

 **Maryland**
Department of Economic &
Employment Development

William Donald Schaefer, Governor
Mark L. Wasserman, Secretary

Board of Appeals
1100 North Eutaw Street
Baltimore, Maryland 21201
Telephone: (410) 333-5032

Board of Appeals
Thomas W. Keech, Chairman
Hazel A. Warnick, Associate Member
Donna P. Watts, Associate Member

— DECISION —

Decision No.:	42-BR-93
Date:	January 12, 1993
Claimant:	Loay L. Twigg
Appeal No.:	92-CWC-396
S. S. No.:	
Employer:	Mineral Co. Bd. of Ed.
L. O. No.:	3
Appellant:	EMPLOYER
Issue:	Whether the claimant had a contract or reasonable assurance of returning to work under §8-909 of the Labor and Employment Article.

— NOTICE OF RIGHT OF APPEAL TO COURT —

YOU MAY FILE AN APPEAL FROM THIS DECISION IN ACCORDANCE WITH THE LAWS OF MARYLAND. THE APPEAL MAYBE TAKEN IN PERSON OR THROUGH AN ATTORNEY IN THE CIRCUIT COURT OF BALTIMORE CITY, IF YOU RESIDE IN BALTIMORE CITY, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

THE PERIOD FOR FILING AN APPEAL EXPIRES

February 11, 1993

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:
REVIEW ON THE RECORD

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

The Board agrees with the Hearing Examiner that merely being on a substitute teacher list does not necessarily mean that a person has a "reasonable assurance" of performing substitute teaching in the subsequent year.

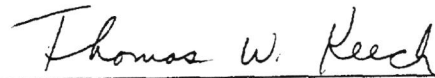
In this case, however, the claimant worked over 170 of the 180 days of the past school year, and 80% of those days were, by the claimant's own admission, worked for this employer.

Considering this history of substantial continued employment, the Board concludes that the claimant did have reasonable assurance of returning to work as a substitute teacher. He is thus disqualified from benefits under §8-809 of the Labor and Employment Article.

DECISION

The claimant had a reasonable assurance of working in an instructional capacity at the beginning of the next following academic term, within the meaning of §8-909(a)(2) of the law. He is disqualified from the receipt of benefits based on service performed for the Mineral County Board of Education from June 14, 1992 through August 29, 1992.

The decision of the Hearing Examiner is reversed.



Chairman



Associate Member

K:H

kmb

COPIES MAILED TO:

CLAIMANT

EMPLOYER

The Gibbens Company

UNEMPLOYMENT INSURANCE - CUMBERLAND