



Maryland

Department of Economic & Employment Development

*William Donald Schaefer, Governor
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*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.:	1535 -BR-92	
	Date:	Sept. 4, 1992	
Claimant:	Kenneth N. Gerberg	Appeal No.:	9211525
		S. S. No.:	
Employer:	Network Recruiters, Inc,	L. O. No.:	9
		Appellant:	CLAIMANT
Issue:	Whether the claimant failed, without good cause, to accept available, suitable work within the meaning of Section 8-1005 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 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.

THE PERIOD FOR FILING AN APPEAL EXPIRES

October 4, 1992

— 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 had a previous history of working for this employer at long-term, temporary assignments, the employment being virtually continuous for a long period of time. Months prior to the event about which this case is concerned, the work slowed. The claimant, unable to obtain continuous employment from this employer, signed on with six other temporary agencies and obtained employment through them. He later applied for unemployment insurance benefits.

After the claimant applied for unemployment insurance benefits, the employer contacted the claimant and offered him a three-day assignment in a Word Processing/Word Perfect Lotus position at \$8.50 per hour. The claimant declined the position because of its short-term nature and because he felt that the salary was inadequate. The claimant had earned \$9.50 per hour at his last assignment for this employer. He felt that his skills were increasing and that his skills were worth about \$9.50 per hour in the labor market.

During the same week, the claimant obtained an assignment from another temporary agency which was for a longer duration and at a higher rate of pay.

The suitability of offered employment depends in part upon whether the salary offered corresponds to the value of a claimant's skills in the labor market. The claimant has provided the best evidence possible that the salary was insufficient by showing that he immediately obtained another job paying a higher salary. This is direct labor market verification that the salary was insufficient.

The job assignment was for three days only. The Board has held in the past that a refusal of an extremely short-term assignment may be valid for that reason alone where the claimant is seeking more appropriate full-time work. In this case, the claimant was not seeking only full-time work, and he had a continuous history of being a temporary worker. Nevertheless, the extremely short-term nature of the job, combined with the claimant's reasonable expectation of obtaining more stable temporary assignments, establishes good cause for refusing the job.

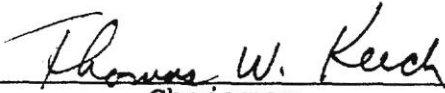
Considering both the wages and the duration of the job, the Board concludes that the claimant did not refuse suitable work, without good cause, within the meaning of Section 8-1005 of the Labor and Employment Article.¹

¹ The Hearing Examiner's quotation from the Barley case is inappropriate. The language quoted is an instruction to the courts on how to review the Board's decisions (which are the final decisions of the agency) on appeal. This language does not apply to the Hearing Examiner's consideration of the agency's first-level determinations. If it did, it would require the

DECISION

The claimant did not refuse suitable work, without good cause, within the meaning of Section 8-1005 of the Labor and Employment Article. No disqualification is imposed under this Section of the Law.

The decision of the Hearing Examiner is reversed.



Chairman



Associate Member

K:H

kmb

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opposite result than that reached by the Hearing Examiner in this case.