

-DECISION-

Claimant:
GERALDINE M WHITE

Decision No.: 3526-BH-12

Date: July 27, 2012

Appeal No.: 1139171

Employer:

S.S. No.:

L.O. No.: 60

Appellant: Claimant

Issue: Whether the claimant is eligible to receive Extended Unemployment Benefits within the meaning of MD Code Annotated, Labor and Employment Article, Section 8-1101 through 8-1108.

- 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: August 27, 2012

- APPEARANCES -

FOR THE CLAIMANT:

GERALDINE M. WHITE

FOR THE EMPLOYER:

FOR THE AGENCY:

SUSAN BASS

PRELIMINARY STATEMENT

This matter came before the Board of Appeals (Board) for legal argument only on July 10, 2012. The Agency appeared and made argument to the Board. The claimant failed to appear.

The claimant had previously been denied Extended Unemployment Benefits pursuant to *Md. Code Ann., Lab. & Empl. Art., §8-1104(e)*. The Agency proffered that the claimant has had employment since her prior disqualification from regular unemployment benefits, has submitted all necessary documents and is therefore qualified to receive Extended Unemployment Benefits.

EVALUATION OF THE EVIDENCE

The Board of Appeals has considered all of the evidence and legal argument presented in this case. 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 General Assembly declared that, in its considered judgment, the public good and the general welfare of the citizens of the State required the enactment of the Unemployment Insurance Law, under the police powers of the State, for the compulsory setting aside of unemployment reserves to be used for the benefit of individuals unemployed through no fault of their own. *Md. Code Ann., Lab. & Empl. Art., § 8-102(c)*. Unemployment compensation laws are to be read liberally in favor of eligibility, and disqualification provisions are to be strictly construed. *Sinai Hosp. of Baltimore v. Dept. of Empl. & Training, 309 Md. 28 (1987)*.

The Board reviews the record *de novo* and may affirm, modify, or reverse the findings of fact or conclusions of law of the hearing examiner on the basis of evidence submitted to the hearing examiner, or evidence that the Board may direct to be taken, or may remand any case to a hearing examiner for purposes it may direct. *Md. Code Ann., Lab. & Empl. Art., § 8-510(d)*; *COMAR 09.32.06.04*. The Board fully inquires into the facts of each particular case. *COMAR 09.32.06.03(E)(1)*.

FINDINGS OF FACT

The Board, except for the last sentence, adopts the hearing examiner's findings of fact.

The claimant has been employed as a babysitter since her disqualification from regular unemployment insurance benefits. The claimant has submitted all documents required of her to receive extended benefits.

CONCLUSIONS OF LAW

Md. Code Ann., Labor & Emp. Article, Section 1104(e) provides that if an individual is disqualified from regular benefits for a specific number of weeks under Section 8-1001, 8-1003, or 8-1005 of this title, the individual may not receive extended benefits unless:

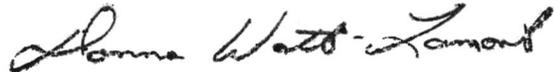
- (1) the period of disqualification has ended; and
- (2) the individual has been employed after the date of the disqualification.

The Board finds based on a preponderance of the credible evidence that the claimant has met her burden of demonstrating that she was employed after the date of her previous disqualification from the receipt of regular unemployment insurance benefits, within the meaning of § 8-1104(e). The decision of the hearing examiner shall be reversed for the reasons stated herein.

DECISION

IT IS HELD THAT the claimant, who was disqualified from regular unemployment insurance benefits from March 21, 2010 to April 24, 2010 pursuant to Md. Code Ann., Lab. & Empl. Art., §8-1001 has worked since the disqualification period ended and provided all required documentation to the Agency. Therefore, pursuant to §8-1104(e), extended benefits are allowed from November 26, 2011 and for so long as the claimant is meeting all the requirements of the law.

The decision of the hearing examiner is reversed.



