

-DECISION-

Claimant:
DEBORAH J LEE

Decision No.: 1623-BH-02

Date: June 12, 2002

Appeal No.: 0206537

Employer:

S.S. No.:

L.O. No.: 64

Appellant: Claimant

Issue: Whether the claimant failed to file proper claims for benefits within the meaning of Maryland Code, Labor and Employment Article, Title 8, Section 901.

- 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: July 12, 2002

- APPEARANCES -

FOR THE CLAIMANT:

Present

AGENCY

Not Present

FOR THE EMPLOYER:

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 Agency, duly notified of the date, time, and place of the hearing, failed to appear. The Agency failed to put on any witnesses or evidence as to its practices and procedures. The Board finds credible the uncontradicted testimony of the claimant.

The Board finds troublesome an electronic benefits system in which a claimant cannot consistently and regularly obtain the assistance of a live person. It is also troublesome that the claimant in this case was unable to leave a message with a live person for several weeks and furthermore, was told by the Agency **not** to come into her local office in person to seek assistance. While the utilization of technology may theoretically aid in the efficiency of the Agency's benefits system, it cannot be so efficient as to deny a claimant due process. While the Board makes no finding that the Agency's telecert and claims system as a whole denies claimants due process, the Board does find that the Agency's system did so on the narrow facts of this case.

FINDINGS OF FACT

The claimant initiated a claim for benefits effective November 4, 2001. She qualifies for a weekly benefit amount of \$280.00.

The claimant filed her telecert claims timely. Because the claimant had been receiving benefits using the telecert system, she knew how to operate the claims system. For reasons unknown, the Agency's telecert computer system informed the claimant on or about January 20, 2002 that she was filing her claim "too early". The claimant waited a reasonable amount of time and re-filed the claim. The telecert system would not accept her claim.

The claimant tried for *weeks* to contact a "live person" to answer questions regarding her continuing claims for benefits. On one occasion, an Agency representative told the claimant that she could **not** come into the local office and speak with someone in person. This representative transferred the claimant's call to two different Agency representatives for telephonic assistance, but each time was "dumped" into the Agency's voicemail system. The claimant was unable to leave a message, as each representative's voicemail box was full.

On other occasions, the claimant called the Agency and pressed the proper selection to speak with an Agency representative. The claimant would sometimes be "on hold" **for over an hour**. Whenever the claimant was transferred to an Agency representative's telephone line, she was again "dumped" into voicemail. The claimant was unable to leave a message as the voicemail boxes were always full.