



DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND
HARRY HUGHES
Governor

BOARD OF APPEALS
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

(301) 383-5032

BOARD OF APPEALS

THOMAS W. KEECH
Chairman

HAZEL A. WARNICK
MAURICE E. DILL
Associate Members

SEVERN E. LANIER
Appeals Counsel

MARK R. WOLF
Chief Hearing Examiner

— DECISION —

Decision No.: 835 -BR-86
Date: October 17 , 1986
Appeal No.: 8608215
S. S. No.:
Employer: L.O. No.: 43
Appellant: CLAIMANT
Claimant: Alexander Saeed
Issue: Whether the claimant filed proper claims for benefits within the meaning of Section 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 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.

November 16 , 1986

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals adopts the findings of fact but disagrees with his conclusions of law.

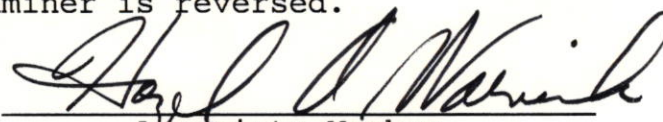
Although the agency's filing requirements authorized by Section 4(b) and set out in COMAR 24.02.02.03 are usually strictly adhered to (see, Bennett, 66-BH-79), there are circumstances where the actions and/or statements of Agency personnel resulted in an agency waiver of these strict requirements. Nelson, 205-BH-82.

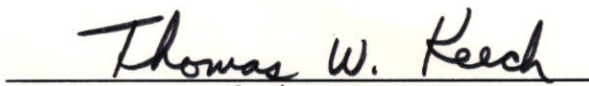
Based on the findings of fact, the Board concludes that the agency's repeated statements to the claimant that he should "wait", before he filed, because they had no record of his earnings, coupled with his repeated inquiries, showing that he made every reasonable attempt to file, resulted in a waiver of the usual filing requirements, and the claimant should not now be deterred from filing claims for the weeks in question. See also, Reed, 156-BR-86.

DECISION

The claimant filed proper claims for benefits within the meaning of Section 4(b) of the Maryland Unemployment Insurance Law. He is entitled to benefits from the week beginning April 27, 1986 to June 28, 1986.

The decision of the Hearing Examiner is reversed.


Associate Member


Chairman

W:K

kmb

COPIES MAILED TO:

CLAIMANT

UNEMPLOYMENT INSURANCE - WHEATON



DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND
1100 NORTH EUTAW STREET
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STATE OF MARYLAND
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BOARD OF APPEALS

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Associate Members

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Appeals Counsel

MARK R. WOLF
Chief Hearing Examiner

— DECISION —

Mailed: August 25, 1986

Claimant: Alexander Saeed

Date: 8608215

Appeal No.:

S. S. No.:

Employer:

43

L.O. No.:

Claimant

Appellant:

Issue:

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

— NOTICE OF RIGHT TO PETITION FOR REVIEW —

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A REVIEW AND SUCH PETITION FOR REVIEW 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.

September 9, 1986

THE PERIOD FOR FILING A PETITION FOR REVIEW EXPIRES AT MIDNIGHT ON

— APPEARANCES —

FOR THE CLAIMANT:
Alexander Saeed - Claimant

FOR THE EMPLOYER:

OTHER: DEPARTMENT OF EMPLOYMENT AND TRAINING
Claire Jones - Claims Specialist

FINDINGS OF FACT

The claimant filed a claim for unemployment insurance benefits, establishing a benefit year beginning April 6, 1986. The Agency was unable to determine the claimant's wages which indicated that he had no benefits forthcoming. On April 28, 1986, the claimant was given cards for the weeks ending May 3, 10 and 17, 1986, which he did not return.