



# 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 —

	<b>Decision No.:</b>	948-BR-89
	<b>Date:</b>	October 27, 1989
<b>Claimant:</b>	<b>Appeal No.:</b>	8909596
	<b>S. S. No.:</b>	
<b>Employer:</b>	<b>L. O. No.:</b>	9
	<b>Appellant:</b>	CLAIMANT
<b>Issue:</b>	Whether the claimant is eligible for benefits within the meaning of Section 4(f) 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 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                      November 26, 1989

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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.

The statute in question, quoted almost verbatim in the Hearing Examiner's decision, provides only that benefits based on covered service in an instructional capacity cannot be paid between academic years if reasonable assurance is present.

Although the Board agrees that reasonable assurance was present, this fact, and this section of the law, do not operate to deny the claimant any benefits to which he may be entitled based upon other service. The total denial of benefits imposed by the Hearing Examiner was thus an error of law. The correct penalty is stated below.

#### DECISION

The claimant had a reasonable assurance of returning to work in an instructional capacity for an institution of higher education, within the meaning of Section 4(f)(2) of the Maryland Unemployment Insurance Law. He is denied benefits based upon his earnings with Essex Community College for the period between academic years that began in June of 1989.

The claimant is not disqualified by this decision from receiving benefits based on other covered service, if he is otherwise eligible. The claimant may contact his local office concerning his possible eligibility based on other covered service.

The decision of the Hearing Examiner is reversed.

K:D

kmb

COPIES MAILED TO:

CLAIMANT

EMPLOYER

William Halbert, Business Manager

Carpenters District Council

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UNEMPLOYMENT INSURANCE - TOWSON

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<sup>1</sup> Section 4(f)(2), not 4(f)(3) is the appropriate section, though this fact does not affect the outcome of this case.