

- DECISION -

Claimant:
IRENE J. WHITE

Decision No.: 03251-BR-97
Date: September 29, 1997
Appeal No.: 9714050
S.S. No.:
L.O. No.: 01
Appellant: Claimant

Employer:
SUNDRY EDUC SERV
C/O PERSONNEL TECH

Issue: Whether the claimant is unemployed between academic years or terms, or during a customary vacation period, from an educational institution and has reasonable assurance of returning to work within the meaning of MD Annotated Code, Labor and Employment Article, Title 8, Section 909.

- 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: October 29, 1997

REVIEW ON THE RECORD

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

Section 8-909 provides that with respect to services performed for an educational institution in any capacity other than instructional, research, or principal administrative, benefits may not be paid on the basis of the services for any week of unemployment that begins during a period between 2 successive academic years or terms.

The claimant's position with the employer is "hall monitor", clearly not an instructional, research or principal administrative capacity. Therefore, the requirements of LE, Section 8-909(c) apply. Subsection (3) requires that the educational institution provide the Department of Labor, Licensing and Regulation the names and social security numbers of all employees performing covered employment under this section of the law, who have reasonable assurance. There is no evidence that this was ever done for the claimant. Further, the evidence is that the claimant did not receive any reasonable assurance in writing.

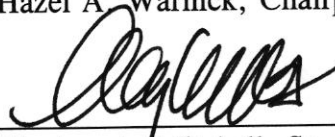
Therefore, the Board is reversing the decision of the Hearing Examiner and concludes that the claimant is not disqualified from the receipt of benefits under this section of the law.

DECISION

IT IS HELD THAT the claimant has not been given reasonable assurance for employment when school reopens. Pursuant to Section 8-909 of the Maryland Unemployment Insurance Law, benefits are allowed.

The decision of the hearing examiner is reversed.

Hazel A. Warnick, Chairperson



Clayton A. Mitchell, Sr., Associate Member

dt

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