



**DEPARTMENT OF EMPLOYMENT AND TRAINING**

STATE OF MARYLAND  
HARRY HUGHES

**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.: 878-BR-84  
Date: November 2, 1984  
Appeal No.: 11763  
S. S. No.:  
L.O. No.: 45  
Appellant: CLAIMANT

Claimant: Joel Feldman

Employer: Yeshiva High School of  
Greater Washington, Inc.

**Issue:**

Whether the claimant is eligible for benefits within the meaning of §3(b) of the Law; and whether the services performed by the claimant for Yeshiva High School of Greater Washington, Inc. were services in covered employment within the meaning of §20(g)(7)(v)(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 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 2, 1984

**— APPEARANCES —**

**FOR THE CLAIMANT:**

Joel Feldman  
Frances Kanterman, Atty.

**FOR THE EMPLOYER:**

Ellen Scalettar,  
Atty.;  
Ronald Lipman,  
President

Department of Employment & Training  
John Roberts, Legal Counsel

## EVALUATION OF EVIDENCE

The Board of Appeals has considered all of the evidence presented, including the testimony at the hearings. The Board has also considered all of the documentary evidence introduced in this case, as well as the Department of Employment and Training's documents in the appeal file.

The Board of Appeals notes that in the decision in Employment Security Administration v. Baltimore Lutheran High School Association Inc., et. al., 291 Md. 750 (1981), the Court of Appeals set forth specific and detailed findings of fact to be made by the Board and upon which the Board was to formulate conclusions of law regarding whether each school was exempt from or covered by §20(g)(7)(v)(B). Since the issue in this case is identical, the Board has adopted the guidelines of the Court of Appeals in evaluating the evidence in this case.

## FINDINGS OF FACT

The claimant, Joel Feldman, was employed by Yeshiva High School of Greater Washington, Inc. (hereinafter referred to as Yeshiva High School) as the principal, from August 1, 1980 until July 31, 1983. The claimant is an ordained rabbi as well as state certified to be a secondary school principal.

Yeshiva High School is a private, sectarian secondary school for Jewish students from the sixth through the twelfth grades. Under its bylaws, it also operates as an Orthodox Synagogue to provide for and conduct religious services.

The school is run strictly pursuant to the tenets of Orthodox Judaism. Consequently, although the student body is co-ed, the boys and girls attend separate schools, attendance at daily religious services is required of all students, and a dress code is enforced that includes the wearing of yamalkas and prayer shawls for boys and the prohibition of slacks or shirts and other clothing for girls which Orthodox Judaism considers immodest.

All members of the corporation must be of the Jewish religion. The ultimate responsibility for management and operation of the school is with the Board of Directors, who all must be members of the corporation and therefore must be Jewish. All officers of the corporation must also be of the Jewish faith.

The Board of Directors appoints the following committees to oversee the operation of the school: the Board of Secular Education, the Board of Religious Education, Budget and Finance Committee, and the Personnel Committee. Under the bylaws, the Board of Religious Education must be composed entirely of Orthodox Jews, and two of the members must be members of the Rabbinical Council of Greater Washington. The chairman of the Board of