

***-DECISION-***

Claimant:  
MICHAEL R MCNALLY

Decision No.: 2073-BH-06

Date: September 27, 2006

Appeal No.: 0608902

Employer:

S.S. No.:

L.O. No.: 61

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.

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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 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: October 27, 2006

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**- APPEARANCES -**

FOR THE CLAIMANT:

Present

AGENCY  
Soretha Staten

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 finds the claimant credible.

## FINDINGS OF FACT

The claimant filed for benefits on December 26, 2005 with a weekly benefit amount of \$180.00. The claimant was laid off for one week from April 10, 2006 to April 14, 2006. However, the claimant did not file for benefits until April 17, 2006. The claimant read instruction in the Agency pamphlet, "What You Should Know About Unemployment Insurance in Maryland, Rev. 5/01" and he reasonably understood the pamphlet to mean that he should not file until the following week. That is the sole reason why the claimant failed to file for benefits during the week in question.

The claimant read page 10 of the pamphlet. The Board notes that the pamphlet does not define "initial claims," "additional claims" and "continued claims". The pamphlet only provides claim instructions for continued claims. The claimant complied with these instructions.

## CONCLUSIONS OF LAW

After reviewing the testimony of the claimant and in addition the reviewing of the Maryland Unemployment Insurance Pamphlet "What You Should Know About Unemployment Insurance in Maryland" the Board finds that the pamphlet does not give instructions as to how to properly file for initial claims, additional claims or reopening claims.

The claimant did follow the instruction on page 10 of the unemployment pamphlet which caused the claimant to file erroneously.

Unemployment compensation laws should be read liberally in favor of eligibility and disqualification provisions are to be strictly construed. *Sinai Hospital v. Department of Employment and Training* 309 Md. 28, 522 A. 2d 382 (1987). The Board finds that the claimant should not be denied benefits and that he complied with the Agency instructions provided to him, albeit incomplete instructions.

## DECISION

IT IS HELD THAT the claimant filed a proper claim. The Agency instructions were silent in the pamphlet regarding the filing of additional claims. Therefore the Board finds for the claimant due to misleading or incomplete instructions. Benefits are allowed for week beginning April 9, 2006 to April 15, 2006.

The determination of the Hearing Examiner is reversed.