

 **Maryland**
Department of Economic &
Employment Development

William Donald Schaefer, Governor
J. Randall Evans, Secretary

Board of Appeals
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Board of Appeals
Thomas W. Keech, Chairman
Hazel A. Warnick, Associate Member
Donna P. Watts, Associate Member

— DECISION —

	Decision No.:	1284-BR-91
	Date:	October 18, 1991
Claimant: Carol Wenner	Appeal No.:	9112601
	S. S. No.:	
Employer: Frederick County Board of Education	L. O. No.:	5
	Appellant:	CLAIMANT
Issue:	Whether the claimant had a contract or reasonable assurance of returning to work under Section 8-909(a) of the Labor and Employment Article.	

— 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

November 17, 1991

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

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

The claimant was a part-time tutor, not working under contract. During the summer of 1990, the claimant found out that she would have a position during the 1990-91 school year approximately two days prior to the start of the academic year. At the end of that academic year, nothing was said to the claimant about funding for her position for the 1991-92 school year. When the claimant approached her principal, the principal said that they hoped the claimant would be back for the coming year, and that they were working on it. The principal also said that they don't know until they get notice from the Personnel Office. The claimant didn't hear anything about her position until approximately August 6th. At that time, she was notified that her job was available in the 1991-92 academic year.

The undisputed testimony is that the claimant never received any information regarding the status of her job until the beginning of August, at which time she was told that her job was again available for her for the upcoming academic year.

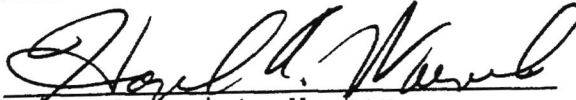
At the end of the 1990-91 school year, the claimant's principal had no idea whether or not the position would be there in the fall.

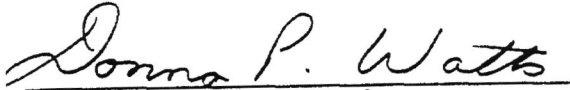
There is no evidence to show that the claimant had any assurance at all of any work in the 1991-92 academic year or that she had a contract for that school year.

DECISION

The claimant did not have reasonable assurance pursuant to Section 8-909(a) of the Labor and Employment Article. Benefits are allowed from June 16, 1991 until the week ending August 3, 1991. She may not be paid benefits based on her employment for the Frederick County Board of Education beginning August 4, 1991 and until September 7, 1991.

The decision of the Hearing Examiner is reversed.


Associate Member


Associate Member

W:W
kbm
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CLAIMANT
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