



DEPARTMENT OF HUMAN RESOURCES
EMPLOYMENT SECURITY ADMINISTRATION

1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

383 - 5032

- DECISION -

STATE OF MARYLAND

HARRY HUGHES
Governor

KALMAN R. HETTLEMAN
Secretary

BOARD OF APPEALS

THOMAS W. KEECH
Chairman

HAZEL A. WARNICK
MAURICE E. DILL
Associate Members

SEVERN E LANIER
Appeals Counsel

DECISION NO.: 127-BR-83

DATE: January 24, 1983

APPEAL NO.: 09326

S. S. NO.:

CLAIMANT: Rita B. Silwick

EMPLOYER: Baltimore County Schools

L. O NO.: 40

APPELLANT: CLAIMANT

ISSUE Whether the Claimant is eligible for benefits within the meaning of §4(f)4 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 SUPERIOR 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 February 23, 1983

- APPEARANCES -

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

The record shows that the Claimant was notified by the local office of the agency that it was not necessary to file an appeal of the Appeals Referee's decision because the agency would handle it for her. Under these unusual circumstances, the Claimant's dissatisfaction with the decision, expressed verbally to the local office, will be accepted by the Board as a timely appeal of the Appeals Referee's decision.

Concerning the merits of the case, the Board reverses the decision of the Appeals Referee. As the Board has made clear in the past, a disqualification under §4(f)4 of the Law is a disqualification only from benefits which are based on the educational earnings. Benefits based on other earnings may still be payable. See, the Board's decision in Howard County Board of Education, 1-EA-82, and Saxon v. Frederick County Board of Education, 655-BR-82.

DECISION

The Claimant is not disqualified, under §4(f)4 of the Law from the receipt of benefits based on service other than service for an educational institution. The local office is instructed to calculate any benefits the Claimant may have been eligible for based on such non-educational service.

K:D
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