



STATE OF MARYLAND

DEPARTMENT OF EMPLOYMENT AND TRAINING

BOARD OF APPEALS
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

(301) 383-5032

BOARD OF APPEALS

THOMAS W. KEECH
Chairman

HAZEL A. WARNICK

Associate Member

SEVERN E. LANIER

Appeals Counsel

MARK R. WOLF

Chief Hearing Examiner

— DECISION —

Decision No.: 416-BR-87

Date: June 12, 1987

Appeal No.: 8702135

S. S. No.:

Claimant: Charles Connor

Employer: City of Baltimore

LO. No: 9

Appellant: EMPLOYER

Issue: Whether the claimant was able to work, available for work and actively seeking work within the meaning of Section 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 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 12, 1987

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

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

Although the employer's physician would not certify the claimant as able to do his job, because of the restriction against climbing ladders, there is evidence that the claimant was able to do other work and that he in fact did seek other work he was capable of doing during the time he had this restriction. Further, the claimant testified, and the Hearing Examiner found as a fact, that the claimant could have even performed his former job with the employer, although the employer's physician refused to so certify. Even assuming that the claimant was unable to perform his former job because of his inability to climb ladders, however, the claimant is clearly able to perform most other types of job.

DECISION

The claimant is able to work, available for work and actively seeking work within the meaning of Section 4(c) of the Maryland Unemployment Insurance Law. No disqualification is imposed under this section of the law.

The decision of the Hearing Examiner is affirmed.

W:K

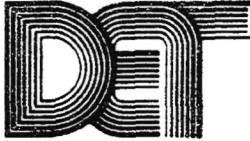
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CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - TOWSON



DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND
1100 NORTH EUTAW STREET
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STATE OF MARYLAND
William Donald Schaefer
Governor

BOARD OF APPEALS

THOMAS W. KEECH
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HAZEL A. WARNICK
Associate Member
SEVERN E. LANIER
Appeals Counsel
MARK R. WOLF
Chief Hearing Examiner

— DECISION —

Date: Mailed 4/23/87

Claimant: Charles Connor

Appeal No" 8702135

SS. NO.

Employer: Baltimore City Fire Department L.O. No.: 09

Appellant: Claimant

Issue: Whether the claimant was able to work, available for work and actively seeking work under Section 4(c) of the Law.

— NOTICE OF RIGHT OF FURTHER APPEAL —

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A FURTHER APPEAL AND SUCH APPEAL MAY BE FILED IN ANY EMPLOYMENT SECURITY OFFICE. OR WITH THE APPEALS DIVISION, ROOM 515, 1100 NORTH EUTAW STREET, BALTIMORE, MARYLAND 21201, EITHER IN PERSON OR BY MAIL.

THE PERIOD FOR FILING A PETITION FOR REVIEW EXPIRES AT MIDNIGHT ON May 8, 1987

—APPEARANCES —

FOR THE CLAIMANT

FOR THE EMPLOYER

Present

Represented by
Charles Spinner,
Personnel Technician
Supervisor

FINDINGS OF FACT

The claimant filed an original claim for unemployment insurance benefits, effective January 11, 1987.

The claimant was employed by the Fire Department of Baltimore City, for approximately six and one-half years, his last job classification as a radio maintenance technician at hi-weekly earnings of approximately \$975.00.