

 **Maryland**
Department of Economic &
Employment Development

William Donald Schaefer, Governor
J. Randall Evans, Secretary

Board of Appeals
1100 North Eutaw Street
Baltimore, Maryland 21201
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Board of Appeals
Thomas W. Keech, Chairman
Hazel A. Warnick, Associate Member
Donna P. Watts, Associate Member

— DECISION —

	Decision No.:	876-BR-89
	Date:	October 12, 1989
Claimant: Bonnie Geary	Appeal No.:	8909065
	S. S. No.:	
Employer: Board of Education of Balto. County	L.O. No.:	45
	Appellant:	AGENCY
Issue:	Whether the claimant had a contract or reasonable assurance of returning to work under Section 4(f)(4) 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 AN APPEAL EXPIRES AT MIDNIGHT ON November 11, 1989

— 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 and concludes that the claimant should not be disqualified from unemployment insurance benefits, pursuant to Section 4(f)(4) of the law.

The general purpose of the various subsections of Section 4(f) is to disqualify persons who work for educational (or related) institutes, from receiving benefits during a vacation or between term periods, if they have reasonable assurance of returning to work at the end of that vacation period.

The claimant here was a 12-month employee working for the Baltimore County school system as a job developer. On June 30, 1989, she was told that her job was being terminated and her future with the employer was unclear. Approximately two weeks prior to her hearing with the Hearing Examiner, she was offered and accepted a new position, a 10-month position doing vocational support work.

The Board concludes that the claimant's situation is not the type contemplated by Section 4(f). In her prior job, she worked year round. She was told her job was terminated, and several weeks later she was offered a new position. This is not the case of unemployment during a period between two successive terms or during an established or customary vacation period. See, Ritchie v. Allegany County Board of Education, 205-BR-85 (claimant, who was laid off as a 12-month school custodian, with the possibility of recall, was not disqualified under Section 4(f)(4), because his 'period of unemployment had no relationship to the period between two successive academic years, as contemplated under Section 4(f)(4).

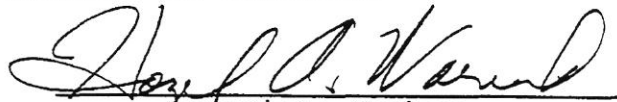
Further, the Board notes that there is insufficient evidence that the claimant had reasonable assurance of any work for the employer at the time she was terminated.

Therefore, the decision of the Hearing Examiner is reversed.

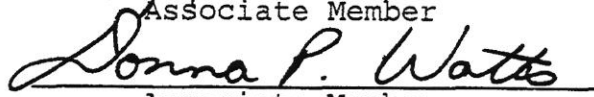
DECISION

The claimant did not have reasonable assurance of work for the employer within the meaning of Section 4(f)(4) 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



Associate Member

Hw:w
kbn

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - NORTHWEST

John McGucken, Legal Counsel, D.E.E.D.