

 **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.:	1349 -BR-91
Date:	October 30, 1991
Claimant: Nuha Taweel	Appeal No.: 9110631 & 9110632
	S. S. No.:
Employer: Columbia Union College	L. O. No.: 43
	Appellant: CLAIMANT

Issue: Whether the claimant filed proper claims for benefits within the meaning of Section 8-901; whether the claimant was unemployed during a customary vacation period, within the meaning of Section 8-909(c) 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 BALIMORE CITY, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

THE PERIOD FOR FILING AN APPEAL EXPIRES

November 29, 1991

— 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 with regard to Section 8-901 of the Labor and Employment Article (formerly

Section 4(b) of the Maryland Unemployment Insurance Law) but reverses the decision with regard to Section 8-909(c) of the Labor and Employment Article (formerly Section 4(f)(5) of the Maryland Unemployment Insurance Law).

The Board agrees that the claimant had a reasonable assurance of returning to work with Columbia Union College on June 26, 1991. However, the period of time she was unemployed was not "during a customary and established holiday recess or vacation period," as required by Section 8-909(c).

The claimant testified that she usually worked during the summer months, approximately four hours per day. This was the first summer in four years that she had no work for a substantial period of time. Further, Agency Exhibit #3, a letter from the Columbia Union College, supports the claimant's testimony that she was laid off. In that letter, the employer admits that the claimant was temporarily laid off from May 10 to June 26, 1991, due to a lack of work and that this action had been taken only after "the Board of Trustees studied the current and projected enrollment and financial data and concluded that a reduction in several faculty/staff positions was necessary." Therefore, the Board concludes that this was a period of a layoff and not a customary recess or vacation period for the claimant.

DECISION

With respect to Appeal #9110631, the claimant is not disqualified from the receipt of benefits for the week beginning May 12, 1991, within the meaning of Section 8-909(c) of the Labor and Employment Article (formerly Section 4(f)(5)).

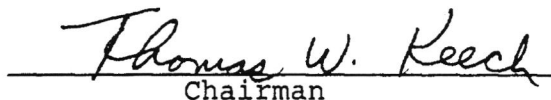
The decision of the Hearing Examiner is reversed.

With respect to Appeal #9110632, the claimant failed to file claims for benefits in a timely and proper manner, within the meaning of Section 8-901 of the Labor and Employment Article (formerly Section 4(b)). Benefits are denied for the week beginning May 19, 1991 until June 15, 1991.

The decision of the Hearing Examiner is affirmed.



Associate Member



Chairman