



DEPARTMENT OF EMPLOYMENT AND TRAINING

BOARD OF APPEALS
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

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STATE OF MARYLAND

HARRY HUGHES
Governor

-DECISION

SEVERN E LANIER
Appeals Counsel

DECISION NO.: 563-BH-8A

DATE: June 14, 1984

CLAIMANT Josephine Taylor

APPEAL NO.: 00481-EP

S.S.NO.:

EMPLOYER A. Samuel Kurland
ATTN: Beverly Glassband, Admin.
t/a Speedway Launderette

LO. NO.: 45

APPELLANT: EMPLOYER

ISSUE

Whether the claimant's unemployment was due to leaving work voluntarily, without good cause, within the meaning of §6(a) of the Law; whether the claimant was discharged for misconduct connected with the work within the meaning of §6(c) of the Law; and whether the appealing party failed, without good cause, to file a timely and valid appeal within the meaning of §7(c)(ii) 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 July 14, 1984

-APPEARANCE-

FOR THE CLAIMANT

FOR THE EMPLOYER

Josephine Taylor

Brian Blitz,
Attorney;
Sam Kurland,
Owner

EVALUATION OF 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 Training's documents in the appeal file.

FINDINGS OF FACT

The claimant was employed from December of 1977 until July of 1983 at the employer's premises at 3915 W. Belvedere Avenue in Baltimore, Md. These premises consisted of a self-service coin operated laundry which was basically unattended except for three periods during the day when the claimant was required to be there. The claimant was paid \$90.00 per week. Her duties consisted of opening the premises at 7:30 a.m., returning to the premises at approximately noon and working there until approximately 5:00 p.m., then returning back at 7:00 p.m. until approximately 9:00 or 9:30 p.m.

The landlord of the establishment on Belvedere Avenue informed the employer in June or July of 1983 that the employer's lease would expire and that it would not be renewed after July 31, 1983. The claimant was notified that she was laid off as of that date. She was also notified, however, that the employer had another establishment on Liberty Road and that she could apply for a similar position at this establishment. The claimant spoke to the owner's secretary about the Liberty Road location, but was told that there was no public transportation to the site. In fact, there was public transportation to the site, but it would require the claimant to take two buses.

The claimant did not apply for the new position but instead applied for unemployment insurance. When the claimant applied for unemployment insurance, she informed the agency that the premises at 3915 W. Belvedere Avenue had closed down permanently. Despite this fact, the agency's Notice of Benefit Determination was sent to that address. The employer's official mailing address with the agency, however, has always been 1803 Pennsylvania Avenue, Baltimore, Md. 21217. The employer first received notice that the claimant had filed for benefits when it received a notice of quarterly charges sent to its Pennsylvania Avenue address. Relatively soon after receiving this, the employer filed an appeal of the Benefit Determination.

CONCLUSIONS OF LAW

The employer's evidence concerning the exact date when it first became aware of the claimant's claim for benefits was somewhat vague, but, considering all the circumstances, the Board concludes that the employer did file a timely appeal. Not only was the agency technically on notice of the employer's address at Pennsylvania Avenue, but it also had actual knowledge that the premises on Belvedere Avenue were a self-service laundromat and also that the laundromat had closed down on July 31, 1983, approximately 24 days prior to the date the Benefit Determination was sent to that address. Under all of these circumstances,