



**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

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Governor

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Secretary

DECISION NO.: 144-BH-83

DATE: February 3, 1983

CLAIMANT: Dorothy Muller

APPEAL NO.: 05517

S. S. NO.:

EMPLOYER: Board of Education

L. O NO.: 1

APPELLANT: EMPLOYER

ISSUE: Whether the claimant was able to work, available for work, and actively seeking work within the meaning of Section 4(c) of the Law, and whether the Claimant is eligible for benefits within the meaning of Section 4(f)(3) 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 5, 1983

- APPEARANCES -

FOR THE CLAIMANT:

Dorothy Muller - Claimant
Harriet Cooperman - Attorney

FOR THE EMPLOYER:

Charlie Spinner -
Personnel Tech-
nician IV
James Phillips -
Attorney
Raymond E. Banks -
Personnel Division

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.

FINDINGS OF FACT

The Claimant was employed as an Elementary Teacher by the Baltimore City Public Schools on November 5, 1975, Her last day of work was June 16, 1981. Prior to her last day of work, the Claimant requested and was granted a maternity leave of absence from March 16, 1981 through May 22, 1981. Her baby was born on April 9, 1981, she returned to work on May 25, 1981, and worked until June 16, 1981, which was the last day in the academic year.

On June 24, 1981, the Claimant requested another leave of absence for the period from September, 1981 through June, 1982, for the purpose of nurturing her baby. On August 21, 1981, a "Personal Business Leave of Absence" was granted in Writing effective from September 1, 1981 through June 30, 1982. The Claimant requested and was granted a leave of absence without pay. Whereupon, the employer replaced the Claimant with another teacher for the entire period of the leave of absence.

By letter dated March 9, 1982, to the employer, the Claimant sought to revoke the leave of absence and return to work prior to its expiration. She also requested to be transferred to a school in "the Northeast region" which was a school other than where she last worked. The employer had no work available for the Claimant at that time because her position had been filled for the balance of the unexpired leave of absence, and because of a subsequent freeze in hiring. To accommodate the Claimant nevertheless, the employer placed her name on the eligibility list in her area of certification, and she was assured that she would be allowed to revoke her leave prior to its expiration, when and if the need arose.

With this, the Claimant applied for unemployment insurance benefits claiming that she returned from a leave of absence and found that no work was available to her. (It is interesting to note that the Claimant's interview for unemployment benefits was conducted on March 8, 1982, while her letter seeking to revoke her leave was dated March 9, 1982.)

Be that as it may, the Claimant sought work with various employers as a teacher and in other fields. In her search for work, the Claimant informed prospective employers that she was presently on an unexpired leave of absence, and that she contemplated returning to her teaching position at the expiration of the leave. The Claimant was unable to find work.

The leave of absence expired on June 30, 1982, which was during the summer recess when the Claimant customarily did not work. However, in September, 1982, when the academic year began, the Claimant was not reinstated and her position was lost due to a reduction in force.