

# DLLR

STATE OF MARYLAND

DEPARTMENT OF LABOR, LICENSING AND REGULATION

PARRIS N. GLENDENING, Governor

EUGENE A. CONTI, JR., Secretary

Board of Appeals

Hazel A. Warnick, Chairperson

## - DECISION -

Claimant:

FRANCIS P. SAITTA

Decision No.: 03058-BH-97

Date: September 17, 1997

Appeal No.: 9700001

S.S. No.:

Employer:

JOHNS HOPKINS UNIVERSITY

L.O. No.: 01

Appellant: Claimant

Issue: Whether the claimant is monetarily eligible for benefits under Section 8-802 of the Labor and Employment Article.

---

## - 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 17, 1997

---

## - APPEARANCES -

FOR THE CLAIMANT:

Francis P. Saitta

FOR THE EMPLOYER:

Gail Purnell, U.I.C. Administrator



## EVALUATION OF THE EVIDENCE

The Board of Appeals has considered all of the evidence presented, including the testimony offered at the hearings. 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 employer submitted an additional document, a letter to the claimant dated November 5, 1992, from the employer, regarding his acceptance as a Postdoctoral Fellow. A copy of this letter was already admitted into evidence as Employer Exhibit No. B2. Therefore, Board is not admitting this additional document into evidence.

### FINDINGS OF FACT

The claimant worked as a Postdoctoral Fellow for the Johns Hopkins University School of Hygiene and Public Health, from approximately December, 1992 until late 1996. He filed for unemployment insurance benefits, with a benefit year beginning November 3, 1996.

The claimant was accepted for admission as a Postdoctoral Fellow after he was accepted by a faculty member, in this case Dr. Schwartz, for whom he would be directly working.

His work consisted of performing research in Dr. Schwartz's laboratory, for which he was paid semi-monthly. His contract ran for one year at a time at a pre-determined yearly salary or stipend. Federal and State taxes and Social Security contributions were taken out of his gross pay. Dr. Schwartz also agreed to pay for medical insurance for the claimant. The funding for this position came out of a grant that Dr. Schwartz received from a funding source other than Johns Hopkins.

The claimant was not enrolled as a student, nor did he attend any classes or receive academic instruction while working for this employer. The work he performed directly benefited the employer, as well as serving as a learning experience for himself. He did not receive any University "credits" for his work there.

### CONCLUSIONS OF LAW

Section 8-220 of the Labor and Employment Article:

- (b) Employment at educational institutions.-- Employment performed in an educational institution is not covered employment if:
  - (1) the employment is performed by a student who is enrolled and regularly attending classes at that educational institution; or
  - (2) the employment is performed by the spouse of the student and immediately before beginning to perform the employment, the spouse is advised that:
    - (i) the employment is under a program of the educational institution to provide financial assistance to the student; and