



DEPARTMENT OF HUMAN RESOURCES  
EMPLOYMENT SECURITY ADMINISTRATION

1100 NORTH EUTAW STREET  
BALTIMORE, MARYLAND 21201

383-5032  
- DECISION -

BOARD OF APPEALS

JOHN J. KENT  
Chairman

HENRY G. SPECTOR  
HAZEL A. WARNICK  
Associate Members

SEVERN E. LANIER  
Appeals Counsel

DECISION NO.: 1043-BH-81

DATE: November 2, 1981

APPEAL NO.: 15730

S. S. NO:

CLAIMANT: John Fisher

EMPLOYER: Fisher Products Corp.

L.O NO: 1

APPELLANT: CLAIMANT

ISSUE Whether the Claimant was able to work, available for work and actively seeking work within the meaning of Section 4(c) of the Law; and whether the Claimant was unemployed within the meaning of Section 20(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 MAY BE TAKEN IN PERSON OR THROUGH AN ATTORNEY IN THE SUPERIOR 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

December 2, 1981

-APPEARANCES-

FOR THE CLAIMANT:

John Fisher - Claimant  
Nesbit V. Fisher - Wife

FOR THE EMPLOYER:

Same

EMPLOYMENT SECURITY ADMINISTRATION  
John Zell - Legal Counsel

EVIDENCE CONSIDERED

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

### FINDINGS OF FACT

The Claimant and his wife are, respectively, president and secretary/treasurer of the Fisher Products Corp., a family corporate business. The corporation has been in existence since 1959.

For several years prior to March of 1980, the corporation was engaged exclusively in the home building business. The Claimant was a salaried employee of the business .

on March 20, 1980, the business went out of operation due to a lack of orders, but the corporation was not dissolved.

The Claimant performed no services for the corporation except to respond to complaints concerning defects in houses that had been previously built. The Claimant received no wages or remuneration of any kind for this work. His work consumed from a few hours to a half day of the Claimant's time, about once every three weeks. The Claimant did no bidding, cost estimating or sales work for the corporation during the period between December of 1980 and March of 1981.

The Claimant filed for unemployment insurance benefits in December of 1980. The Claimant looked for work in his previous occupation, personally visiting places as far away as Washington, D.C. and Glen Burnie, Maryland. The Claimant was obviously searching in a depressed industry, but his method of seeking work was honestly designed to find employment. He also sought work in the home improvement field and in retail car sales.

In April of 1980, the Claimant began to seek business for the corporation obtaining home improvement contracts.

### CONCLUSIONS OF LAW

During the period for which claims were filed, the Claimant was unemployed within the meaning of Section 20(1) of the Law.

In the Fourtinakis case, Board Decision No. 870-BH-81, the Board ruled that the test of whether the person meets the definition of 20(1) of the Law is whether that individual has performed services with respect to which wages are paid or payable. In the Gleason case, Board Decision No. 1033-BH-81, the Board held that there is no special exception to this rule for corporate officers .