



DEPARTMENT OF EMPLOYMENT AND TRAINING

**BOARD OF APPEALS
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201**

383-5032

—DECISION—

**THOMAS W. KEECH
Chairman**

**HAZEL A. WARNICK
MAURICE E. DILL
Associate Members**

**SEVERN E. LANIER
Appeals Counsel**

**STATE OF MARYLAND
HARRY HUGHES
Governor**

CLAIMANT: Michael T. Pearson

DECISION NO.: 153-BR-84
DATE: February 17, 1984
APPEAL NO.: 12263
S.S. NO.:

EMPLOYER: Arrow Cab Company

LO. NO.: 45
APPELLANT CLAIMANT

ISSUE: Whether the Claimant performed services in employment within the meaning of § 20(g) of the Law; and whether the Claimant was able to work, available for work, and actively seeking work, within the meaning of § 4(c) 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 MAYBE 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 18, 1984

—APPEARANCE—

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW OF THE RECORD

After hearing reviewed the record in this case, the Board of Appeals modifies the decision of the Appeals Referee.

The Claimant is self employed as a cab driver full-time, working approximately 36 to 40 hours per week, four days per week. While the Appeals Referee was technically correct that the Claimant's earnings as a cab driver were not in covered employment pursuant to § 20(g)(6)(v), the Appeals Referee mistakenly concluded there, fore that the Claimant is disqualified from benefits. Under § 20(g)(6)(v), the Claimant's earnings as a cab driver cannot be included in his quarterly wages for determining his weekly benefit amount and monetary eligibility. This section of the law does not, however, pro-ride for a total disqualification from benefits.

The Board does conclude that the Claimant, who drives a cab 36 to 40 hours per week is not available for work within the meaning of § 4(c) of the Law.


DECISION

The Claimant does not perform services in covered employment for the Arrow Cab Company within the meaning of § 20(g)(6)(V) of the Maryland Unemployment Insurance Law.

The Claimant is not able, available and actively seeking full-time work, within the meaning of § 4(c) of the Maryland Unemployment Insurance Law. He is disqualified from receiving benefits from the week beginning April 27, 1983, and until he meets all of the requirements of the Law.

The decision of the Appeals Referee is modified to this extent.


 Associate Member


 Associate Member

W:D
 dp

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - PIMLICO



DEPARTMENT OF HUMAN RESOURCES
 EMPLOYMENT SECURITY ADMINISTRATION
 1100 NORTH EUTAW STREET
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STATE OF MARYLAND
 HARRY HUGHES
 Governor
 KALMAN R. HETTLEMAN
 Secretary

BOARD OF APPEALS
 THOMAS W. KEECH
 Chairman
 MAURICE E. DILL
 HAZEL A. WARNICK
 Associate Members
 SEVERN E. LANIER
 Appeals Counsel
 MARK R. WOLF
 Administrative
 Hearings Examiner

- DECISION -

CLAIMANT: Michael T. Pearson

DATE: Dec. 13, 1983

APPEAL NO.: 12263

S. S. NO.:

EMPLOYER: Arrow Cab Company

LO. NO.: 45(1)

APPELLANT: Claimant

ISSUE:

Whether the claimant was unemployed within the meaning of Section 4 and 20(1) of the Law.

NOTICE OF RIGHT TO PETITION FOR REVIEW

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A REVIEW AND SUCH PETITION FOR REVIEW MAY BE FILED IN ANY EMPLOYMENT SECURITY OFFICE, OR WITH THE APPEALS DIVISION, ROOM 515, 1100 NORTH EUTAW STREET, BALTIMORE, MARYLAND 021201, EITHER IN PERSON OR BY MAIL

THE PERIOD FOR FILING A PETITION FOR REVIEW EXPIRES AT MIDNIGHT ON December' 28, 1983

- APPEARANCES -

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Michael T. Pearson, Present

William Schevker,
 Personnel Manager

FINDINGS OF FACT

The claimant works about four nights a week, nine or, ten hours, as a Taxicab Driver for Arrow Taxicab. He commenced working there April 27, 1983 and then continued to work there and continues to work as recently as the night before the hearing.