



DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND
HARRY HUGHES
Governor

BOARD OF APPEALS
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201
(301) 383-5032

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Chief Hearing Examiner

— DECISION —

Decision No.: 580-BH-85
Date: July 31, 1985

Claimant: Arie Spigel

Appeal No.: 00119

S. S. No.:

Employer:

L.O. No.: 40

Appellant: CLAIMANT

Issue: Whether the claimant filed proper claims for benefits within the meaning of §4(b) 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 MAYBE 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 30, 1985

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Arie Spigel - Claimant

DEPARTMENT OF EMPLOYMENT & TRAINING
John Roberts - Legal Counsel

EVALUATION OF THE 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 Employment and Training's documents in the appeal file.

FINDINGS OF FACT

The claimant filed a claim for benefits with a benefit year beginning November 4, 1984. He was determined eligible for \$175.00 per week. The claimant received three checks for benefits in the mail. The last check was for the week ending November 24, 1984 and was accompanied by a claim card for the following week, the week ending December 1, 1984. The claimant filled out that card and sent it back as required by the Agency. However, the Agency presently has no record of receiving this card.

As a result, the claimant did not get any more checks for unemployment benefits. After approximately two weeks the claimant called the local office to find out why he had not received checks. He was told to wait and be patient. The claimant did not report to the local office in person at that time.

When the claimant had filed for benefits he had received all the necessary pamphlets and information that informed him that he must file a claim every week; and, for any week he did not receive a claim card, he should report to the local office in person in order to file a timely claim. Although the claimant had received this information, he did not read it all in detail because he thought he understood what he had to do to collect his benefits.

When he heard nothing further from the agency, approximately one week after he called, he came into the local office. This was sometime during the week beginning December 23, 1984. He was told to come back the following week. He did come back the following week, on December 31, 1984. At that time he finally had an opportunity to explain the situation to an agency employee and filed back claim cards for the weeks ending December 1, December 8, December 15, December 22 and December 29, 1984. However, the Claims Examiner found him disqualified under §4(b) for those weeks because he failed to file timely claims within the meaning of that section of the law and COMAR 07.04.02.03D. The claimant appealed that decision, which was affirmed by the Hearing Examiner.