



*William Donald Schaefer, Governor
J. Randall Evans, Secretary*

*Board of Appeals
1100 North Eutaw Street
Baltimore, Maryland 21201
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*Board of Appeals
Thomas W. Keech, Chairman
Hazel A. Warnick, Associate Member
Donna P. Watts, Associate Member*

— DECISION —

Decision No.: 33-BR-92
Date: January 10, 1992
Claimant: Nancy Martin
Appeal No.: 9117648
S. S. No.:
Employer: Harford County Public Schools L. O. No.: 22
c/o The Gibbens Company
Appellant: CLAIMANT
Issue: Whether the claimant had a contract or reasonable assurance of returning to work under Section 8-909(a) of the Labor and Employment Article.

— NOTICE OF RIGHT OF APPEAL TO COURT —

YOU MAY FILE AN APPEAL FROM THIS DECISION IN ACCORDANCE WITH THE LAWS OF MARYLAND. THE APPEAL MAY BE TAKEN IN PERSON OR THROUGH AN ATTORNEY IN THE CIRCUIT COURT OF BALTIMORE CITY, IF YOU RESIDE IN BALTIMORE CITY, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

THE PERIOD FOR FILING AN APPEAL EXPIRES

February 9, 1992

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

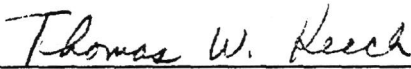
Upon review of the record in this case, the Board of Appeals modifies the decision of the Hearing Examiner. The Board agrees with the Hearing Examiner's findings of fact and also with his conclusion that the claimant had reasonable assurance of performing services in the 1991-1992 school year.

The Board disagrees with the penalty imposed. The penalty for having reasonable assurance applies, in this case, "during the period between two successive academic years or terms." Section 8-909(a)(2) of the Labor and Employment Article. In this case, therefore, the claimant should be disqualified for having reasonable assurance that she would return to work during the 1991-1992 academic year. The disqualification, however, should end at the beginning of that academic year. The beginning of the academic year appears to have been September 1, 1991.

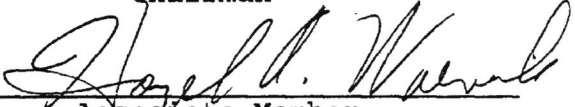
DECISION

The claimant had a reasonable assurance of returning to work, within the meaning of Section 8-909(a) of the Labor and Employment Article. She is disqualified from the receipt of benefits based on services performed with the Harford County Public School System for the period between the 1990-1991 and 1991-1992 academic years. The disqualification should end on August 31, 1991.

The decision of the Hearing Examiner is modified.



Chairman



Associate Member

K:HW

kbm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

James R. Whattam, Esq.

MSTA

UNEMPLOYMENT INSURANCE - BEL AIR



Maryland

Department of Economic & Employment Development

William Donald Schaefer, Governor
J. Randall Evans, Secretary

William R. Merriman, Chief Hearing Examiner
Louis Wm. Steinwedel, Deputy Hearing Examiner

1100 North Eutaw Street
Baltimore, Maryland 21201

Telephone: 333-5040

— DECISION —

Claimant:	Nancy L. Martin	Date:	Mailed: 11/13./91
		Appeal No.:	9117648
		S. S. No.:	
Employer:	Harford Co. Pub. Schools c/o Gibbens Company	L.O. No.:	22
		Appellant:	Employer

Issue: Whether the claimant had contract or reasonable assurance of returning to work under MD Code, Labor and Employment Article, Title 8, Section 909(B).

— NOTICE OF RIGHT OF FURTHER APPEAL —

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A FURTHER APPEAL AND SUCH APPEAL MAY BE FILED IN ANY OFFICE OF THE DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT, OR WITH THE APPEALS DIVISION, ROOM 515, 1100 NORTH EUTAW STREET, BALTIMORE, MARYLAND 21201, EITHER IN PERSON OR BY MAIL

THE PERIOD FOR FILING A FURTHER APPEAL EXPIRES AT MIDNIGHT ON

November 29, 1991

— APPEARANCES —

FOR THE CLAIMANT:

Claimant - Present
Kathy Owens Wyatt,
Maryland State Teachers
Association

FOR THE EMPLOYER:

Represented by:
Steven C. Lentowski;
Robin Johnston,
Gibbens Company

FINDINGS OF FACT

The claimant has been employed as a home hospital teacher by the Harford County Public School System since October, 1983. The