



STATE OF MARYLAND

HARRY HUGHES  
Governor

KALMAN R. HETTLEMAN  
Secretary

DEPARTMENT OF HUMAN RESOURCES  
EMPLOYMENT SECURITY ADMINISTRATION

1100 NORTH EUTAW STREET  
BALTIMORE, MARYLAND 21201

383-5032  
- DECISION -

BOARD OF APPEALS  
THOMAS W. KEECH  
Chairman

HAZEL A. WARNICK  
MAURICE E. DILL  
Associate Members

SEVERN E. LANIER  
Appeals Counsel

DECISION NO: 511-BH-83

DATE: April 21, 1983

APPEAL NO.: 00173

S. S. NO.:

CLAIMANT: William Boone, Jr.

EMPLOYER:

LO NO.: 40

APPELLANT: AGENCY APPEAL

ISSUE

Whether the Claimant filed proper claims for benefits within the meaning of §4(1) of the Law; and whether the Claimant was able and available for work within the meaning of §4(c) of the Law.

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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, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT May 21, 1983

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- APPEARANCES -

FOR THE CLAIMANT:

William Boone, Jr. - Claimant

FOR THE EMPLOYER:

EMPLOYMENT SECURITY ADMINISTRATION  
Alan Berman - Assistant Director U.I.

EVIDENCE CONSIDERED

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 into this case, as well as Employment Security Administration's documents in the appeal file.

### FINDINGS OF FACT

The Claimant filed an original claim for unemployment insurance benefits on October 14, 1982. His 'benefit year began October 10, 1982.

At the time that the Claimant filed his claim he was given several documents to read and sign, including DHR/ESA Forms 200 and 200D. (See Agency Exhibits B-1 and B-2.) The latter document sets forth the Claimant's rights and obligations regarding unemployment insurance benefits, including:

2. I understand that the I must file a claim card for each week I am claiming benefits while an appeal is pending or my claim eligibility is pending additional information. . .

5. I understand that if I do not receive a claim card in the mail for a particular calendar week, it is my responsibility to report to the local office no later than the Friday following the Sunday on which the claim card was to have been mailed. Backdated claims will not be accepted.

The Claimant, in signing the document, acknowledged not only that he read the information contained therein, 'but also that he received additional pamphlets regarding unemployment insurance benefits. He was not given any claim cards at this time but was told to report back to the office on October 25, 1982.

The Claimant 'was unable to report on October 25, 1982 due to a medical problem. Nevertheless, he failed to notify the agency and failed to report until November 22, 1982. During this period of time he did not file any claim cards. On or about December 25, 1982 he attempted for the first time to file claim cards for the weeks ending October 16, 1982 to and including the week ending November 20, 1982.

### CONCLUSIONS OF LAW

The Board of Appeals concludes that the Claimant failed to file proper claim cards for the weeks ending October 16, 1982 through November 20, 1982, within the meaning of §4(b) of the Law.

The evidence does not support the allegations of the Claimant and the conclusion of the Appeals Referee that the Claimant did not receive a 'benefit rights interview and therefore was unaware of the necessity of filing claim cards each week. The agency's exhibits, signed by the Claimant, clearly show that the Claimant was made aware of these requirements. Further, although the Claimant was ill, he did not contact the agency for over one month, even though he had received no cards and had missed a scheduled report date.

Under the circumstances, the Board concludes that the Claimant failed to meet the requirements of §4(b) of the Law.

The Claimant's disqualification under §4(C) of the Law was not raised by either party on appeal. Therefore the decision regarding that section of the Law will be affirmed.

DECISION

The Claimant failed, without good cause, to file proper claims for benefits within the meaning of §4(b) of the Law for the weeks of October 16, 1982; October 30, 1982; November 6, 1982; November 13, 1982; and November 20, 1982.

The Claimant was not able to work and available for work within the meaning of §4(c) of the Maryland Unemployment Insurance Law. The Claimant is disqualified from receiving unemployment insurance benefits from October 16, 1982 to October 23, 1982.

The decision of the Appeals Referee as to §4(b) of the Law is reversed; the decision of the Appeals Referee as to §4(c) of the Law is affirmed.

W:D:K  
dp

DATE OF HEARING: April 5, 1983  
COPIES MAILED TO:

CLAIMANT

Alan Berman - Assistant Director of U.I.

UNEMPLOYMENT INSURANCE - EASTPOINT



DEPARTMENT OF HUMAN RESOURCES  
 EMPLOYMENT SECURITY ADMINISTRATION  
 1100 NORTH EUTAW STREET  
 BALTIMORE, MARYLAND 21201  
 383 - 5040

BOARD OF APPEALS  
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 Chairman  
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 HAZEL A. WARNICK  
 Associate Members  
 SEVERN E. LANIER  
 Appeals Counsel  
 MARK R. WOLF  
 Administrative  
 Hearings Examiner

STATE OF MARYLAND  
 HARRY HUGHES  
 Governor  
 KALMAN R. HETTLEMAN  
 Secretary

— DECISION —

CLAIMANT: William Boone , Jr.  
 DATE: Jan. 27, 1983  
 APPEAL NO.: 00173  
 S. S. NO.:  
 EMPLOYER:  
 L. O. NO.: 40  
 APPELLANT: Claimant

ISSUE:  
 Whether the claimant filed proper claims for benefits within  
 the meaning of Section 4(b) of the Law.

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 EMPLOYMENT SECURITY OFFICE, 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 February 14, 1983

— APPEARANCES —

FOR THE CLAIMANT:

William Boone , Jr. , Present

FOR THE EMPLOYER:

Other : John S . Sutton,  
 Claims Specialist IV

FINDINGS OF FACT

The claimant filed an original claim for unemployment insurance benefits effective October 10, 1982.

The claimant was employed by Mabrow Contractors, for approximately thirty-three months, his last job classification as a Project Superintendent at an annual salary of \$38,000. He last worked for this employer on or about the last day of September, 1982.

The claimant filed his claim for unemployment insurance benefits at his local office. At the time of filing, he was told that a pre-determination hearing must be held to determine whether he should be eligible for unemployment insurance benefits. He was instructed to return the following week, but was unable to do so due to an illness. He never received a Benefit Rights Interview to inform him of the importance of properly filling out a claim card for each week and sending in that claim card in order to receive unemployment insurance benefits. The claimant did not reappear in his local office until November 22, 1982, when he was instructed to reopen his claim.

#### CONCLUSIONS OF LAW

As the claimant was never given a Benefit Rights Interview to explain to him the importance of filing a claim card each week, and what he should do in the event that he did not receive that claim card in the mail because of his illness, when he was instructed to report back "to his office the following week, the claimant should only be disqualified from receiving unemployment insurance benefits during the week of October 23, 1982, and should be permitted to file retroactive claims for the weeks ending October 16, 1982; October 30, 1982; November 6, 1982; November 13, 1982; and November 20, 1982. The determination of the Claims Examiner shall, therefore, be reversed.

#### DECISION

The claimant should be considered as filing proper claim cards for benefits for the week of October 16, 1982; October 30, 1982; November 6, 1982; November 13, 1982; and November 20, 1982.

The claimant was not able to work and available for work within the meaning of Section 4(c) of the Maryland Unemployment Insurance Law. The claimant is disqualified from receiving unemployment insurance benefits from October 16, 1982 to October 23, 1982.

  
Selig A. Wolfe  
APPEALS REFEREE

Date of hearing: January 20, 1983

Cassette: 409

hf (M. W. Williams)

COPIES MAILED TO:

Claimant  
Unemployment Insurance-Eastpoint