

# Maryland

DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT

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William Donald Schaefer, Governor  
J. Randall Evans, Secretary

**BOARD OF APPEALS**

Thomas W. Keech, Chairman  
Hazel A. Warnick, Associate Member  
Donna P. Watts, Associate Member

**— DECISION —**

	Decision No.:	841-BH-88	
	Date:	Sept. 16, 1988	
Claimant:	James I. Butler, Jr.	Appeal No.:	8804894
		S. S. No.:	
Employer:		L.O. No.:	22
		Appellant:	AGENCY
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 MAYBE 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.

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON      October 16, 1988

**— APPEARANCES —**

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Claimant Not Present

DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT  
John T. McGucken - 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 Economic and Employment Development's documents in the appeal file.

## FINDINGS OF FACT

The claimant was issued a claim certificate for the claim week ending April 9, 1988. The claim certificate had to be returned by April 23, 1988 in order for the claimant to receive benefits. The claim certificate was not received until April 26, 1988 and the claimant received no benefits for that period.

However, as a result of this late filing, the claimant was denied benefits for the weeks ending April 16th, April 23rd and April 30th. When the claim certificate for April 9th was received late, the claimant's claim was closed and no further claims certificates were mailed to the claimant. Instead, the claimant was sent a letter telling him to come into his local office on May 3.

On May 3 it was confirmed that the claimant had mailed the claim certificate for the week ending April 9th late, but that he was still unemployed. The claimant insisted on and did file claims certificates for the weeks ending April 16th, April 23rd and April 30th and his case was reopened. The claimant was denied benefits for the weeks ending April 16th, April 23rd and April 30th because he was considered not to be in claim status for those weeks. The claimant was not in claims status due to the agency's policy that when claim certificates are received late the case is automatically closed and is not reopened until such time as the claimant comes into the local office.

The agency is now in a computerized system by which claims certificates must be received on a bi-weekly basis. Therefore the claims certificates for the weeks ending April 16th and April 23rd would have been due no later than May 7th and the claims certificates for the week ending April 30th would have been due no later than May 14th.

## CONCLUSIONS OF LAW

The claimant's claim certificate for the week ending April 9, 1988 was not filed in a timely manner and therefore, benefits for that week must be denied.