



# Maryland

## Department of Economic & Employment Development

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*Thomas W. Keech, Chairman*

*Hazel A. Warnick, Associate Member*

*Donna P. Watts, Associate Member*

**- DECISION -**

Decision No.: 1546-BR-93

Date: Sept. 20, 1993

Claimant: Larry P. Weber

Appeal No.: 9310755

S.S. No.:

Employer:

L. O. No.: 22

Appellant: CLAIMANT

Issue: Whether the claimant failed, without good cause, to apply for or accept available, suitable work within the meaning of S8-1005 of the Labor and Employment Article.

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**- 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 appeal can be found in many public libraries, in the *Annotated Code of Maryland, Maryland Rules*, Volume 2, B rules.

The period for filing an appeal expires

October 20, 1993

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**- APPEARANCES -**

FOR THE CLAIMANT:

FOR THE EMPLOYER:

**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 but reaches different conclusions of law.

The claimant failed to report to the local (unemployment ) office on May 7, 1993 to take a test. The test was being given on behalf of a potential employer who wanted applicants screened as to verbal and math abilities before hiring. The claimant finally did take the test on May 21, 1993.

The Board disagrees that the claimant failed to apply for available, suitable work. It would not be clear whether the work was either available or suitable until after the test was taken. The claimant thus cannot be disqualified under §8-1005 for failure to apply for available, suitable work.

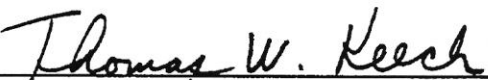
The claimant, however, should be disqualified for failure to report to the local office when directed, under §8-902(a) (2) of the law. The appropriate disqualification would be from the date the claimant should have taken the test until the date he did take it.

#### DECISION

The claimant did not refuse to apply for available, suitable work, within the meaning of §8-1005 of the Labor and Employment Article. No disqualification is imposed under this section of the law based upon his failure to take the test.

The claimant did fail to report to an employment office, within the meaning of §8-902(a) (2). He is disqualified from benefits from the week beginning May 2, 1993 through the week ending May 22, 1993.

The decision of the Hearing Examiner is modified.

  
Chairman

  
Associate Member

K:HW  
kbm  
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