

**- DECISION -**

Claimant:  
ROBERTA D WRIGHT

Decision No.: 1135-BR-03

Date: May 05, 2003

Appeal No.: 0303258

S.S. No.:

Employer:

L.O. No.: 64

Appellant: Claimant

Issue: Whether the claimant is able, available for work and actively seeking work within the meaning of the MD Code Annotated, Labor and Employment Article, Title 8 Sections 903 and 904; and/or whether the claimant is entitled to sick claim benefits within the meaning of Section 8-907.

---

**- NOTICE OF RIGHT OF APPEAL TO COURT -**

You may file an appeal from this decision in the Circuit Court for Baltimore City or one of the Circuit Courts in a county in Maryland. The court rules about how to file the appeal can be found in many public libraries, in the Maryland Rules of Procedure, Title 7, Chapter 200.

The period for filing an appeal expires: June 04, 2003

---

**REVIEW ON THE RECORD**

Upon review of the record in this case, the Board of Appeals adopts the findings of fact of the Hearing Examiner. However the Board concludes that these facts warrant a different conclusion of law.

Section 8-903 provides that a claimant must be able to work available to work and actively seeking work in each week for which benefits are claimed.

The claimant was suffering from dermatitis (a rash). This condition did not cause the claimant to be unable to work. There are many jobs still available to the claimant. The claimant is also not substantially restricting her availability to work by attending school two days a week to obtain her GED. Given today's job market, one could argue that failing to obtain at least a high school diploma is a substantial restriction on one's ability to work.

### DECISION

The claimant is able to work, available for work and actively seeking work within the meaning of Maryland Code Annotated, Labor and Employment Article, Title 8, Section 903. Benefits are allowed from the week beginning January 5, 2003.

The decision of the Hearing Examiner is reversed.



---

Donna Watts-Lamont, Associate Member

---

Hazel A. Warnick, Chairperson

Copies mailed to:

ROBERTA D. WRIGHT

Michael Taylor, Agency Representative