

 **Maryland**  
Department of Economic &  
Employment Development

*William Donald Schaefer*  
Governor  
*Mark L. Wasserman*  
Secretary

*Board of Appeals*  
1100 North Eutaw Street  
Baltimore, Maryland 21201  
Telephone: (410) 333-5032

**- DECISION -**

Claimant:

LILLIAN I. SEFCIK

Employer:

JOWETT INC

Decision No.: 2059-BR-93

Date: December 6, 1993

Appeal No. : 9313321

S.S. No.:

L.O. No.: 07

Appellant: Claimant

Issue: Whether the claimant failed, without good cause, to apply for or to accept available, suitable work within the meaning of Maryland Code, Labor and Employment Article, Title 8, Section 1005.

---

**- 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 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: January 5, 1994

---

**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, with regard to §8-903 of the Labor and Employment Article of the Annotated Code of Maryland.

Section 8-903 of the Labor and Employment Article requires that a claimant be able to work, available for work, and actively seeking working in order to receive unemployment benefits. The claimant was meeting these requirements of the law.

The fact that the claimant had transportation that she felt was not suitable to drive 100 miles round trip each day to work, does not breach the requirements of §8-903. The claimant had access to three automobiles that she could use to get back and forth to work. Section 8-903 does not prescribe a milage amount that a claimant must be able to drive in order to meet the requirements of the law.

The Board of Appeals finds that the claimant did not receive a copy of the Hearing Examiner's decision denying her benefits. As a result, the claimant had no knowledge of the appeal deadline.

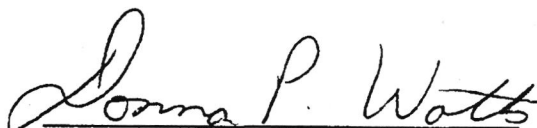
#### DECISION


The decision of the Hearing Examiner as to §8-1005 of the Labor and Employment Article and COMAR 24.02 .06.02N are affirmed.

The claimant was able to work, available for work and actively seeking work within the meaning of §8-903 of the Labor and Employment Article. No disqualification from the receipt of benefits shall be imposed pursuant to this section of the law.

The decision of the Hearing Examiner pursuant to §8-903 is reversed.

The claimant did not file a late appeal to the Board of Appeals.

  
Donna P. Watts, Associate Member

  
Hazel A. Warnick, associate Member

km  
Copies mailed to:  
LILLIAN I. SEFCIK  
JOWETT INC  
Local Office - #07