



DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND

HARRY HUGHES
Governor

BOARD OF APPEALS
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

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BOARD OF APPEALS

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Chairman

HAZEL A. WARNICK
MAURICE E. DILL
Associate Members

SEVERN E. LANIER
Appeals Counsel

MARK R. WOLF
Chief Hearing Examiner

— DECISION —

Claimant:

Sherman Braxton

Decision No.:

771 -BH-86

Date:

Sept. 29 , 1986

Appeal No.:

8603437

S. S. No.:

Employer:

B.S.I. Temporaries, Inc.

L.O. No.:

1

Appellant:

EMPLOYER

Issue:

Whether the claimant failed, without good cause, to apply for or to accept an offer of available, suitable work under Section 6(d) 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.

October 29, 1986

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

— APPEARANCES —

FOR THE CLAIMANT:

NOT PRESENT

FOR THE EMPLOYER:

Corine Jones,
Admin. Asst.,
Frederick N. Mattis,
U.I. Consultant

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 into this case, as well as Department of Employment and Training's documents in the appeal file.

The Board notes that the claimant failed to appear and present evidence at the hearing before the Hearing Examiner and before the Board of Appeals.

FINDINGS OF FACT

The claimant filed for unemployment insurance benefits and was determined to be eligible for \$81 a week, effective with the benefit year beginning February 2, 1986. The claimant had prior experience working for BSI Temporaries, a temporary employment agency, as a laborer and warehouseman earning approximately \$4.00 per hour.

On or about February 21, 1986, the employer offered the claimant a long-term temporary assignment at the Sherwin Williams Paint Company as a warehouseman, at the rate of \$4.25 per hour. Although this was the same type of work that he had previously done for BSI Temporaries, and reflected an increase in pay of \$.25 per hour, the claimant refused the job offer, stating only that he was expecting to go back sometime soon to a full-time job. The claimant did not offer any further specifics with regard to this full-time job to the employer. Although BSI Temporaries was offering a long-term assignment, the claimant could have worked at it for several weeks and then resigned when and if his full-time job materialized. However, the claimant failed to do this and failed to even inquire whether such an arrangement was possible.

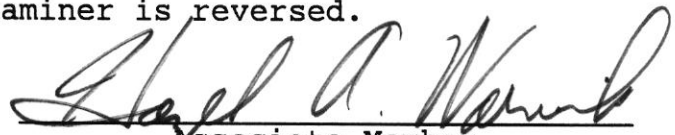
CONCLUSIONS OF LAW

The Board of Appeals concludes that the claimant refused an offer of available, suitable work, without good cause within the meaning of Section 6(d) of the Law. Unlike the Hearing Examiner who heard the case initially, the Board does not find this to be a difficult situation. There is clear, un rebutted testimony that an offer of available, suitable work was presented to the claimant, who refused it. The burden then shifts to the claimant to show that he had good cause for such refusal. The claimant has failed to meet this burden. Therefore, the Board concludes that the claimant has clearly not met the requirements of Section 6(d) of the Law and the maximum penalty is warranted.

DECISION

The claimant failed, without good cause, to accept available, suitable work within the meaning of Section 6(d) of the Maryland Unemployment Insurance Law. He is disqualified from receiving benefits from the week beginning February 16, 1986 and until he becomes reemployed, earns at least ten times his weekly benefit amount (\$810.00) and thereafter becomes unemployed through no fault of his own.

The decision of the Hearing Examiner is reversed.


Associate Member


Chairman

W:K

jol

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CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - BALTIMORE

Frederick N. Mattis