

 **Maryland**  
Department of Economic &  
Employment Development

*William Donald Schaefer, Governor*  
*J. Randall Evans, Secretary*

*Board of Appeals*  
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*Board of Appeals*  
*Thomas W. Keech, Chairman*  
*Hazel A. Warnick, Associate Member*  
*Donna P. Watts, Associate Member*

— DECISION —

	Decision No.:	758-BR-89
	Date:	Sept. 1, 1989
Claimant: Michael Berggren	Appeal No.:	8907214
	S. S. No.:	
Employer: Memorial Hospital at Eastern Maryland, Inc.	L.O. No.:	25
	Appellant:	EMPLOYER

Issue:

Whether the claimant failed, without good cause, to apply for or to accept available, suitable work, within the meaning of Section 6(d) 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, IF YOU RESIDE IN BALTIMORE CITY, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

October 1, 1989

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

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— 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 and concludes that the claimant failed, without good cause, to accept

suitable work when offered him, within the meaning of Section 6(d) of the law.

The job offered was as a stationary engineer, a job very similar to the claimant's prior employment with the employer as chief stationery engineer (which he had voluntarily left to accept other work in September, 1988). The difference was that this job paid \$9.94 per hour, as compared with \$11.50 per hour for chief, and presumably entailed little or no supervisory responsibilities. The claimant was clearly qualified for the position. The Board concludes that the offer was for suitable employment, within the meaning of Section 6(d).

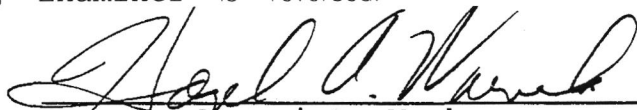
However, since the job did pay \$1.56 per hour less than the claimant's prior job with the employer, and the claimant had only been unemployed a short time when it was offered, the Board concludes that only a minimum penalty is appropriate.

The Board notes that there is some vague testimony that the job that the claimant held just prior to applying for unemployment insurance benefits, was with the Merchant Marines on a ship, at a substantially higher salary. However, since this was a very different type of job, of short duration, and since the claimant did not appear and give any testimony, a comparison of that job to the job offered here is not pertinent to a finding in this case.

#### DECISION

The claimant failed, without good cause, to accept suitable work when offered him, within the meaning of Section 6(d) of the Maryland Unemployment Insurance Law. He is disqualified from receiving benefits from the week beginning May 14, 1989 and the four weeks immediately following.

The decision of the Hearing Examiner is reversed.

  
\_\_\_\_\_  
Associate Member

  
\_\_\_\_\_  
Chairman

HW:K

kbm

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CLAIMANT

EMPLOYER

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