

Maryland

DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT

BOARD OF APPEALS

Thomas W. Keech
Chairman

Hazel A. Warnick
Associate Member

1100 North Eutaw Street
Baltimore, Maryland 21201
(301) 333-5033



William Donald Schaefer, Governor
J Randall Evans, Secretary

Decision No.: 879 - BR - 87

Date: Dec. 11, 1987

Claimant: Leonard Chew

Appeal No.: 8709104

S. S. No.:

Employer:

L.O. No.: 8

Appellant: CLAIMANT

Issue: Whether the claimant filed proper claims for benefits within the meaning of Section 4(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 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.

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

January 10, 1988

— 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.

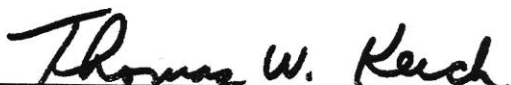
The Board adopts the findings of fact of the Hearing Examiner. Based upon the findings, the Board concludes that the claimant, by following exactly the directions given him by the local office, met all of the requirements of Section 4(b) of the law.

Although the regulations require the submission of claims by mail on a weekly basis, COMAR 24.02.02.03D(1) (a), the agency itself may waive or modify these requirements. (The agency, for example, routinely waives this requirement for its computerized claims, which are required to be submitted only on a biweekly basis.) Whenever a finding of fact is made that the agency modified a reporting requirement and that a claimant complied with that modified requirement, no disqualification is appropriate under Section 6 of the law. See the cases of Nelson (205-BH-82) and ROSS (1062-BH-82). In this case, since the findings of fact are made that the claimant was given specific instructions and that he followed those instructions, no penalty should be imposed.


DECISION

The claimant filed claims in accordance with agency instructions for the weeks ending May 23 and May 30, 1987. No disqualification is imposed based upon Section 4(b) of the law. The claimant should contact his local office concerning the other eligibility requirements of the law.

The decision of the Hearing Examiner is reversed.



Chairman



Associate Member

K:W

kbm

COPIES MAILED TO:

CLAIMANT

UNEMPLOYMENT INSURANCE - ANNAPOLIS



DEPARTMENT OF EMPLOYMENT AND TRAINING

**STATE OF MARYLAND
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**STATE OF MARYLAND
William Donald Schaefer
Governor**

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-

Claimant: Leonard M. Chew
Date: Mailed: 10/13/87
Appeal No.: 8709104
S. S. No.:
Employer: L.O. No.: 08
Appellant: Claimant

Issue: Whether the claimant filed proper claims for benefits within the meaning of Section 4(b) of the Law. Whether the appeal was late under Section 7(c)(3) of the Law.

— NOTICE OF RIGHT OF FURTHER APPEAL —

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A FURTHER APPEAL AND SUCH APPEAL MAY BE FILED IN ANY EMPLOYMENT SECURITY OFFICE OR WITH THE APPEALS DIVISION, ROOM 515, 1100 NORTH EUTAW STREET, BALTIMORE MARYLAND 21201, EITHER IN PERSON OR BY MAIL

THE PERIOD FOR FILING A PETITION FOR REVIEW EXPIRES AT MIDNIGHT ON **October 28, 1987**

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Claimant-Present

Other: Nikki Gladding-
Unemployment Insurance
Supervisor

EVIDENCE PRESENTED

Agency records shows that the finality date for filing an appeal should have been September 3, 1987, based upon documentation involving the issue before me, as well as other issues raised. Accordingly, the claimant's appeal is timely.