

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.:	1175-BH-88
	Date:	Dec. 19 , 1988
Claimant: Angela Lewis	Appeal No.:	88-UCF-169
	S. S. No.:	
Employer: Minneapolis Postal Data Center	L. O. No.:	1
	Appellant:	CLAIMANT
Issue:	Whether the claimant was able to to work, available for work and actively seeking 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 MAYBE 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.

January 18 , 1989

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

— APPEARANCES —

FOR THE CLAIMANT:

Angela Lewis, Claimant

FOR THE EMPLOYER:

Employer not represented

EVALUATION OF EVIDENCE

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 in this case, as well as the Department of Economic and Employment Development's documents in the appeal file.

FINDINGS OF FACT

The claimant has been employed with the United States Postal Service as a multi-purpose clerk from approximately August 3, 1986 and she continues to work there at the present time. Her primary duty is working the letter sorter machine, but her job description is not limited to that function.

On or about June 12, 1988, the claimant went on a temporary medical leave of absence as a result of an off-the-job injury to her wrist. Her arm was placed in a half cast but her fingers were still free. She was instructed by her physician that she could return to work immediately as long as she performed light duty work and did not use her arm to a great extent.

Consequently, the claimant informed the post office that she wished to return immediately. However, the post office did not have any light duty work, so she remained on an unpaid leave of absence until the end of August, at which time the post office arranged for her to perform light duty work. (The claimant performed that work for about two weeks and then went back to her regular employment with the post office.)

When no light duty work was immediately available in June, the claimant offered to return to her regular job, punching keys on a letter sorting machine. She felt she could perform this job since her fingers were free and not in a cast. However the post office, fearing that she might re-injure herself, refused to allow her to go back to that job at that time.

While the claimant was on leave she sought clerical and secretarial work, as well as cashier and sales work. She eventually was offered a job, but one week later the post office offered her work, so she returned to the post office.

CONCLUSIONS OF LAW

The Board of Appeals concludes that the claimant was meeting the requirements of Section 4(c) of the law at the time she applied for benefits on June 19, 1988 and subsequently,