



DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND
HARRY HUGHES
Governor

BOARD OF APPEALS
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— DECISION —

Decision No.: 400-BH-85

Date: June 19, 1985

Appeal No.: 12626

S. S. No.:

Claimant: Edward Taub

Employer: Institute for Behavior Resources L.O. No.: 7

Appellant: CLAIMANT

Issue: Whether the claimant is eligible for benefits pursuant to §3(b) of the law and whether the claimant performed services in employment within the meaning of §20(g) of the law. Whether the claimant was paid wages for insured work within the meaning of §4(d).

— 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 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 ON

July 19, 1985

— APPEARANCES —

FOR THE CLAIMANT:

Edward Taub - Claimant

FOR THE EMPLOYER:

DEPARTMENT OF EMPLOYMENT AND TRAINING
John Roberts - Legal Counsel

EVALUATION OF THE EVIDENCE

The Board of Appeals has considered all of the evidence presented, including the testimony offered at the hearings. The Board has also considered all of the documentary evidence introduced in this case, as well as the Department of Employment and Trainings documents in the appeal file.

FINDINGS OF FACT

The claimant was employed as a principal investigator in the biological laboratory of the Institute for Behavior Resources, Inc., on December 1, 1968. In October, 1981, the company lost the research grant from which his salary was paid, as a result, wages paid to him for his services were discontinued. Nevertheless, the claimant continued to be associated with the company until April, 1983. Between October, 1981 and April, 1983, the claimant served as an officer and trustee; he attended annual meetings of the Board of Directors, and he participated in the defense of a legal matter which had arisen during his employment. He received no remuneration for those activities.

The claimant was awarded a Fellowship by the John Simon Guggenheim Memorial Foundation, a non-profit organization, for the period from April 1, 1983 to March 31, 1984, for the purpose of devoting himself to a study of "sensory mechanisms in the control of movement". The fellowship granted to him the sum of \$15,000 to defray his living expenses during that year.

The claim for unemployment insurance benefits has an effective date of October 14, 1984. The base period was determined by the department to be April 1, 1983 to March 31, 1984.

CONCLUSIONS OF LAW

As a condition of eligibility for unemployment insurance benefits, an unemployed individual must have been paid wages for insured work during his base period under §4(d) of the unemployment insurance law. Moreover, §20(n) of the law defines the term "wages" to mean "all remuneration for personal services, including commissions and bonuses and the cash value of all compensation in any medium other than cash."

Here, the claimant last received wages in October, 1981, which was prior to his base period. Between October, 1981 and April, 1983 the claimant's association with his former employer was not an employment relation, and he received no wages based upon that association. The award of a fellowship during the base period did not constitute a receipt of wages because it did not constitute "remuneration for personal services". It was a scholarship. See, Sharvy v. Unemployment Compensation Board of Review, 42 Pa. Cmwlth. 553; 400 A.2d 1387 (1979), holding that a fellowship grant by The National Endowment for Humanities was not wages within the meaning of unemployment compensation law.