

Maryland

DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT

BOARD OF APPEALS

Thomas W. Keech
Chairman

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William Donald Schaefer, Governor
J. Randall Evans, Secretary

Decision No.: 845-BR-87
Date: NOV. 30, 1987
Claimant: Theresa Thompson Appeal No.: 8704958
S. S. No.:
Employer: Hutzler Brothers Co. LO. No.: 40
Appellant: CLAIMANT

Issue: Whether the claimant is receiving or has received a pension or other similar periodic payment within the meaning of Section 6(g) 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 MAYBE 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 ON December 30, 1987

- 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.

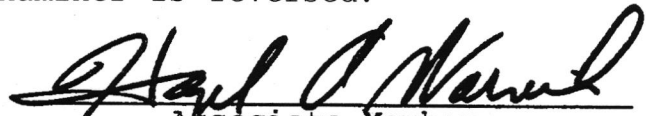
First, the Board notes that the proper issue in this case, dealing with a pension disbursement, is Section 6(g) and not Section 6(h) (which deals only with severance pay).


Second, the Hearing Examiner correctly reversed the Claims Examiner's determination that the \$2,876.13 pension disbursement, received by the claimant in July, 1986, six months before she was separated from the employer, was deductible from unemployment insurance benefits. However, he incorrectly concluded that the \$366.55 lump sum repayment of her own contribution to the new pension plan was deductible from unemployment insurance benefits. That sum was the total of the money she had put into the plan. The receipt of a lump sum amount representing a worker's own retirement contributions is not the receipt of a pension within the meaning of Section 6(g) of the law. McCauley v. FSA, National Archives and Record Service (694-SE-84). Since there is no contribution made by the employer, this amount does not fall under Section 6(g) of the law.

DECISION

The claimant did not receive a pension or other similar periodic payment within the meaning of Section 6(g) of the Maryland Unemployment Insurance Law. No disqualification is imposed under this section of the law.

The decision of the Hearing Examiner is reversed.


Associate Member


Chairman

W:K
kbm

¹Since the Board finds that the money the claimant received does not fall under Section 6(g), the issues raised by the 1987 amendments to Section 6(g), discussed at length by the Board in Glassman, et al. v. Pirelli Cable Corp., 466-BH-87, need not be reached.