



DEPARTMENT OF HUMAN RESOURCES

EMPLOYMENT SECURITY ADMINISTRATION

1100 NORTH EUTAW STREET  
BALTIMORE, MARYLAND 21201

383-5032  
- DECISION -

STATE OF MARYLAND

HARRY HUGHES  
Governor

KALMAN R. HETTLEMAN  
Secretary

BOARD OF APPEALS

THOMAS W. KEECH  
Chairman

HAZEL A. WARNICK  
MAURICE E. DILL  
Associate Members

SEVERN E. LANIER  
Appeals Counsel

DECISION NO.: 1420-BH-82

DATE: October 6, 1982

APPEAL NO.: 26013

S. S. NO.:

L. O NO.: 8

APPELLANT: CLAIMANT

CLAIMANT: Veronica McDermott

EMPLOYER: The Macke Company

ISSUE Whether the Claimant was able to work, available to 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 MAY BE TAKEN IN PERSON OR THROUGH AN ATTORNEY IN THE SUPERIOR COURT OF BALTIMORE CITY, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT November 5, 1982

- APPEARANCES -

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Veronica McDermott - Present

Charles Brant, III  
Client Service-  
Representative

## EVIDENCE CONSIDERED

The Board of Appeals has considered all of the evidence presented, including the testimony offered at the hearings. The Board also considered all of the documentary evidence introduced into this case, as well as the Employment Security Administration's documents in the appeal file. The Board of Appeals has also taken administrative notice that clerical jobs are performed for the most part during weekdays.

## FINDINGS OF FACT

The issue of Section 6(a) was not raised or litigated on appeal. Therefore, the Board adopts the findings of fact of the Appeals Referee with regard to the Claimant's separation from employment with the Macke Company.

The Claimant was separated from her employment on October 9, 1981. She applied for unemployment insurance benefits, with a benefit year beginning November 15, 1981. Her occupation was classified as an accounting clerk. She began looking for full time work as an accounting clerk, general clerk and receptionist. The Claimant had prior experience working as a dispatcher/receptionist and also sought work in that area, although many of those jobs are at night.

The Claimant, who had been working for several years, had never worked at night or on the weekends, except in her own home. She was unable to work at night or on weekends when she first filed for benefits. However, on February 6, 1982, she became available to work all hours including evenings and weekends, if necessary.

The Board finds as a fact that, given the Claimant's classification and the fact that she was primarily seeking clerical work, the Claimant had been making a reasonable search for work since she first filed a claim for benefits in November 1981.

Although the Claimant, in her efforts to find a job, attempted to expand her work search to include dispatcher work, she was prohibited from doing so by the Employment Security Administration. An employee of the Agency required her to sign a statement that she would no longer look for dispatcher work, since that frequently entailed weekend and night work and at that time she was unavailable during those hours. Although this was in addition to, and not in place of, the clerical work she was seeking, the Claimant was told that if she did not sign the statement she would be disqualified under Section 4(c) of the Law.

## CONCLUSIONS OF LAW

The Board concludes that the Claimant has been able, available, and actively seeking work, within the meaning of Section 4(c) of the Maryland Unemployment Insurance Law since her benefit year began, November 15, 1981. The Claimant has been looking for