

-DECISION-

Claimant:
KWAKU O KUSHINDANA

Decision No.: 1142-BH-02

Date: May 07, 2002

Appeal No.: 0122062

Employer:
OFFICE OF EMPLOYMENT DEVEL A03

S.S. No.: 434-88-2589

L.O. No.: 61

Appellant: Claimant

Issue: Whether the claimant was able, available and actively seeking work within the meaning of the Maryland Code, Labor and Employment Article, Title 8 Section 903.

- NOTICE OF RIGHT OF APPEAL TO COURT -

You may file an appeal from this decision in the Circuit Court for Baltimore City or one of the Circuit Courts in a county in Maryland. The court rules about how to file the appeal can be found in many public libraries, in the *Maryland Rules of Procedure, Title 7, Chapter 200*.

The period for filing an appeal expires: June 06, 2002

- APPEARANCES -

FOR THE CLAIMANT:
Present

AGENCY
Not Present

FOR THE EMPLOYER:
Not Present

EVALUATION OF THE EVIDENCE

The Board of Appeals has considered all of the evidence presented, including the testimony offered at the hearing. The Board has also considered all of the documentary evidence introduced in this case, as well as the Department of Labor, Licensing and Regulation's documents in the appeal file.

The Board notes that the Employer and the Agency, duly notified of the date, time, and place of the hearing, failed to appear. The Board finds the claimant to be credible.

FINDINGS OF FACT

The claimant went to Louisiana to be with his mother who is diagnosed with Alzheimer's Disease. There are no restrictions upon the claimant's availability for full-time work as there are other family members who can care for the claimant's mother if he is offered full-time employment. The claimant is in fact not restricting his job search or limiting his availability and has made an active search for employment.

CONCLUSIONS OF LAW

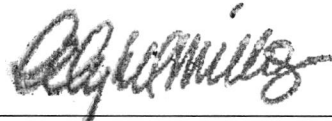
Section 8-903 provides that a claimant must be able to work available to work and actively seeking work in each week for which benefits are claimed.

The claimant, based upon a preponderance of the evidence, has shown that he is able and available for full time work and has made an active search for full time employment. The decision of the hearing examiner shall be reversed.

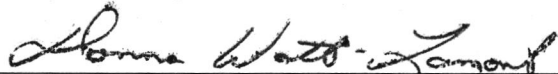
DECISION

The claimant is able to work, available for work and actively seeking work within the meaning of Maryland Code Annotated, Labor and Employment Article, Title 8, Section 903. Benefits are allowed from the week beginning October 14, 2001.

The decision of the Hearing Examiner is reversed.



Clayton A. Mitchell, Sr., Associate Member



Donna Watts-Lamont, Associate Member

Hazel A. Warnick, Chairperson

Date of hearing: March 19, 2002

Copies mailed to:

KWAKU O. KUSHINDANA

OFFICE OF EMPLOYMENT DEVEL A03

OFFICE OF EMPLOYMENT DEVEL A03

Michael Taylor, Agency Representative