Donna Watts-Lamont, Chairperson



Clayton A. Mitchell, Sr., Associate Member



Eileen M. Rehrmann, Associate Member

RD

Date of hearing: July 10, 2012

Copies mailed to:

GERALDINE M. WHITE

Susan Bass, Office of the Assistant Secretary

UNEMPLOYMENT INSURANCE APPEALS DECISION

GERALDINE M WHITE

SSN #

Claimant

vs.

Employer/Agency

Before the:

**Maryland Department of Labor,
Licensing and Regulation**

Division of Appeals

1100 North Eutaw Street

Room 511

Baltimore, MD 21201

(410) 767-2421

Appeal Number: 1139171

Appellant: Claimant

Local Office : 60 / LARGO

November 29, 2011

For the Claimant: PRESENT

For the Employer:

For the Agency: PRESENT, MANIE PARKER

ISSUE(S)

Whether the claimant is eligible to receive Extended Benefits from the State of Maryland after a prior denial of Regular or Emergency Unemployment Compensation benefits for a specified number of weeks for voluntarily leaving work, being discharged or suspended as a disciplinary measure or for failing to accept an offer or a referral of suitable work within the meaning of Section 8-1104 of the Maryland Unemployment Insurance Law.

FINDINGS OF FACT

The claimant, Geraldine White, filed a claim for unemployment insurance benefits establishing a benefit year beginning April 18, 2010, with a weekly benefit amount of \$255.00.

The claimant became eligible to receive extended benefits in Maryland effective October 2, 2011. Prior to this, on June 30, 2010, the claimant was disqualified from receipt of regular unemployment insurance benefits between March 21, 2011 and April 24, 2011 pursuant to a Hearing Examiner's finding that the claimant had voluntarily quit her job for reasons that constituted a valid circumstance. Since that time, the claimant has not worked.

CONCLUSIONS OF LAW

Md. Code Ann., Labor & Emp. Article, Section 1104(e) provides that if an individual is disqualified from regular benefits for a specific number of weeks under Section 8-1001, 8-1003, or 8-1005 of this title, the individual may not receive extended benefits unless:

- (1) the period of disqualification has ended; and
- (2) the individual has been employed after the date of the disqualification.

EVALUATION OF EVIDENCE

The Hearing Examiner considered all of the testimony and evidence of record in reaching this decision. Where the evidence was in conflict, the Hearing Examiner decided the Facts on the credible evidence as determined by the Hearing Examiner.

The evidence established that, as of March 21, 2011, the claimant received a weekly penalty pursuant to Section 8-1001. At the hearing on the matter, the claimant conceded that she has not worked since the date of the disqualification. Pursuant to Section 8-1104(e), since the claimant has not been employed since the prior disqualification ended, she is not eligible to receive extended benefits.

DECISION

IT IS HELD THAT the claimant, who was disqualified from regular unemployment insurance benefits from March 21, 2010 to April 24, 2010, pursuant to Md. Code Ann., Labor & Emp. Article, Section 8-1001 has not worked since the disqualification period ended. Therefore, pursuant to Section 8-1104(e), extended benefits are denied from October 2, 2011 until the claimant meets the requirements of the law.

The determination of the Claims Specialist is affirmed.

J. Nappier

J. Nappier, Esq.
Hearing Examiner

Notice of Right to Petition for Review

Any party may request a review either in person, by facsimile or by mail with the Board of Appeals. Under COMAR 09.32.06.01A(1) appeals may not be filed by e-mail. Your appeal must be filed by December 14, 2011. You may file your request for further appeal in person at or by mail to the following address:

Board of Appeals
1100 North Eutaw Street
Room 515
Baltimore, Maryland 21201
Fax 410-767-2787
Phone 410-767-2781

NOTE: Appeals filed by mail are considered timely on the date of the U.S. Postal Service postmark.

Date of hearing: November 17, 2011
DAH/Specialist ID: RWD1D
Seq No: 003
Copies mailed on November 29, 2011 to:
GERALDINE M. WHITE
LOCAL OFFICE #60