



*William Donald Schaefer, Governor
J. Randall Evans, Secretary*

*Board of Appeals
1100 North Eutaw Street
Baltimore, Maryland 21201
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*Board of Appeals
Thomas W. Keech, Chairman
Hazel A. Warnick, Associate Member
Donna P. Watts, Associate Member*

— DECISION —

Decision No.: 33-BR-92
Date: January 10, 1992
Claimant: Nancy Martin
Appeal No.: 9117648
S. S. No.:
Employer: Harford County Public Schools L. O. No.: 22
c/o The Gibbens Company
Appellant: CLAIMANT
Issue: Whether the claimant had a contract or reasonable assurance of returning to work under Section 8-909(a) of the Labor and Employment Article.

— 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.

THE PERIOD FOR FILING AN APPEAL EXPIRES

February 9, 1992

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

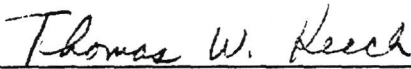
Upon review of the record in this case, the Board of Appeals modifies the decision of the Hearing Examiner. The Board agrees with the Hearing Examiner's findings of fact and also with his conclusion that the claimant had reasonable assurance of performing services in the 1991-1992 school year.

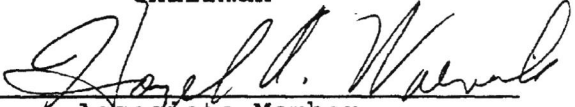
The Board disagrees with the penalty imposed. The penalty for having reasonable assurance applies, in this case, "during the period between two successive academic years or terms." Section 8-909(a)(2) of the Labor and Employment Article. In this case, therefore, the claimant should be disqualified for having reasonable assurance that she would return to work during the 1991-1992 academic year. The disqualification, however, should end at the beginning of that academic year. The beginning of the academic year appears to have been September 1, 1991.

DECISION

The claimant had a reasonable assurance of returning to work, within the meaning of Section 8-909(a) of the Labor and Employment Article. She is disqualified from the receipt of benefits based on services performed with the Harford County Public School System for the period between the 1990-1991 and 1991-1992 academic years. The disqualification should end on August 31, 1991.

The decision of the Hearing Examiner is modified.



Chairman


Associate Member

K:HW

kbm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

James R. Whattam, Esq.

MSTA

UNEMPLOYMENT INSURANCE - BEL AIR



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:	Nancy L. Martin	Date:	Mailed: 11/13./91
		Appeal No.:	9117648
		S. S. No.:	
Employer:	Harford Co. Pub. Schools c/o Gibbens Company	L.O. No.:	22
		Appellant:	Employer

Issue: Whether the claimant had contract or reasonable assurance of returning to work under MD Code, Labor and Employment Article, Title 8, Section 909(B).

— NOTICE OF RIGHT OF FURTHER APPEAL —

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A FURTHER APPEAL AND SUCH APPEAL 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 FURTHER APPEAL EXPIRES AT MIDNIGHT ON

November 29, 1991

— APPEARANCES —

FOR THE CLAIMANT:

Claimant - Present
Kathy Owens Wyatt,
Maryland State Teachers
Association

FOR THE EMPLOYER:

Represented by:
Steven C. Lentowski;
Robin Johnston,
Gibbens Company

FINDINGS OF FACT

The claimant has been employed as a home hospital teacher by the Harford County Public School System since October, 1983. The

claimant works on an on-call basis and is selected from a list maintained by the Harford County Public School System when a teacher in her area of expertise is needed. The claimant gave a signed statement to the Claims Examiner stating that she did have reasonable assurance but has not been called for work as of September 18, 1991. The claimant states that she is looking for full-time work. The claimant has no earnings in her base period except from the Harford County Public School System.

The claimant was sent a letter by Harford County Public School System in June, 1991 asking her if she wished to remain on the list of home and hospital teachers. The claimant responded on August 2, 1991 when she asked to have her name put on in for home teaching during the 1991-92 school year. She stated she would teach no new courses but would teach Algebra and Geometry.

During the 1990 to 1991 school year, the claimant was assigned to eight cases where she tutored children. She worked during previous school years for lesser numbers. During the current school year 1991-92, the claimant has had one assignment.

CONCLUSIONS OF LAW

The claimant has reasonable assurance of being employed as a home and hospital teacher during the coming school year. In fact, the claimant has already received one assignment. The claimant has reasonable assurance that she would have receive assignments as she did in previous years.

The claimant has no other earnings in any other employment and has performed no other work during the last several years except as a home and hospital teacher in the Harford County Public School System. She has a reasonable assurance that she will continue to be employed in the same capacity that she has been employed in during that time during the coming school year.

DECISION

The claimant was employed as an instructional capacity for the Harford County Public School System and has reasonable assurances of being employed in the same capacity in a successive academic school year. She is disqualified from receiving benefits based on employment performed for the Harford County Public School System from the week beginning September 1, 1991.

The determination of the Claims Examiner is reversed.



Martin A. Ferris
Hearing Examiner

Date of Hearing: 11/28/91
cc/Specialist ID: 22152
Cassette No: 10852
Copies mailed on 11/13/91 to:

Claimant
Employer
Unemployment Insurance - Bel Air (MABS)