



Maryland

Department of Economic & Employment Development

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Governor
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Secretary
Board of Appeals
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- DECISION -

Claimant:	Decision No.:	01760-BR-94
PAMELA W. BURTON	Date:	May 19, 1994
	Appeal No. :	9404333
Employer:	S.S. No.:	
	L.O. No.:	15
	Appellant:	Claimant

Issue: Whether the claimant failed to file proper claims for benefits within the meaning of Maryland Code, Labor and Employment Article, Title 8, Section 901.

- NOTICE OF RIGHT OF APPEAL TO COURT -

You may file an appeal from this decision in the Circuit Court for Baltimore City or one of the Circuit Courts in a county in Maryland. The court rules about how to file the appeal can be found in many public libraries, in the Maryland Rules of Procedure, Title 7, Chapter 200.

The period for filing an appeal expires: June 18, 1994

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals reverses the decision of the Hearing Examiner.

The claimant's certification of claims for the weeks ending January 29 and February 5, 1994 were received by the agency on February 22, 1994. The last day of the 14 day grace period provided by the regulations was Saturday, February 19, 1994. However, the Board has held that where the last day falls on a Saturday -- which is a day on which the agency is neither open nor receives mail -- the fourteen day grace period extends until the end of the next day during which the agency is open to receive mail. Powell, 442-BR-91.


February 19th was a Saturday and February 20th was a Sunday. February 21, 1994 was a federal and state holiday. State offices were closed and not receiving mail. Therefore, under the reasoning in Powell, the claimant had until February 22, 1994 to file the claim certification. The certification was received by the agency on February 22, 1994; therefore it was timely.

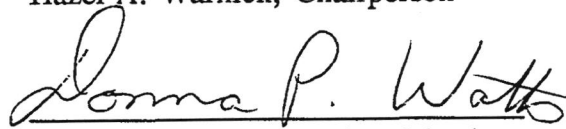
Since the claim certification for those two weeks was timely, the claimant's claim should not have been closed. Therefore, the denial of eligibility for the next two weeks will also be reversed. See Dombroski, 177-BR-91.

DECISION

The claimant did not fail to meet the requirements of LE, §8-901 and COMAR, 24.02.02.04. The claimant filed a timely claim certification for the weeks ending January 29, 1994 through the week ending February 26, 1994.

The decision of the Hearing Examiner is reversed.


Hazel A. Warnick, Chairperson


Donna P. Watts, Associate Member

km
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