

Maryland

DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT

1100 North Eutaw Street
Baltimore, Maryland 21201
(301) 333-5033



William Donald Schaefer, Governor
J. Randall Evans, Secretary

BOARD OF APPEALS

Thomas W. Keech, Chairman
Hazel A. Warnick, Associate Member
Donna P. Watts, Associate Member

— DECISION —

	Decision No.:	385 -BR-89
	Date:	May 11, 1989
Claimant:	Appeal No.:	8901975
	S. S. No.:	
Employer:	L. O. No.:	9
	Appellant:	EMPLOYER
Issue:	Whether the claimant is eligible for benefits within the meaning of Section 4(f) 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 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 AT MIDNIGHT ON June 10, 1989

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals affirms the decision of the Hearing Examiner.

The claimant received, at the beginning of the summer vacation, a letter terminating her permanently from employment. Subsequently, during the summer, she received various invitations to apply for other jobs. Although she was qualified for these jobs, the invitations required her to undergo redundant extensive coursework and testing in order to be eligible to apply for the new position. The claimant was later sent additional letters reinstating her conditionally, but with inappropriate conditions attached. She was later sent a letter offering her a job for which she was not qualified. This offer was withdrawn on August 31. On that date, however, she was finally unconditionally offered a job for which she was qualified.

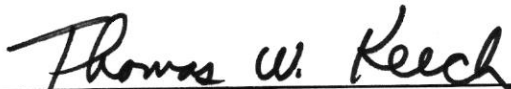
As the representative from the City of Baltimore acknowledged at the hearing, the personnel office sends "the same doggone letter to everybody; they put it in the computer; it might not pertain to you." This couldn't be more obvious from the instant case. No serious person could argue that this succession of erroneous, incorrect and inappropriate letters constitutes a "reasonable assurance" of returning to work.

Fortunately for the claimant, she did return to work, but the Board concludes that she had no reasonable assurance of doing so until the day she actually began teaching again.

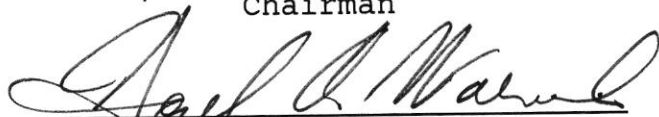
DECISION

The claimant had no reasonable assurance of continued employment from her separation date in June of 1988 until August 31, 1988, under Section 4(f) of the Maryland Unemployment Insurance Law. No disqualification from the receipt of benefits under Section 4(f) is appropriate between these dates.

The decision of the Hearing Examiner is affirmed.



Chairman



Associate Member

K:H

kmb

COPIES MAILED TO:
CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - TOWSON



Maryland

Department of Economic & Employment Development

William Donald Schaefer
Governor
J. Randall Evans
Secretary

1100 North Eutaw Street
Baltimore, Maryland
21201

— DECISION —

Claimant: Beverly A. Cook
Date: Mailed: March 20, 1989
Appeal No.: 8901975-EP
S. S. No.:

Employer: Baltimore City School Teachers
Case No.: 9
Appellant: Employer

Issue: Whether the claimant is eligible for benefits within the meaning of Section 4(f) of the Law.

— NOTICE OF RIGHT TO PETITION FOR REVIEW —

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A REVIEW AND SUCH PETITION FOR REVIEW MAY BE FILED IN ANY EMPLOYMENT SECURITY OFFICE, OR WITH THE APPEALS DIVISION, ROOM 515, 1100 NORTH EUTAW STREET, BALTIMORE, MARYLAND 21201, EITHER IN PERSON OR BY MAIL

April 4, 1989

THE PERIOD FOR FILING A PETITION FOR REVIEW EXPIRES AT MIDNIGHT ON

— APPEARANCES —

FOR THE CLAIMANT

FOR THE EMPLOYER

Beverly A. Cook - Claimant

Charlie Spinner -
Personnel Technician
Supervisor

FINDINGS OF FACT

The claimant filed an initial claim for benefits effective June 26, 1988. She had last worked on or about June 14, 1988, when the school closed down for the summer session. The claimant was a home economics teacher attached to Venable Senior High School.

On May 27, 1988, the claimant received a letter from Alice C. Pinderhughes, Superintendent of Public Instruction, that her services would no longer be needed as of June 24, 1988. The

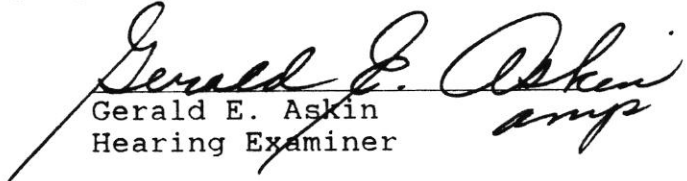
reason was due to a surplus of teachers in the claimant's field. The claimant was subsequently called back to work and is currently a teacher with the Department of Education. The Hearing Examiner finds as fact that the claimant had no reasonable assurance to return based on the letter that she received from the Superintendent of Education dated May 27, 1988.

CONCLUSIONS OF LAW

Within the meaning of Section 4(f) of the Maryland Unemployment Insurance Law, if the claimant has reasonable assurance of returning to work in an instructional, research, or principal administrative capacity for an educational institution, the claimant is not entitled to unemployment insurance benefits in between terms. However, in the instant appeal, the claimant had received notification that her services were no longer required, and the claimant was thus eligible for unemployment insurance benefits. It is for this reason the determination of the Claims Examiner shall be affirmed.

DECISION

The claimant was eligible for benefits under the provisions of Section 4(f) of the Maryland Unemployment Insurance Law. Benefits are allowed.


Gerald E. Askin
Hearing Examiner

Date of hearing: 3/10/89
amp/Specialist ID: 09657
Cassette No. 2111
Copies mailed on March 20, 1989 to:

Claimant
Employer
Unemployment insurance - Towson (MABS)