

Maryland

DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT

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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.:	1148 -BR-88
	Date:	Dec. 9, 1988
Claimant: Vurneda Godfrey	Appeal No.:	8804779
	S. S. No.:	
Employer: Barrett Business Serv., Inc.	L. O. No.:	9
	Appellant:	EMPLOYER

Issue:

Whether the claimant was available for work within the meaning of Section 4(c) 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

January 8, 1989

- APPEARANCES -

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals affirms the decision of the Hearing Examiner.

The Board notes that the Hearing Examiner gave a great deal of credence to the claimant's testimony and was undoubtedly influenced by the fact that the claimant, soon after the events in question, obtained two permanent jobs which she worked simultaneously thereafter. The Board adopts this credibility finding on the part of the Hearing Examiner.

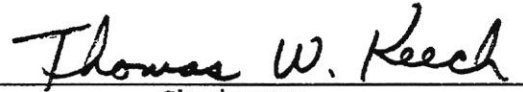
The claimant signed up for a one-month stint with this temporary employer and completed that stint. Following that, she refused a number of assignments from the company. The first refusal was due to a lack of communication, as the claimant decided to babysit for a relative one day only after having checked with this employer and having been told that there was no work for her. Later, when work became available, the claimant had already committed herself for the day. The claimant refused later assignments, generally because they interfered with her search for fulltime work. The evidence on this issue is not as developed as it could have been, but the claimant did so testify. Considering that the claimant did find not one but two permanent jobs shortly thereafter, the Board concludes that it is fair to accept her generalized testimony that these assignments would have interfered with her search for permanent work, although a more detailed presentation of the sequence of events would have been preferable.

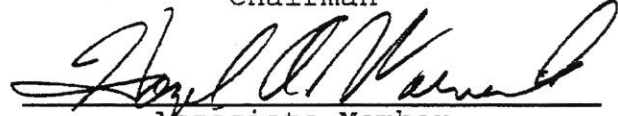
Since one of the primary purposes of the unemployment insurance law is to tide a claimant over while the claimant searches for permanent work, the Board concludes that it would not be logical to impose on a claimant who has once accepted a temporary job a higher standard than is imposed on the general claimant public. Since this claimant was assiduously searching for permanent work, her refusal of various temporary assignments which would hinder her search is not disqualifying. This is a close case, due to the lack of specificity in the claimant's testimony. Were there any indication that the claimant's refusal of assignments was for any reason other than her proven desire to obtain permanent work, the result may well have been different.

DECISION

The claimant was meeting the requirements of Section 4(c) of the Maryland Unemployment Insurance Law. Benefits are allowed for the week beginning March 27, 1988, if the claimant is otherwise eligible under the law.

The decision of the Hearing Examiner is affirmed.


Chairman


Associate Member

K:HW

kbm

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CLAIMANT

EMPLOYER

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