

**- DECISION -**

Claimant:

FARRUKH U. RAHMAN

Decision No.: 01721 -BR-95

Date: May 26, 1995

Appeal No. : 9501736

S.S. No.:

Employer:

STATE HIGHWAY ADM 291005001

L.O. No.: 07

Appellant: Claimant

Issue: Whether the claimant was able, available and actively seeking work within the meaning of the Maryland Code, Labor and Employment Article, Title 8 Section 903.

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**- 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 Court 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: June 25, 1995

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Upon review of the record in this case, the Board of Appeals reverses the decision of the Hearing Examiner.

The claimant took a two year leave of absence from state service to attend to family matters in his native Pakistan. The claimant did not know if he would need the full two years at that time, but since the state offered it, he took it as a precaution, effective March 4, 1994.

As it turned out, he returned to Maryland on December 30, 1994 and contacted his employer. No job was immediately available to him but he was placed on the reinstatement list. As of the first week in January, 1995, the claimant sought full time work, both with the state and with other employers.


The Board concludes that this case is an exception to the general rule that a claimant is not meeting the requirements of LE, §8-903 during the entire period of a voluntary leave of absence. While the claimant certainly wasn't available for work while he was in Pakistan, when he returned to Maryland, placed himself on the reinstatement list and actively sought work, he was meeting the requirements of the law. To find him ineligible for benefits for the next twelve months, under these circumstances, flies in the face of the intent and meaning of the unemployment insurance law.

Therefore, the decision of the Hearing Examiner is reversed.

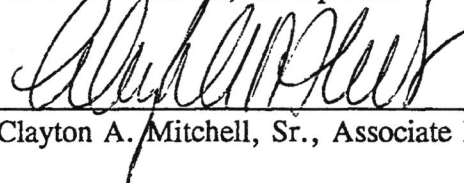
#### DECISION

The claimant is able to work, available for work and actively seeking work within the meaning of §8-903 of the Labor and Employment Article. Benefits are allowed from week beginning January 8, 1995.

The decision of the Hearing Examiner is reversed.



Hazel A. Warnick, Chairperson



Clayton A. Mitchell, Sr., Associate Member

kjk

Copies mailed to:

FARRUKH U. RAHMAN

STATE HIGHWAY ADM 291005001

STATE HIGHWAY ADM 291005001

Local office - #07