

-CORRECTED DECISION-

Claimant:
ELIZABETH A SMART

Decision No.: 1566-BH-03

Date: April 16, 2004

Appeal No.: 0226132

Employer:
KID'S PLACE INC

S.S. No.:

L.O. No.: 60

Appellant: Employer

Issue: Whether the appealing party filed a timely appeal within the meaning of Maryland Code, Labor and Employment Article, Title 8, Section 806 and/or COMAR 09.32.06.01B(4).

Whether the claimant failed, without good cause, to apply for or to accept available, suitable work within the meaning of Maryland Code, Labor and Employment Article, Title 8, Section 1005.

- NOTICE OF RIGHT OF APPEAL TO COURT -

You may file an appeal from this decision in the Circuit Court for Baltimore City or one of the Circuit Courts in a county in Maryland. The court rules about how to file the appeal can be found in many public libraries, in the *Maryland Rules of Procedure, Title 7, Chapter 200*.

The period for filing an appeal expires: May 16, 2004

- APPEARANCES -

FOR THE CLAIMANT:
Not Present

AGENCY
Not Present

FOR THE EMPLOYER:
Mark Rosenberg, President

CORRECTED DECISION

The Board of Appeals reopens this case to correct the decision issued on June 9, 2003. The decision paragraph was incomplete.

The Board of Appeals corrects the Decision paragraph of the prior decision to read:

DECISION

It is held that the claimant failed without good cause to apply for and/or accept available, suitable work within the meaning of Maryland Code Annotated, Labor and Employment Article, Title 8, Section 1005. The claimant is disqualified from receiving benefits for the week beginning *August 25, 2002* and for the *nine weeks* immediately following.

EVALUATION OF THE EVIDENCE

The Board of Appeals has considered all of the evidence presented, including the testimony offered at the hearing. The Board has also considered all of the documentary evidence introduced in this case, as well as the Department of Labor, Licensing and Regulation's documents in the appeal file.

The Board notes that the claimant, duly notified of the date, time, and place of the hearing, failed to appear. The Board finds the employer credible.

FINDINGS OF FACT

The employer filed a timely appeal on October 9, 2002.

The claimant was on an approved leave of absence through August 26, 2002. The claimant was offered a job within her job description at one of the employer's facilities within 15 minutes driving time of the claimant's residence. The employer offered the claimant this position at a different facility than the one at which the claimant originally worked. The claimant and the employer had legitimate concerns of the claimant's estranged ex-husband causing a disturbance at her former place of employment. Although the position offered at the other site was an equivalent position, the claimant did not accept this position with the employer. The Board finds that the claimant did not have good cause for refusing this job.

CONCLUSIONS OF LAW

Section 8-806 provides that: Determination of claims.

(e) *Finality of determination.* – (1) A determination is final as to a claimant and an employer who is entitled to notice of the determination unless: