

- DECISION -

Claimant:	Decision No.:	3082-BR-14
AUBREY A BLACK	Date:	February 20, 2015
	Appeal No.:	1336748
Employer:	S.S. No.:	
	L.O. No.:	63
	Appellant:	CLAIMANT - REMAND FROM COURT

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.

- 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: March 22, 2015

PROCEDURAL HISTORY

On April 7, 2014, the Board of Appeals denied the claimant's request for a review of a decision concerning his claim for unemployment insurance benefits, determining that the claimant filed a late appeal without good cause. The claimant filed a timely appeal to the Circuit Court for Baltimore County. The Circuit Court for Baltimore County in an order dated September 12, 2014, remanded this case to the Board of Appeals, Department of Labor, Licensing and Regulation to determine if the claimant is eligible to receive unemployment benefits.

EVALUATION OF EVIDENCE

The claimant proved by a preponderance of the evidence that he is able, available and actively seeking work. The claimant has no physical limitations on his ability to do the jobs in the areas of clerk, cleaner or delivery person. There is no limitation on the claimant's availability. The claimant made reasonable efforts to apply for work in his areas that he is likely to find work.

FINDINGS OF FACT

It has been adjudicated and determined that the claimant filed a timely appeal.

The claimant filed for unemployment insurance benefits establishing a benefit year, effective November 3, 2013 with a weekly benefit amount of \$430.00.

Since November 10, 2013 the claimant has been seeking work as a clerk, delivery person, or cleaner for which the customary hours of employment are 8:00 a.m. until 5:00 p.m. The claimant is 85 years old. The claimant is seeking full time and part time work. The claimant has made fifteen job contacts since opening his claim for unemployment benefits.

The claimant is not attending school or training that would conflict with the customary hours. The claimant has no child or elder care responsibilities that would limit his availability. The claimant has reliable transportation and otherwise has no material restrictions upon his ability or availability to perform work in his occupational field.

CONCLUSION OF LAW

The claimant has the burden of demonstrating by a preponderance of the evidence that he is able, available and actively seeking work. *Md. Code Ann., Lab. & Empl. Art., § 8-903.*

Article - Labor and Employment § 8-903.

- (a) (1) Except as otherwise provided in this section, to be eligible for benefits an individual shall be:
 - (i) able to work;
 - (ii) available for work; and
 - (iii) actively seeking work.
- (2) In determining whether an individual actively is seeking work, the Secretary shall consider: