

 **Maryland**
Department of Economic &
Employment Development

William Donald Schaefer, Governor
J. Randall Evans, Secretary

Board of Appeals
1100 North Eutaw Street
Baltimore, Maryland 21201
Telephone: (301) 333-5032

Board of Appeals
Thomas W. Keech, Chairman
Hazel A. Warnick, Associate Member
Donna P. Watts, Associate Member

— DECISION —

	Decision No.:	1104-BR-90
	Date:	November 2, 1990
Claimant: Freda V. Myers	Appeal No.:	9009750
	S. S. No.:	
Employer: Community Action Council Howard County	L O. No.:	23
	Appellant:	CLAIMANT
Issue:	Whether the claimant is eligible for benefits under Section 4(f)(3), 4(f)(4) or 4(f)(6) 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.

December 2, 1990

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

—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 concludes that the claimant was not performing services for or

on behalf of an educational institution, within the meaning of Sections 4(f)(3) and 4(f)(4), nor was she performing services for an educational service agency as that term is defined in Section 4(f)(6) of the law.

The claimant was employed by Community Action Council ("CAC") as a teacher for the Head Start Program. Head Start is primarily a social service program for low-income families and children.

An educational institution is defined in Section 20(u) as meaning an educational institution in which:

- (i) Participants, trainees, or students are offered an organized course of study or training; and
- (ii) The courses of study or training are academic, technical, trade, or preparatory for gainful employment in a recognized occupation.

The Board finds as a fact that neither the CAC¹ nor the Head Start Program is an educational institution within the meaning of Sections 20(u) and 4(f). This finding is based on the undisputed testimony of the claimant.

In a prior decision involving another Head Start Program, Kline v. Frederick Co. Commissioners Head Start, 468-BH-85, the Board set out in some detail the purpose and objectives of Head Start and concluded that the program "was designed to help break this cycle of poverty by providing pre-school children of low income families with a comprehensive program to meet their emotional, social, health, nutritional and psychological needs."

What little evidence there is in this case tends to show that the Head Start Program here is similar to the one in Kline. See also, Harbin v. Community Action Council of Howard County, 999-BR-90 .

Similarly, the Board finds, based on the claimant's testimony, that the services performed by the claimant were not performed on behalf of an educational institution. As the Board stated in Kline:

¹There is very little evidence on the general function and format of the CAC. However, there is sufficient evidence from the claimant's testimony to conclude that it is a social service agency and not an educational institution.

. . . the Head Start Program is performing services on behalf of the children and the families of the children who attend these programs. While certainly there are some advantages inured to the school systems who will eventually be accepting these children into their rolls, it is not on their behalf that these programs were set up but clearly on behalf of financially disadvantaged children and in some cases handicapped children, "to strengthen the ability of a disadvantaged child to cope with school and the child's total environment, thus helping thousands of children to look forward to a brighter future." Head Start A Child Development Program pamphlet at p. 1.

The Board also concludes that the claimant was not performing services for an educational service agency. That is defined in Section 4(f)(6) as:

. . . a governmental entity which is established and operated exclusively for the purposes of providing such services to one or more educational institutions.

Neither the CAC nor the Head Start Program meet this definition.

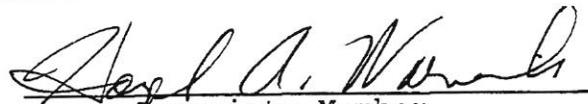
Since the Board concludes that the claimant was not performing services for or on behalf of an educational institution or educational service agency, it is unnecessary to reach the question of whether she had reasonable assurance.

For all these reasons, the Board reverses the decision of the Hearing Examiner and concludes that the claimant should not be disqualified under Sections 4(f)(3), 4(f)(4) or 4(f)(6) of the law.

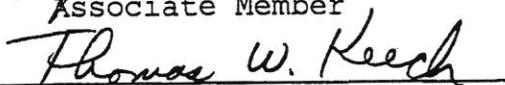
DECISION

The claimant is not disqualified from receiving benefits within the meaning of Sections 4(f)(3), 4(f)(4) or 4(f)(6) of the Maryland Unemployment Insurance Law.

The decision of the Hearing Examiner is reversed.



Associate Member



Chairman

HW:K
kbn

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CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - COLUMBIA

 **Maryland**
Department of Economic &
Employment Development

William Donald Schaefer, Governor
J. Randall Evans, Secretary

William R. Merriman, Chief Hearing Examiner
Louis Wm. Steinwedel, Deputy Hearing Examiner

1100 North Eutaw Street
Baltimore, Maryland 21201

Telephone: 333-5040

— DECISION —

Claimant: Freda V. Myers

Date: Mailed: 9/13/90

Appeal No.: 9009750

S. S. No.:

Employer: Community Action Council
Howard County, Maryland,

LO. No.: 23

Appellant: Claimant

Issue:
Whether the claimant is eligible for benefits under Section 4(f)(6) of the Law.

— NOTICE OF RIGHT TO PETITION FOR REVIEW —

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A REVIEW AND SUCH PETITION FOR REVIEW MAY BE FILED IN ANY OFFICE OF THE DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT 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 9/28/90

— APPEARANCES —

FOR THE CLAIMANT:

Claimant-Present

FOR THE EMPLOYER:

Not Represented

FINDINGS OF FACT

The claimant was employed by Community Action Council for the last twelve years. She was a Teacher's Assistant earning \$5.58 hourly.

The claimant's last period of employment was for the term beginning September 18, 1989, until June 15, 1990.

The claimant works in a Head Start Federally funded program designed to provide preschool children of low income parents, in a program provided to meet their emotional social health and educational needs.

The claimant received a letter of agreement to the effect that she was offered employment beginning September 17, 1990, and ending on June 14, 1990. The claimant signed this letter agreeing to return to work on September 17, 1990.

CONCLUSIONS OF LAW

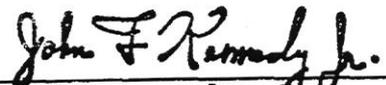
It is concluded that the claimant had a reasonable assurance under Section 4(f) (6) of the Maryland Unemployment Insurance Law of performing services for an educational institution in the academic year beginning September 17, 1990, she is disqualified from receiving benefits based on her service with Community Action Council from the week beginning June 10, 1990 and until meeting the eligibility requirements of the Law.

The determination of the Claims Examiner will be affirmed:

DECISION

The claimant had reasonable assurance under Section 4(f)(6) of the Maryland Unemployment Insurance Law, of performing services for an educational institution in the academic year beginning September 17, 1990. She is disqualified from receiving benefits based on service with the Community Action Council from the week beginning June 10, 1990 and until the beginning of the academic year September 17, 1990.

The determination of the Claims Examiner is affirmed.



John F. Kennedy, Jr.
Hearing Examiner

Date of hearing: 8/8/90
rc/Specialist ID: 23381
Cassette Number (5822)
Copies mailed on 9/13/90 to:

Claimant
Employer
Unemployment Insurance - Columbia - MABS