with good cause related to the actions of the employer and the conditions of employment. No unemployment disqualification shall be imposed based on Md. Code, Ann., Labor & Employment Article, Section 8-1001 pursuant to this separation from employment.

DECISION

IT IS HELD THAT the claimant left the employment voluntarily but with good cause within the meaning of Md. Code Ann., Labor & Emp. Article, Section 8-1001. No disqualification is imposed based upon this separation from employment. The claimant may contact Claimant Information Service concerning the other eligibility requirements of the law at ui@dllr.state.md.us or call 410-949-0022 from the Baltimore region, or 1-877-293-4125 from outside the Baltimore area. Deaf claimants with TTY may contact Client Information Service at 410-767-2727, or outside the Baltimore area at 1-800-735-2258.

The determination of the Claims Examiner is reversed.



P. RANDAZZO ESQ., HEARING EXAMINER

Notice to Claimants of Right to Request Waiver of Overpayment

The Department of Labor may seek recovery of any overpayment received by the Claimant. Pursuant to Section 8-809 of the Labor and Employment Article of the Annotated Code of Maryland, and Code of Maryland Regulations 09.32.07.01 through 09.32.07.09, the Claimant has a right to request a waiver of recovery of this overpayment. This request may be made by contacting Overpayment Recoveries Unit at 410-949-0022 or 1-800-827-4839. If this request is made, the Claimant is entitled to a hearing on this issue.

A request for waiver of recovery of overpayment does not act as an appeal of this decision.

Notice of Right of Further Appeal / Petition for review

Any party aggrieved by this decision may file a further appeal. The deadline for filing an appeal is 12/28/2022. The address and facsimile number for submission of an appeal are:

Board of Appeals
Maryland Department of Labor
2800 W. Patapsco Avenue
Baltimore, MD 21230
Fax (410) 767-2787

Appeals may be submitted online through the appellant's portal or via mail, Fax or in-person. Note: An appeal filed by mail is considered timely if the U. S. Postal Service postmark date is on or before the deadline date given above.

Date of hearing: Monday, November 28, 2022 at 10:30 AM EST

Copies of this Decision were provided to:

NICOLE ELLIOTT (Claimant)



LEAD4LIFE INC

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