



Maryland

Department of Economic & Employment Development

William Donald Schaefer
Governor

J. Randall Evans
Secretary

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

1100 North Eutaw Street
Baltimore, Maryland 21201
Telephone: (301) 333-5032

— DECISION —

IN THE MATTER OF THE APPEAL OF
Modern Systems International

Decision No.: 44 -EA-91
Date: Nov. 21, 1991
Exec. Determ. No.: 7641
Employer Account No.: -

ISSUE:

Whether commissions paid to non-licensed salesmen from a collection agency are covered wages for unemployment insurance purposes.

— 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 THE COUNTY IN MARYLAND IN WHICH YOU DO BUSINESS.

THE PERIOD FOR FILING AN APPEAL TO COURT EXPIRES December 21, 1991.

— APPEARANCES —

For the Appellant:

For the Secretary:

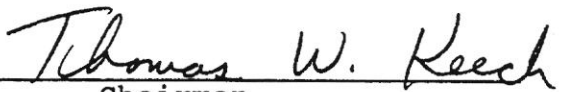
REVIEW ON THE RECORD

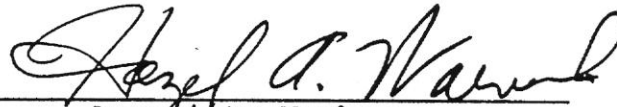
Upon review of the record of this case, the Board of Appeals adopts the findings of fact and conclusions of law of the Special Examiner.

DECISION

Modern Systems International has not satisfied the statutory requirements of Section 8-205(1) and (3) of the Labor and Employment Article (formerly Section 20(g)(6)(i) and (iii) of the Maryland Unemployment Insurance Law) regarding services performed by specific sales representatives as contained within the agency's audit report. These individuals' earnings were in covered employment at this employer, Modern Systems International, and the employer would have been required to report such wages for Maryland Unemployment Insurance purposes.

The decision of the Special Examiner is affirmed.


Chairman


Associate Member

K:HW

kbm

COPIES MAILED TO:

EMPLOYER

Jerry Placek, Room 407

John T. McGucken, Legal Counsel, D.E.E.D.

Maryland

DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT

1100 North Eutaw Street
Baltimore, Maryland 21201
(301) 333-5033

BOARD OF APPEALS
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- DECISION -

IN THE MATTER OF THE APPEAL OF:
Modern Svstems International

17 -EA-91

Date:

April 12, 1991

Exec. Determ. No.:

7641

Employer Account No.

ISSUE:

Whether commissions paid to non-licensed salesmen from a collection agency are covered wages for unemployment insurance purposes.

— NOTICE OF RIGHT OF FURTHER APPEAL —

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

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON April 29, 1991

— APPEARANCES —

For the Appellant:

Charles McDonaugh, President

For the Secretary:

Jerry Placek, Review
Det. Unit Supervisor

FINDINGS OF FACT

The employer filed a timely appeal to an agency determination which held that certain individuals were employees of Modern Systems International and not independent contractors within the meaning of Section 20(g) (6) (i)(ii) (iii) of the Maryland Unemployment Insurance Law.