

Maryland

DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT

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William Donald Schaefer, Governor
J. Randall Evans, Secretary

BOARD OF APPEALS

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

— DECISION —

	Decision No.:	497-BR-89
	Date:	June 9, 1989
Claimant: Deirdre Thompson	Appeal No.:	8901652
	S. S. No.:	
Employer: Howard Co. Board of Ed.	L. O. No.:	23
	Appellant:	EMPLOYER

Issue:

Whether there is good cause to reopen this dismissed case under COMAR 24.02.06.02(N); whether the claimant is eligible for benefits within the meaning of Section 4(f)(3) 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.

July 9, 1989

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals reverses the decision of the Hearing Examiner as to whether or not the claimant is eligible for benefits within the meaning

of Section 4(f)(3) of the Maryland Unemployment Insurance Law. The decision of the Hearing Examiner finding good cause to reopen this dismissed case under COMAR 24.02.06.02(N) is affirmed.

The claimant has worked as a substitute teacher for the Howard County Public Schools since 1985.

In May of 1988, the claimant received a letter from her employer giving her reasonable assurance that she would return to her position as a substitute teacher for the 1988-89 school year, thereby evidencing their intent to continue the employment relationship. The claimant returned the postcard contained with this letter, indicating her intent to continue as a substitute teacher for the 1988-89 school year.

During the 1986-87 school year, the claimant worked 95 days. During the 1987-88 school year the claimant worked 91 school days. The school year consists of 190 days.

The most important indications of whether a substitute teacher has a reasonable expectation of performing services are the history of the employment relationship and the stated intentions of both parties. An employment history showing a relatively stable utilization of the claimant's services during one academic year will tend to show that the claimant does have a reasonable assurance, while a history showing scarcely any past employment will tend to show that there is no reasonable assurance. Each case, of course, is to be decided on its merits, and facts concerning the employment history should be fully developed. Bonds v. Baltimore City, EB-936 (Remand Order, dated November 10, 1982). See also, Kernisky v. Prince George's County Public Schools, 577-BH-84.

The claimant's employment history and the statements of the claimant and the employer, in this case are sufficient to find that the claimant had a reasonable assurance of returning to her employment for the 1988-89 school year.

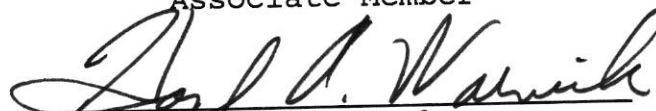
DECISION

There was good cause to reopen this dismissed case within the meaning of COMAR 24.02.06.02(N). The decision of the Hearing Examiner is affirmed as to this issue.

The claimant did have reasonable assurance within the meaning of Section 4(f)(4) of the Maryland Unemployment Insurance Law of returning to her employment. The claimant is disqualified from receiving benefits from the week beginning June 12, 1988

until the beginning of the 1988-89 school year. The decision of the Hearing Examiner is reversed as to this issue.


Associate Member


Associate Member

DW:W

kbm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - ELLICOTT CITY

Recoveries - Room 413