



DEPARTMENT OF HUMAN RESOURCES
EMPLOYMENT SECURITY ADMINISTRATION

1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

383-5032

- DECISION -

BOARD OF APPEALS

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STATE OF MARYLAND

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Secretary

DECISION NO.: 264-BH-82

DATE: March 9, 1982

APPEAL NO.: Ben. Det. #358

S.S.NO.:

CLAIMANT: Harold Adams, et al

EMPLOYER: Cambridge Wire Cloth Company

L. O. NO.: 10

APPELLANT: CLAIMANTS

ISSUE:

Whether the Claimants' unemployment is due to a stoppage of work, other than a lockout, which exists because of a labor dispute within the meaning of Section 6(e) of the Law; whether the Claimants were able to work, available for work and actively seeking work within the meaning of Section 4(c) of the Law; whether the Claimants failed, without good cause, to accept suitable work when offered within the meaning of Section 6(d) of the Law; whether the Claimants were partially unemployed within the meaning of Section 3(b)(3) 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

April 8, 1982

- APPEARANCES -

FOR THE CLAIMANT:

Harold Adams - Claimant
Tom Bradley - AFL-CIO President,
Union Representative
Peter Callegary - Attorney
Duane Willey - Claimant
Ray Johnson - Claimant

FOR THE EMPLOYER:

Warren Davison -
Attorney
Edward N. Evans II -
President

EVIDENCE CONSIDERED

The Board of Appeals has considered all of the testimony at the hearing, as well as the legal arguments presented to the Special Examiner and to the Board.

Much of the testimony presented to the Special Examiner was irrelevant to the issues in this case. Evidence of who was morally at fault for the labor dispute, who has delayed other legal proceedings and who has committed and who has alleged unfair labor practices within the meaning of federal labor law is totally irrelevant to the issues in this case, which concerns only the relatively simple provisions of the Maryland Unemployment Insurance Law.

The Board has considered the testimony of the Employer's witness, who testified that the Employer was ready, willing and able to take back to work immediately any and all of the Claimants. In considering the testimony, however, the Board has also taken into account the Employer's position at legal argument, which was that this testimony was true for the purposes of this hearing only and that the Employer may actually refuse reinstatement to as many as six of the Claimants. The Board of Appeals, which is bound by the law to make findings of fact based on what it believes to be the truth, cannot accept completely at face value testimony which is proffered as true only for the purposes of the hearing.

Although the Claimants contended that the Employer's actions towards certain of them was so harsh and unfair as to result in a virtual refusal of work to the Claimants, the evidence supporting this contention is so scant that the Board cannot find that such a de facto lockout existed.

FINDINGS OF FACT

The Claimants, members of local 8678 of the United Steelworkers of America, are employees of the Cambridge Wire Cloth Company in Cambridge, Maryland. The names of these Claimants are on list A, attached to this decision.

A dispute over recognition of the union had been simmering for at least five years. On August 1, 1981, the union voted to strike the premises in order to attain recognition as the bargaining agent for the employees of Cambridge Wire Cloth. On August 4, 1981, the strike began. Approximately 2/3 of the production workers participated in the strike initially, although some of the strikers did later return to work. The strikers picketed one day a week for ten hours a day. They received \$40.00 for picket duty from the international union, from a fund to which neither the local union nor the strikers had contributed.