



DEPARTMENT OF HUMAN RESOURCES  
EMPLOYMENT SECURITY ADMINISTRATION

1100 NORTH EUTAW STREET  
BALTIMORE, MARYLAND 21201

STATE OF MARYLAND

HARRY HUGHES  
Governor

KALMAN R. HETTLEMAN  
Secretary

383 - 5032

- DECISION -

BOARD OF APPEALS

JOHN J. KENT  
Chairman

HENRY G. SPECTOR  
HAZEL A. WARNICK  
Associate Members

DECISION NO.: 1115-BH-81

DATE: Dec. 7, 1981

CLAIMANT: Klara Berkovich

APPEAL NO.: 19393

S. S. NO.:

EMPLOYER:

L. O NO.: 45

APPELLANT: CLAIMANT

ISSUE: Whether the Claimant established a valid benefit year within the meaning of Section 20(q) 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 SUPERIOR 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

January 6, 1982

- APPEARANCES -

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Klara Berkovich - Claimant  
Ilya Elashvili - Interpreter

EMPLOYMENT SECURITY ADMINISTRATION  
Mr. John Zell - Legal Counsel

EVIDENCE CONSIDERED

The Board of Appeals has considered all of the evidence presented, including the testimony offered at the hearings. The Board has also considered all of the documentary evidence introduced into this case, as well as Employment Security Administration's documents in the appeal file.

#### FINDINGS OF FACT

The Claimant filed a claim for benefits with the Employment Security Administration on July 2, 1981.

When the Claimant arrived in the office, she was told by the person taking her claim that she could choose between establishing a benefit year that day (effective June 28, 1981) or establishing a benefit year in the next week (establishing a benefit year effective July 5, 1981). It was explained to the Claimant that, because of the recent legislative increase in the maximum weekly benefit amount, she could possibly be entitled to a higher benefit if she waited until the next week and filed a claim effective July 5, 1981.

The Claimant, knowing that her decision would make her benefit year effective June 28, 1981 and that a possibly lower weekly benefit amount would result, chose to file a claim that day. The Claimant considered the possible benefit of a higher claim amount for a claim filed the next week, but she considered that the benefit to be gained might be offset by the benefit she would have of being able to file the claim one week earlier.

The Claimant understood the difference between the two possible benefit years as the difference between \$120.00 and \$140.00. In reality, the Claimant's benefit amount for her claim effective June 28, 1981 was \$62.00. The record does not disclose what her benefit amount would be for a year with that first claim effective July 5, 1981.

The Claimant received her first check in the amount of \$62.00. She assumed that the amount of \$62.00 was due to her claim only being effective for a partial week on the week beginning June 28, 1981. The Claimant later received her monetary determination showing her weekly benefit amount as \$62.00. When she received her second check in the amount of \$62.00, she visited the local office and attempted to have her benefit year changed to the week beginning July 5, 1981. The Claimant made this visit on approximately July 21, 1981, after having received two checks in the amount of \$62.00.

#### CONCLUSIONS OF LAW

Under Section 3(b)2 of the Maryland Unemployment Insurance Law, the schedule of benefits which is in effect on the first day of an individual's benefit year shall be the schedule of benefits which shall apply to that individual throughout his benefit year. The term "benefit year" is defined in Section 20(q) of the Law as the one-year period beginning with the first day of the first week with respect to which the individual first filed a claim for benefits.

Applying the law to this case, it is clear that the Claimant's benefit year effective June 28, 1981, and the resulting weekly benefit amount of \$62.00, is fixed for the duration of her benefit year.