

 **Maryland**
Department of Economic &
Employment Development

William Donald Schaefer, Governor
J. Randall Evans, Secretary

Board of Appeals
1100 North Eutaw Street
Baltimore, Maryland 21201
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Board of Appeals
Thomas W. Keech, Chairman
Hazel A. Warnick, Associate Member
Donna P. Watts, Associate Member

— DECISION —

	Decision No.:	1224 -BH-92	
	Date:	July 28, 1992	
Claimant:	Kathy M. Ready	Appeal No.:	92-EB-146
		S. S. No.:	
Employer:		L O. No.:	002
		Appellant:	CLAIMANT

Issue: Whether the claimant failed to make a systematic and sustained search for work as required by Section 8-1104 of the Labor and Employment Article and whether the claimant had good cause for filing a late request to re-open her dismissed case and good cause for re-opening her dismissed case, within the meaning of COMAR 24.02.06.02.

— 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

August 27, 1992

— APPEARANCES —

FOR THE CLAIMANT:

Kathy Ready, Claimant

FOR THE EMPLOYER:

John T. McGucken, Legal Counsel, D.E.E.D.

EVALUATION OF THE 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 the documentary evidence introduced in this case, as well as the Department of Economic and Employment Development's documents in the appeal file. The Board finds the claimant's testimony to be very credible.

FINDINGS OF FACT

The claimant originally filed for unemployment insurance benefits, with a benefit year beginning January 6, 1991. She received all her benefits.

There came a time when the claimant was admitted into a rehabilitation program and was hospitalized at The Meadows from November 14, 1991 until December 11, 1991. After she was released, she was still unable to look for work for several weeks, until on or about January 9, 1992. In the meantime, she had received notice from the agency that she was eligible to apply for emergency unemployment benefits. Therefore, on January 9, 1992, she reported to her local office and filed for emergency benefits. She was able to work and actively seeking work as of that date.

For reasons that are not clear from the record, when the claimant applied for those emergency benefits, the agency personnel who took her claim filed back-dated claims for the claimant for several weeks immediately preceding the week of January 9, 1992. However since the claimant had not sought work for those weeks, she was then disqualified for having failed to make a systematic and sustained search.

The claimant appealed that disqualification and a hearing before hearing examiner Hackett was scheduled for February 21, 1992. The claimant was on her way to that hearing but she missed the bus and since she had no other way of getting to the hearing on time, she returned home and immediately called the hearing examiner. The hearing examiner told her to wait until she got the dismissal notice and then request a reopening. Unfortunately, and through no fault of the claimant, by the time she received the dismissal notice the seven day time period for requesting a reopening has lapsed. She again called the appeals division and was told to send in her request and note the late receipt of the dismissal in her letter. The claimant did as instructed but her request was turned down for being late.

It is the appeal of that denial that is before the Board.