

DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT

BOARD OF APPEALS

Thomas W. Keech  
Chairman

Hazel A. Warnick  
Associate Member

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Baltimore, Maryland 21201  
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William Donald Schaeter Governor  
J. Randall Evans, Secretary

— DECISION —

Decision No.: 540-BR-87  
Date: July 30, 1987  
Claimant: Jackie Segall Appeal No.: 8702132  
S. S. No.:  
Employer: Baltimore Comm. College L.O.No.: 9  
Appellant: CLAIMANT

Issue: Whether the claimant had a contract or reasonable assurance of employment within the meaning of Section 4(f)(5) of the law; whether the claimant was overpaid benefits under Section 17(d) of the law; and whether the claimant was able to work, available for work and actively seeking work within the meaning of Section 4(c) 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, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON August 29, 1987

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals affirms the decision of the Hearing Examiner with regard to Section 4(c) of the law but reverses the decision with regard

to Section 4(f)(5) and the resulting overpayment under Section 17(d).

In order for a claimant to be disqualified under Section 4(f)(5) there must be:

. . . a reasonable assurance that the individual will perform the service in the period immediately following the vacation period or holiday recess. [Emphasis added.]

The holiday recess in question here was from December 22, 1986 until January 1, 1987. Due to a lack of sufficient enrollment, the claimant did not have reasonable assurance of returning until January 29, 1987, almost a month after the holiday recess ended. This is not immediately following the recess and therefore is not reasonable assurance within the meaning of Section 4(f)(5) of the law.

#### DECISION

The claimant did not have reasonable assurance that she would return to her employment within the meaning of Section 4(f)(5) of the Maryland Unemployment Insurance Law. NO disqualification is imposed under Section 4(f)(5) of the Maryland Unemployment Insurance Law.

The decision of the Hearing Examiner with regard to Section 4(f)(5) is reversed.

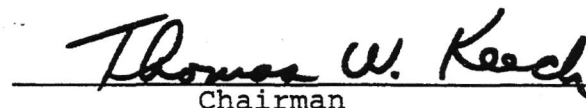
The claimant is not overpaid benefits under Section 17(d) of the law.

The decision of the Hearing Examiner with regard to Section 17(d) is reversed.

The claimant did not meet the eligibility requirements of Section 4(c) of the law. Benefits are denied for the week beginning February 1, 1987 and until the claimant meets all of the requirements of Section 4(c) of the Maryland Unemployment Insurance Law.

The decision of the Hearing Examiner with regard to Section 4(c) is affirmed.

  
Associate Member

  
Chairman

CGPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - TOWSON

Recoveries Section - Room 413