



Maryland

Department of Economic & Employment Development

William Donald Schaefer, Governor
J. Randall Evans, Secretary

Board of Appeals
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 Baltimore, Maryland 21201
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Board of Appeals
Thomas W. Keech, Chairman
Hazel A. Warnick, Associate Member
Donna P. Watts, Associate Member

— DECISION —

	Decision No.:	946-BR-89	
	Date:	October 27, 1989	
Claimant:	Robert F. Englemeyer	Appeal No.:	8908811
		S. S. No.:	
Employer:	Anne Arundel Co. Public Schools c/o Gibbens Company	S. No.:	8
		Appellant:	CLAIMANT
Issue:	Whether the claimant is eligible for benefits within the meaning of Section 4(f) 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, 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 **November 26, 1989**

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals affirms the decision of the Hearing Examiner but disagrees with some of his reasoning.

The Hearing Examiner incorrectly concluded that the phrase "in any such capacity" in Section 4(f)(3) requires the performance of service in the successive academic term to be of the exact same nature as the service previously performed. The Board disagrees. As long as the reasonable assurance is for service "in an instructional, research or principal administrative capacity," the Board concludes that that requirement of Section 4(f)(3) is fulfilled.

Further, the Hearing Examiner added an additional requirement that reasonable assurance be for a job "that would be appropriate." This requirement is not contained in the statute.

The Board does agree, however, that the claimant should not be disqualified under Section 4(f)(3), based on the fact that prior to the summer of 1989, the claimant had been a twelve month employee. As the Board has held in prior decisions, involving similar facts, this is not the case of unemployment during a period between two successive terms or during an established vacation period, contemplated by Section 4(f). See, e.g., Geary v. Board of Education of Baltimore County, 876-BR-89; see also, Ritchie v. Allegany County Board of Education, 205-BR-85.

For this reason, the decision of the Hearing Examiner is affirmed.

DECISION

The claimant did not have reasonable assurance of returning to work for the employer within the meaning of Section 4(f)(3) of the Maryland Unemployment Insurance Law. No disqualification is imposed based on his service to the Anne Arundel County School System.

The decision of the Hearing Examiner is affirmed.


Associate Member


Associate Member

H:D
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