

NOTE: See correction in employer's address.
3/1/89, kbm

Maryland

DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT

1100 North Eutaw Street
Baltimore, Maryland 21201
(301) 333-5033



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.:	141-BR-89
	Date:	Feb. 23, 1989
Claimant: Marilyn Berg	Appeal No.:	8812795
	S. S. No.:	
Employer: Lee's Boutique	L. O. No.:	23
	Appellant:	CLAIMANT

Issue: Whether the claimant failed, without good cause, to apply for or to accept an offer of available, suitable work within the meaning of Section 6(d) 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.

March 25, 1989

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals modifies the decision of the Hearing Examiner and concludes

that there were mitigating circumstances for the claimant's refusal of suitable work under Section 6(d) of the law, and therefore a lesser penalty is appropriate.

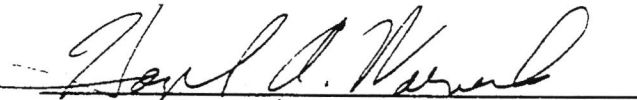
In reaching this conclusion, the Board has not considered the documents sent with the claimant's letter of appeal and has not admitted them into evidence. Based on the evidence already contained in the record, the Board concludes that the claimant reasonably believed that she was only offered work on Saturdays and Sundays, from 10:00 a.m. to 4:00 p.m., for a total of 12 hours per week and only through the holiday season. Even giving the employer the benefit of the doubt, that the employer meant for this offer to include Friday evenings and was for 18 hours per week, the Board finds that the employer failed to communicate this either to the claimant or to the agency.

Since the claimant's prior work for the employer was part-time (18 hours per week), the Board agrees with the Hearing Examiner that this job offer was for suitable work and the claimant's refusal was without good cause. However, since it was for one-third less hours per week and its duration beyond the holiday season was uncertain, the Board concludes that a minimum disqualification is appropriate.

DECISION

The claimant failed, without good cause, to accept suitable work when offered within the meaning of Section 6(d) of the Maryland Unemployment Insurance Law. Benefits are denied for the week beginning October 23, 1988 and the four weeks immediately following.

The decision of the Hearing Examiner is modified.



Associate Member



Associate Member

Hw:w

kbm

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CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - ELLICOTT CITY