



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

HARRY HUGHES  
Governor

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Secretary

DECISION NO.: 34-BR-82

DATE: Jan. 11, 1982

APPEAL NO.: 18292

S.S.NO.:

L.O NO.: 1

APPELLANT: CLAIMANT

CLAIMANT: Robert L. Veith

EMPLOYER:

ISSUE: Whether the Claimant was unemployed within the meaning of Section 20(1) of the Law; and whether the Claimant was able to work, available for work and actively seeking work within the meaning of Section 4(c) of the Law.

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**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

Feb. 10, 1982

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**- APPEARANCES -**

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

After reviewing the record in this case, the Board of Appeals disagrees with the facts found and the reasoning contained in the decision of the Appeals Referee on the issue of Section 20(1) of the Maryland Unemployment Insurance Law. The Appeals Referee's decision under that Section will be reversed.

The Board of Appeals agrees with the facts and the reasoning contained in the decision of the Appeals Referee on the issue of Section 4(c) of the Maryland Unemployment Insurance Law and the decision of the Appeals Referee under that Section will be affirmed.

There is no evidence that the Claimant was performing services with respect to which wages were payable to him during the period he was filing for benefits. The mere fact that the Claimant is self employed or attempting to start his own business, in the absence of any evidence that he is performing services for which wages are paid or payable, does not automatically disqualify the Claimant within the meaning of Section 20(1) of the Law. See, the Marie Gleason case, Board decision No. 1033-BH-81.

However, the Board does find that the Claimant is not meeting the requirements of Section 4(c) of the Maryland Unemployment Insurance Law. The Claimant initially told the agency that he was spending up to 25 hours per week trying to set up his own business. Further, the Claimant was only contacting approximately two to three Employers each week in his job search. These factors taken together, support a conclusion that the Claimant was not making such efforts to seek work, "as an unemployed individual is expected to make if he is honestly looking for work."

The Board does not mean to suggest that the Claimant must completely divest himself of his business in order to meet the requirements of Section 4(c) of the Law. However, a person spending as much time at his business, and making as few job contacts as the Claimant, is not meeting the requirements of the Law.

#### DECISION

The Claimant was unemployed within the meaning of Section 20(1) of the Maryland Unemployment Insurance Law. He is eligible for benefits from May 10, 1981, if he is otherwise qualified under the Law.

The Claimant was not able, available and actively seeking work within the meaning of Section 4(c) of the Maryland Unemployment Insurance Law. He is disqualified from receiving benefits from May 10, 1981, and thereafter until he satisfies all the requirements of the Maryland Unemployment Insurance Law.

The decision of the Appeals Referee as to Section 20(1) of the Law is reversed; the decision of the Appeals Referee as to Section 4(c) of the Law is affirmed.

  
Associate Member

  
Chairman

dh  
K:W

COPIES MAILED TO:

CLAIMANT

UNEMPLOYMENT INSURANCE - BALTIMORE