

## ***DECISION***

Claimant:  
RICHARD W SMITH

Decision No.: 5212-SE-13

Date: December 23, 2013

Appeal No.: 1306665

Employer:  
BELTWAY INTERNATIONAL LLC

S.S. No.:

L.O. No.: 65

Appellant: Board Assumed Jurisdiction

Issue: Whether the claimant is monetarily eligible for benefits under Section 8-802 of the Labor and Employment Article.

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### **- NOTICE OF RIGHT OF APPEAL TO COURT -**

You may file an appeal from this decision in the Circuit Court for Baltimore City or one of the Circuit Courts in a county in Maryland. The court rules about how to file the appeal can be found in many public libraries, in the *Maryland Rules of Procedure, Title 7, Chapter 200*.

The period for filing an appeal expires: January 22, 2014

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### **- APPEARANCES -**

FOR THE CLAIMANT:  
Richard Smith  
Alecia Frisby, Esquire

FOR THE EMPLOYER:  
Fail to appear

AGENCY: Failed to appear

## PROCEDURAL HISTORY

On February 27, 2013, the claimant, Richard W Smith, filed a timely appeal of the Benefit Determination dated February 27, 2013 which stated that the claimant was monetarily ineligible to receive unemployment benefits based on the standard base period pursuant to *Md. Code Ann., Lab. & Empl. Art., § 8-802 and § 8-803*. The claimant was held to not meet the monetary eligibility based on wages reported by the employer in the alternate base period under *§ 8-801*.

The Lower Appeals Division heard the claimant's appeal on March 20, 2013. The Board of Appeals ("Board") assumed jurisdiction of the claimant's case. The Board set a Special Examiner hearing for October 31, 2013 at 1:00 p.m., notice of which was sent to all parties.

After a review of the record and in consideration of new argument established at the Special Examiner's hearing, the Board adopts the hearing examiner's findings of facts and conclusions of law and makes additional conclusions of law. The decision of the hearing examiner is affirmed.

The General Assembly declared that, in its considered judgment, the public good and the general welfare of the citizens of the State required the enactment of the Unemployment Insurance Law, under the police powers of the State, for the compulsory setting aside of unemployment reserves to be used for the benefit of individuals unemployed through no fault of their own. *Md. Code Ann., Lab. & Empl. Art., § 8-102(c)*. Unemployment compensation laws are to be read liberally in favor of eligibility, and disqualification provisions are to be strictly construed. *Sinai Hosp. of Baltimore v. Dept. of Empl. & Training, 309 Md. 28 (1987)*.

The Board reviews the record *de novo* and may affirm, modify, or reverse the findings of fact or conclusions of law of the hearing examiner on the basis of evidence submitted to the hearing examiner or evidence that the Board may direct to be taken. *Md. Code Ann., Lab. & Empl. Art., § 8-510(d)*. The Board fully inquires into the facts of each particular case. *COMAR 09.32.06.03(E)(1)*.

The issue in the case is whether the claimant is monetarily eligible for benefits pursuant to Section 8-802 of the Labor and Employment Article. This section states as follows:

### **§ 8-802. Wages for covered employment.**

An individual is eligible for benefits if, during the base period:

- (1) the individual was paid wages of at least the lower quarterly wage amount in line 1 of the schedule of benefits in § 8-803 of this subtitle for covered employment during the calendar quarter in which the individual's wages were highest; and
- (2) the individual was paid wages for covered employment that, during at least 2 calendar quarters combined, are at least 1.5 times the upper limit of the wages for the line in the schedule of benefits for which the individual qualifies.