

 **Maryland**
Department of Economic &
Employment Development

William Donald Schaefer, Governor
J. Randall Evans, Secretary

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

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

— DECISION —

	Decision No.:	723-BR-90
	Date:	July 20, 1990
Claimant: Sheila Goldstein	Appeal No.:	9005587
	S.S. No.:	
Employer:	L O. No.:	15
	Appellant.:	CLAIMANT
Issue	Whether the claimant failed to file proper claims for benefits within the meaning of Section 4(b) 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, IF YOU RESIDE IN BALTIMORE CITY, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

THE PERIOD FOR FILING APPEAL EXPIRES AT MIDNIGHT ON August 19, 1990

— 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 facts found by the Hearing Examiner but disagrees with some of the conclusions of law.

The claimant filed timely claims for the weeks ending March 10 and March 17, 1990. This is technically undisputed. However, she had not filed claims for the prior two-week period (because she was not seeking work for those two weeks). Consequently, she did not receive a claim card for the period for the weeks ending March 10 and March 17, 1990. However, the claimant filed timely claims for those two weeks on a claim card which she had that was marked "void." She attempted to correct it by writing the appropriate dates on the cards and mailing them to the agency. Unfortunately, the computer would not accept them, as the claimant's claim status was closed when the prior claim form was not received.

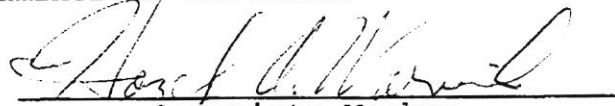
The Board has held in numerous cases that the agency cannot close a claim without reasonable justification and that the agency cannot deem a timely claim as untimely because the agency's data processing system is programmed to close cases in such a situation. To do so is, in effect, to create a new disqualification which does not exist in the statute. See, e.g., Carroll K. Simmons, 652-BH-90.

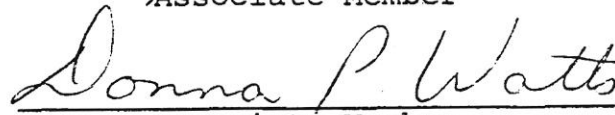
As in the Simmons case, above, the claimant here made a reasonable attempt to file her claims in a correct and timely manner. Her not filing one claim card for a two-week period (when she knew she wasn't eligible) does not justify the closing down of her claim. The claimant filed timely claims for the weeks ending March 10 and March 17. She filed a claim for the week ending March 24 on March 29, 1990; since this is within 14 days, this too was filed timely. There is no dispute that she did not file a timely claim for the week ending March 3, 1990.

DECISION

The claimant filed proper claims for benefits within the meaning of Section 4(b) of the Maryland Unemployment Insurance Law, for the weeks ending March 10, March 17 and March 24, 1990. No disqualification is imposed.

The decision of the Hearing Examiner is reversed.


Associate Member


Associate Member

HW:W

kbm

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CLAIMANT

UNEMPLOYMENT INSURANCE - WESTMINSTER



Maryland

Department of Economic & Employment Development

William Donald Schaefer, Governor
J. Randall Evans, Secretary

William R. Merriman, Chief Hearing Examiner
Louis Wm. Steinwedel, Deputy Hearing Examiner

1100 North Eutaw Street
Baltimore, Maryland 21201

Telephone: 333-5040

— DECISION —

Date:	Mailed: 5/22/90
Claimant: Sheila M. Goldstein	Appeal No.: 9005587
	S.S. No.:
Employer:	LO. No.: 015
	Appellant: Claimant
Issue:	Whether the claimant failed to file proper claims for benefits within the meaning of Section 4(b) of the Law.

— NOTICE OF RIGHT TO PETITION FOR REVIEW —

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A REVIEW AND SUCH PETITION FOR REVIEW MAYBE FILED IN ANY OFFICE OF THE DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT, OR WITH THE APPEALS DIVISION, ROOM515,1100 NORTH EUTAW STREET, BALTIMORE. MARYIAND 21201, EITHER IN PERSON OR BY MAIL

THE PERIOD FOR FILING A PETITION FOR REVIEW EXPIRES AT MIDNIGHT ON June 6, 1990

— APPEARANCES —

FOR THE CLAIMANT:

Claimant - Present

FOR THE EMPLOYER:

Other: Thomas Henderson, Claims Specialist

FINDINGS OF FACT

The claimant filed an original claim for unemployment insurance benefits effective February 11, 1990. She filed claims for the week ending February 17, 1990 and then was out of town for the next weeks. When she came back, the claimant had a form for the weeks ending February 24, 1990 and March 3, 1990 which she could not use because she did not seek work during those weeks. For the following two weeks the claimant did not receive a claim form