



DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND
HARRY HUGHES
Governor

BOARD OF APPEALS
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201
(301) 383-5032

BOARD OF APPEALS
THOMAS W. KEECH
Chairman
HAZEL A. WARNICK
MAURICE E. DILL
Associate Members
SEVERN E. LANIER
Appeals Counsel
MARK R. WOLF
Chief Hearing Examiner

— DECISION —

Decision No.: 865 -BR-86
Date: October 23, 1986
Claimant: Donna Silver
Appeal No.: 8604173
S. S. No.:
Employer: David & Jonathan, Inc.
David's Restaurant
L.O. No.: 45
Appellant: CLAIMANT

Issue: Whether the claimant is entitled to a greater weekly benefit amount within the meaning of Section 3(b)1 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 November 22, 1986

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

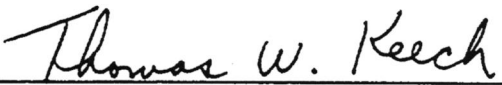
Upon review of the record in this case, the Board of Appeals adopts the facts and reasoning contained in the decision of the Hearing Examiner.


The Board notes that any tips which are reported to the I.R.S. will be considered taxable wage under new legislation (House Bill 318; Chapter 197, Laws of Maryland, 1986). Unfortunately for the claimant, this legislation is not effective¹ until January 1, 1987.

DECISION

The claimant is not entitled to a higher or greater weekly benefit amount within the meaning of Section 3(b)1 of the Maryland Unemployment Insurance Law.

The decision of the Hearing Examiner is affirmed.


Chairman


Associate Member

K:W
kbm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

Hilton H. Silver, Esq.

Ocean Pride Seafood Company

UNEMPLOYMENT INSURANCE - NORTHWEST

¹In the interest of giving complete notice, the Board notes that some courts have held that such changes in the law should be retroactively applied, irrespective of the effective date, to a case appealed before but litigated after the effective date. See, The Good Samaritan Hospital of Baltimore, Inc. v. Board Appeals, et al., Case No. 84107041/L15413 (Circuit Court for Baltimore City, 8/16/84), citing Janda v. General Motors Corporation, 205 A.2d 223 (1964). But see, Baltimore Typographical Union No. 12 v. Hearst Corporation, 228 A.2d 410 (1967).