

Maryland

DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT

1100 North Eutaw Street
Baltimore, Maryland 21201
(301) 333-5033



William Donald Schaefer, Governor
J. Randall Evans, Secretary

BOARD OF APPEALS

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

— DECISION —

	Decision No.:	1043-BR-88
	Date:	Nov. 4, 1988
Claimant:	Appeal No.:	8808789
	S. S. No.:	
Employer:	L. O. No.:	45
	Appellant:	CLAIMANT

Issue:

Whether the claimant is eligible for benefits within the meaning of Section 4(f)(3) 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 AT MIDNIGHT ON

December 4, 1988

— 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 claimant did not appear at the hearing, and the employer offered very little information. The findings of fact below are made from that record.

The claimant taught school for about 14 years, apparently on a provisional certificate. On May 27, 1988, she was notified that she was terminated. On June 17, 1988, she was notified that she could be rehired if she completed a list of tasks. Rehiring, however, was contingent upon an evaluation of her credentials, and an interview scheduled for July 5, 1988. The claimant was employed as a teacher in the fall, 1988 school semester.

The claimant could not have had reasonable assurance of returning to work prior to July 5, 1988, the date of her interview. No penalty will therefore be imposed for any week prior to the week beginning July 3, 1988 under Section 4(f)(3) of the law.

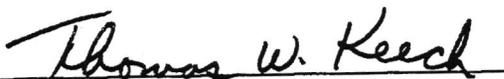
Although the evidence is extremely skimpy, the Board does conclude that the claimant had reasonable assurance as of July 5, 1988.

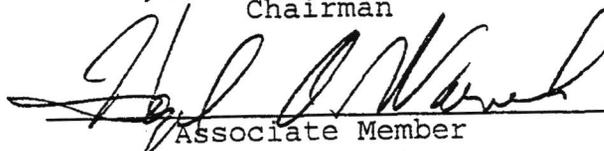
DECISION

The claimant did not have reasonable assurance of returning to work within the meaning of Section 4(f)(3) of the Maryland Unemployment Insurance Law prior to July 3, 1988. No penalty is imposed on the claimant under Section 4(f)(3) up to that date.

Beginning July 3, 1988, the claimant had reasonable assurance of returning to work within the meaning of Section 4(f)(3). Benefits based upon service for the Baltimore City School System are not payable between July 3, 1988 and the beginning of the Fall, 1988 school semester.

The decision of the Hearing Examiner is modified.


Chairman


Associate Member

K:HW

kbm

COPIES MAILED TO:

CLAIMANT
EMPLOYER

UNEMPLOYMENT INSURANCE - NORTHWEST

STATE OF MARYLAND
APPEALS DIVISION
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201
(301) 383-5040

STATE OF MARYLAND
William Donald Schaefer
Governor

- DECISION -

Date: Mailed: 9-15-88
Appeal No.: 8808789
S.S. No.:
Claimant: Gloria G. McCleary
Employer: Baltimore School Teachers
L.O. No.: 45
Appellant: Employer

Issue:

Whether the claimant is eligible for benefits within the meaning of Section 4(f)(3) 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 EMPLOYMENT SECURITY OFFICE OR WITH THE APPEALS DIVISION, ROOM 518, 1100 NORTH EUTAW STREET, BALTIMORE, MARYLAND 21201, EITHER IN PERSON OR BY MAIL
9-30-88
THE PERIOD FOR FILING A FURTHER APPEAL EXPIRES AT MIDNIGHT ON
NOTICE: APPEALS FILED BY MAIL, INCLUDING SELF-METERED MAIL, ARE CONSIDERED FILED ON THE DATE OF THE U.S. POSTAL SERVICE POSTMARK.

- APPEARANCES -

FOR THE CLAIMANT:

Not-Present

FOR THE EMPLOYER:

Charlie Spinner,
Personnel
Technician
Supervisor
Raymond Banks,
Sr., Staff
Specialist

FINDINGS OF FACT

For 14 years, the claimant has taught school in Baltimore.

On or about June 17, 1988, she was informed that to continue teaching she had to meet certain requirements (see Employer's Exhibit #2).

8808789

She returned to work at the beginning of the 1988 school year.

She was not discharged. She did not have absolute assurance, but she did have a reasonable assurance of returning to work upon fulfillment of the requirements.

Whether she returned depended upon her own initiative.

CONCLUSIONS OF LAW

Under Section 4 of the Maryland Unemployment Insurance Law, under some circumstances, claimants who do not have reasonable assurance of returning to work are eligible for benefits.

In this case, the claimant did have reasonable assurance of returning to work upon fulfillment of the requirements.

DECISION

The determination of the Claims Examiner is reversed.

The claimant had reasonable assurance of returning to work under Section 4 of the Maryland Unemployment Insurance Law.

Benefits are denied from the week beginning June 19, 1988 and until she meets the requirements of the Law.

The determination allowing benefits is rescinded.

Van D. Caldwell (cc)
Van D. Caldwell
Hearing Examiner

Date of Hearing: 9-8-88
sk
6319/Specialist ID: 45536
Copies mailed on 9-15-88 to:

Claimant
Employer
Unemployment Insurance - Northwest (MABS)