

 **Maryland**
Department of Economic &
Employment Development

William Donald Schaefer, Governor
J. Randall Evans, Secretary

Board of Appeals
1100 North Eutaw Street
Baltimore, Maryland 21201
Telephone: (301) 333-5032

Board of Appeals
Thomas W. Keech, Chairman
Hazel A. Warnick, Associate Member
Donna P. Watts, Associate Member

— DECISION —

	Decision No.:	419 -BH-92	
	Date:	Feb. 28, 1992	
Claimant:	Patricia E. Pinkney	Appeal No.:	9112381
		S. S. No.:	
Employer:	Play Keepers, Inc. ATTN: Sandra Gilmore, Pres.	L O. No.:	1
		Appellant:	EMPLOYER

Issue: Whether the claimant's unemployment was due to leaving work voluntarily, without good cause, within the meaning of Section 8-1001 of the Labor and Employment Article; whether the claimant failed, without good cause, to accept suitable work when offered to her within the meaning of Section 8-1005 of the law, and whether the claimant had a contract or reasonable assurance of returning to work under Section 8-909 of the law.

— 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

March 29, 1992

— APPEARANCES —

FOR THE CLAIMANT:

Claimant Not Present

FOR THE EMPLOYER:

Maxine Seidman -
Executive Dir.
Sandy Gilmore -
Executive Dir.

EVALUATION OF 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 Economic and Employment Development's documents in the appeal file.

The Board had doubts that the claimant could be correctly disqualified under Section 8-903 of the law, but there were possibilities that the claimant should have been disqualified for voluntarily quitting her job or possibly for refusing suitable work. For this reason, the hearing notice listed all three issues as possibilities.

FINDINGS OF FACT

The claimant was employed from September of 1990 until the end of the 90-91 school year for Play Keepers, Inc. The claimant was a group leader, in charge of teaching young children for approximately 25 hours per week for \$6.00 an hour. The employer is a program for school age children which provides day care from 7:00 to 9:00 a.m. and 3:00 to 6:00 p.m. It is not connected with the schools, but it does lease space from the schools and conducts day care programs in the schools before and after hours. It is a private, non-profit corporation.

The corporation operates during the summer at one location. During this time, the employer had full-time work available for its teachers and groups leaders. This position was offered to the claimant at the end of the school year, but she declined. She also did not return to this employer at the beginning of the 91-92 school year, as she obtained, or believed that she had obtained, a job with a different employer.

CONCLUSIONS OF LAW

The Board concludes that the claimant cannot be disqualified under Section 8-909 of the law. This is the section of the law that disqualifies educational employees from receiving unemployment benefits in the summer time if they have "reasonable assurance" of returning to work in September. The employer, however, is not the type of organization to which this statute applies. This statute applies only to "an educational institution or . . . governmental entity or not for profit organization on behalf of an educational institution" The day care program involved is not an educational institution, nor are its services performed on behalf of an educational institution. It merely leases space from various schools.