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STATE OF MARYLAND

DEPARTMENT OF LABOR, LICENSING AND REGULATION

PARRIS N. GLENDENING, Governor  
JOHN P. O'CONNOR, Acting Secretary

Board of Appeals  
Hazel A. Warnick, Chairperson

## - DECISION -

Claimant:

VLADIMIR A. KUZMAN

Decision No.: 00616-BR-99

Date: March 2, 1999

Appeal No.: 9821173

Employer:

S.S. No.:

L.O. No.: 43

Appellant: Claimant

Issue: Whether the claimant was able, available and actively seeking work within the meaning of the Maryland Code, Labor and Employment Article, Title 8 Section 903.

## - NOTICE OF RIGHT OF APPEAL TO COURT -

You may file an appeal from this decision in the Circuit Court for Baltimore City or one of the Circuit Courts in a county in Maryland. The court rules about how to file the appeal can be found in many public libraries, in the Maryland Rules of Procedure, Title 7, Chapter 200.

The period for filing an appeal expires: April 1, 1999

## REVIEW ON THE RECORD

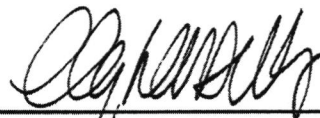
The claimant opened a benefit year beginning July 5, 1998. Although the claimant later attended school 3 days per week to learn English, there is insufficient evidence in the record to restriction upon his ability to actively seek and accept full-time employment. As long as the claimant did not make his schooling a restriction upon his ability and availability and in making a active work search, the Agency should not punish the claimant for seeking such education or training. The claimant made an active work search and eventually found full time employment.



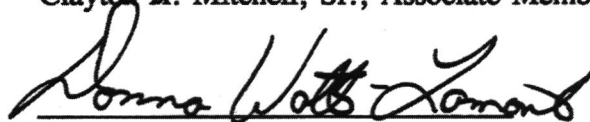
## DECISION

The claimant is able to work, available for work and actively seeking work within the meaning of §8-903 of the Labor and Employment Article. Benefits are allowed from the week beginning October 25, 1998.

The decision of the Hearing Examiner is reversed.



Clayton A. Mitchell, Sr., Associate Member



Donna Watts-Lamont, Associate Member

### Notice of Right to Request Waiver of Overpayment

The Department of Labor, Licensing and Regulation may seek recovery of any overpayment received by the Claimant. Pursuant to Section 8-809 of the Labor and Employment Article of the Annotated Code of Maryland, and Code of Maryland Regulations 09.32.07.01 through 09.32.07.09, the Claimant has a right to request a waiver of recovery of this overpayment. This request may be made by contacting Overpayment Recoveries Unit at 410-767-2424 or 1-800-827-4839. If this request is made, the Claimant is entitled to a hearing on this issue.

**A request for waiver of recovery of overpayment does not act as an appeal of this decision.** If any party wishes to appeal this decision, that party must follow the procedures outlined in the Notice of Right of Appeal to Court.

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Copies mailed to:  
VLADIMIR A. KUZMAN  
Local Office - #43