

 **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 —

Decision No.:	117-BR-92
Date:	January 17, 1992
Claimant: Jon P. Weeks	Appeal No.: 9116586
	S. S. No.:
Employer:	L. O. No.: 33
	Appellant: CLAIMANT
Issue:	Whether the claimant filed proper claims for benefits within the meaning of Section 8-901 of the Labor and Employment Article.

— 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

February 16, 1992

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals modifies the decision of the Hearing Examiner with respect to the claimant's eligibility for benefits for the week ending February 23, 1991.

The claimant submitted a form for the weeks ending February 16 and February 23, 1991 on February 23, 1991. He indicated on the card that he had worked the week ending February 16, 1991 and earned over his weekly benefit amount. The card itself instructed him to file it on February 23, 1991. He filed it on that date.

Later, when the claimant received no response, he called the local office and was told to wait for claim forms in the mail. Later, when they did not come in the mail, he called again on March 17, and was told to come in.

The claimant is not disqualified for the week ending February 23, 1991. He followed the specific directions on his claim card. Specific directions given to a claimant on his particular case override any contrary general instructions in the pamphlet. Since the claimant followed the specific instructions in his case, he cannot be penalized for doing this.

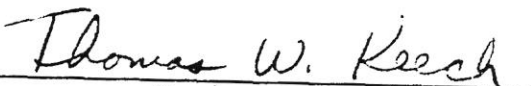
This same reasoning might apply also to the claims for the weeks ending March 2, 9 and 16, 1991. The claimant's evidence regarding these weeks, however, was vague, and the claimant did not finally visit the office about these claims until July of 1991. For these reasons, he will remain disqualified for these weeks.

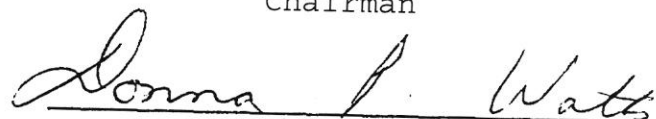
DECISION

The claimant filed a timely and valid claim for the week ending February 23, 1991 within the meaning of Section 8-901 of the Labor and Employment Article.

The claimant failed to file timely claims for benefits within the meaning of Section 8-901 of the Labor and Employment Article. He is disqualified for the weeks ending March 2, 9 and 16, 1991.

The decision of the Hearing Examiner is modified.


Chairman


Associate Member

K:D

kmb

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CLAIMANT

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