

# Maryland

DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT

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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.:	453 -BR-89
	Date:	May 26, 1989
Claimant: Lola C. Wiley	Appeal No.:	8902825 & 8902826
	S. S. No.:	
Employer:	L. O. No.:	14
	Appellant:	CLAIMANT

Issue: Whether the claimant was able to work, available for work and actively seeking work within the meaning of Section 4(c) of the law and whether the claimant was unemployed within the meaning of Section 20(1) 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 25, 1989

**— APPEARANCES —**

FOR THE CLAIMANT:

FOR THE EMPLOYER:

**REVIEW ON THE RECORD**

Upon review of the record in this case, the Board of Appeals reverses the decision of the Hearing Examiner and concludes

that the claimant has been meeting the requirements of Section 4(c) of the law since February 12, 1989.<sup>1</sup>

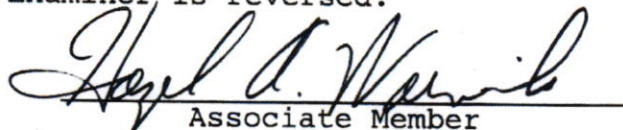
The claimant testified credibly that she has been seeking work continually and has worked full time, despite the fact that she has maintained a flower shop and bakery business in basement of her home, since April, 1986. When she is not employed, she increases the hours of her business but when she obtains full-time employment, she cuts back her business to accomodate her job. At the time of the hearing she was working at a factory from 7:00 a.m. to 3:30 p.m. She also testified that she was seeking work; she contacted at least four prospective employers each week.

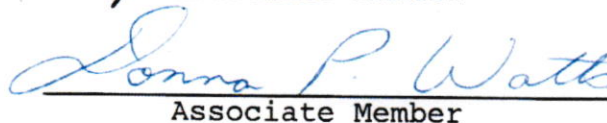
The claimant has continually been able, available and actively seeking work within the meaning of Section 4(c). The claimant is also not disqualified under Section 20(1) due to her "self-employment." Self-employment per se is not a disqualification under the unemployment insurance law. Veith, 34-BR-82.

#### DECISION

The claimant was meeting the eligibility requirements of Section 4(c) and Section 20(1) the Maryland Unemployment Insurance Law. No disqualification is imposed under this section of the law.

The decision of the Hearing Examiner is reversed.

  
Associate Member

  
Associate Member

H:D  
kmb

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<sup>1</sup> The Hearing Examiner erroneously listed this date as February 12, 1988. This was also incorrect because the determination at issue disqualified the claimant beginning February 12, 1989.

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CLAIMANT

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