



DEPARTMENT OF EMPLOYMENT AND TRAINING

BOARD OF APPEALS
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DECISION

Decision No.: 966 -BH-86

Date: December 3, 1986

Claimant: Betty J. Harrison

Appeal No.: 8601093

S. S. No.:

Employer: Washington County Department of Social Services

L.O. No.: 4

Appellant: EMPLOYER

Issue: Whether the claimant's unemployment was due to leaving work voluntarily, without good cause, within the meaning of Section 6(a) of the law; whether the claimant performed services in employment within the meaning of Section 20(g) of the law and whether the claimant was able, available and actively seeking work, within the meaning of Section 4(c) 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.

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON January 2, 1987

APPEARANCES

FOR THE CLAIMANT:

Betty Harrison - Claimant
Kenneth Harrison

FOR THE EMPLOYER:

Sara Kaplan -
Attorney General
John Kenney
Lynn Peirson
Margaret Oliver
Robert Hull

DEPARTMENT OF EMPLOYMENT AND TRAINING
John Roberts - Legal Counsel

EVIDENCE CONSIDERED

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 Employment and Training's documents in the appeal file.

FINDINGS OF FACT

On November 25, 1985, the claimant entered into an agreement with the Washington County Department of Social Services to provide domestic care services to a client of the Washington County Social Services Department.

Funds were provided to pay the claimant from a state funded program, called Gateway II. This program was administered by a cooperative arrangement among three state agencies. The purpose of the entire program was to provide long term care to aid elderly people to remain in their homes and thus be free from the need to be institutionalized, whether in a nursing home or otherwise.

Although other services are provided by other agencies, the Washington County Department of Social Services does provide "chore services" to eligible elderly people in their homes. The Washington County Department of Social Services (hereinafter "WCDSS") provides, through its own employees, both chore services and personal care services. The WCDSS tends to provide chore services in the more difficult cases and the cases in which the clients need personal care and other services as well as chore services. For those cases which the WCDSS decides only simple chore services are necessary, that agency often provides those services from the list of "providers."

The WCDSS enters into a contract with these "providers" to perform specific services on a regular basis for a regular client. This contract purports to establish a contractual relationship but not an employer-employee relationship. The providers send a monthly statement of services provided to the agency. This invoice is then processed and paid. There is no restriction on providers having other employment. In fact, a provider who is working with only one client will be idle much of the week. On some occasions, the provider will be a professional cleaning company, but in this case the procedure used is different. In the case of a professional cleaning company, the WCDSS will have gotten an estimate from the company and make an agreement based on the estimate. In the case of other