



DEPARTMENT OF HUMAN RESOURCES

EMPLOYMENT SECURITY ADMINISTRATION

1100 NORTH EUTAW STREET  
BALTIMORE, MARYLAND 21201

383-5032

- DECISION -

BOARD OF APPEALS

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Appeals Counsel

STATE OF MARYLAND

HARRY HUGHES  
Governor

KALMAN R. HETTLEMAN  
Secretary

DECISION NO.: 140-BH-83

DATE: February 2, 1983

APPEAL NO.: 25673

S. S. NO.: [REDACTED]

CLAIMANT: Darlene Leftwich  
[REDACTED]

EMPLOYER:

L. O. NO.: 22

APPELLANT: CLAIMANT

ISSUE

Whether or not the original determination, which made the claimant eligible for \$93.00 per week in benefits was final under Section 7(c)(ii), prior to issuance of the "rerun" determination of August 26, 1981; whether or not the agency has the authority, under Section 17(d) of the Law, to issue a "rerun" of a monetary determination and create an overpayment after the period set out in Section 7(c)(ii) has expired; whether the services performed by the Claimant for the Employer were in covered employment within the meaning of Section 20(g)(8)(x) and whether the claimant is eligible for benefits pursuant to Section 3(b) 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

March 4, 1983

- APPEARANCES -

FOR THE CLAIMANT:

Darlene Leftwich - Claimant

FOR THE EMPLOYER:

EMPLOYMENT SECURITY ADMINISTRATION  
Frank Heintz - Executive Director  
John Zell - 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 Employment Security Administration's documents in the appeal file.

The Board also considered the testimony of Frank O. Heintz, Executive Director of the Employment Security Administration including the additional testimony he submitted in writing, correcting his earlier testimony.

### FINDINGS OF FACT

The Claimant filed an original claim for unemployment insurance benefits with a benefit year beginning June 14, 1981. At that time she was determined to be eligible for a weekly benefit amount of \$93.00. She received nine weeks of benefits, from the week ending June 20, 1981 through and including the week ending August 15, 1981.

At the time the Claimant filed for benefits, three base period employers reported covered wages paid to her during the base period, the four quarters of 1980. One of these employers, Frostburg State College (hereinafter referred to as "the college") reported as covered wages, earnings that the Claimant had made in the employ of the college while she was an enrolled student, regularly attending classes there.

When the Employment Security Administration (hereinafter referred to as the "Agency") sent the college Form 207 inquiring as to the circumstances as to the Claimant's separation from employment, the college realized its error in reporting the Claimant's wages as covered wages under unemployment insurance law and notified the agency of this error, in a timely manner on the 207 form. However, the 207, after reaching one of the agency's local offices, was lost by the agency. Consequently, the Claimant received \$93.00 a week for nine weeks based, in part, on the wages originally reported by the college.

It wasn't until the college received its quarterly statement from the agency, more than fifteen days after the original determination finding the claimant eligible for \$93.00 per week in benefits had been made, that the college learned that the Claimant was receiving unemployment insurance benefits and that the college was being charged as a base period employer. The college then notified the agency of the error and the agency made a redetermination of the Claimant's monetary eligibility, known as a rerun, deleting the Claimant's 1980 wages from the college. As a result of this rerun, made on August 26, 1981, the Claimant was found to lack sufficient wages under §3(b) of the Law and was therefore ineligible to receive benefits. She was also found to be overpaid the nine weeks of benefits she received, for a total of \$837.00. This decision was issued on December 4, 1981. The Claimant appealed this decision.