



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.: 1495-BR-82

DATE: October 13, 1982

APPEAL NO.: 07476

S. S. NO.:

CLAIMANT: Deborah K. Montague

EMPLOYER: Baltimore City Schools

L. O NO.: 1

APPELLANT: CLAIMANT

ISSUE: Whether the Claimant was unemployed within the meaning of Section 20(1) 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

November 12, 1982

- APPEARANCES -

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals reverses the decision of the Appeals Referee in regard to the week ending August 22, 1981. The Board has not considered the evidence concerning the week ending July 4, 1981, since no appeal was filed concerning that week.

During the week ending August 22, 1981, the Claimant worked on one day for American Center and Sons. She earned \$55.00 for that one day of work.

The Claimant's weekly benefit amount was \$70.00 at the time.

CONCLUSIONS OF LAW

The Claimant was clearly eligible for partial benefits for the week in question.

The decision of the Appeals Referee is apparently based on the amount of wages received by the Claimant for the week ending August 22, 1981. This is an incorrect way of calculate eligibility. The correct calculation is done by determining which wages are due to the Claimant or have been paid to Claimant for services performed during the week in question. In this case, since only \$55.00 of the Claimant's paycheck was attributable to work during the week ending August 22, 1981, and since the Claimant's weekly benefit amount was \$70.00, the Claimant was clearly unemployed within the meaning of Section 20(1) of the Law.

Under Section 3(b)(3) of the Law, the Claimant is eligible for her weekly benefit amount minus that amount of the wages attributable to work in that week which is above \$10.00. Since the Claimant earned \$45.00 above the \$10.00 amount, \$45.00 should be subtracted from the Claimant's weekly benefit amount of \$70.00. The Claimant is thus eligible for \$25.00 for the week in question.

DECISION

The Claimant is eligible for \$25.00 for the week ending August 22, 1981.

The decision of the Appeals Referee is reversed.

Thomas W. Keech

Chairman

Mawise E. Hill

Associate Member

K:D
ZVS

COPIES MAILED TO:

CLAIMANT

EMPLOYER

American Center & Sons

UNEMPLOYMENT INSURANCE - BALTIMORE