

*Maryland*

DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT

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

William Donald Schafer, 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.:	577-BR-88	
	Date:	July 11, 1988	
Claimant:	Brenda Redden	Appeal No.:	8801837
		S. S. No.:	
Employer:	General Electric Company	L. O. No.:	2
		Appellant	CLAIMANT

Issue: Whether the claimant's unemployment was due to leaving work voluntarily, without good cause, within the meaning of Section 6(a) of the law; whether the appealing party filed a timely appeal or had good cause for an appeal filed late within the meaning of Section 7(c)(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 CIRCUIT 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 ON August 10, 1988

**— APPEARANCES —**

FOR THE CLAIMANT:

FOR THE EMPLOYER:

**REVERSAL AND REMAND**

Upon review of the record in this case, the Board of Appeals reverses the decision of the Hearing Examiner with respect to Section 7(c)(3) of the law and remands the case for a new

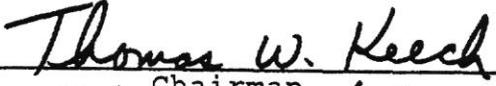
decision on the merits of the Section 6(a) claim as well as on the merits of the claimant's entitlement to benefits in light of the receipt of a pension, under Section 6(g) of the law. A different Hearing Examiner should be assigned the case.

The Hearing Examiner found as a fact that the claimant, upon receiving her adverse determination under Section 6(a) of the law, contacted the local office and was informed that she need do nothing until after she was again physically able to work. Given this finding, the claimant had good cause for filing her appeal late under Section 7(c)(3). In the case of Briddel (209-BR-86), the Board ruled that, where a claimant repeatedly contacted the local office in order to attempt to correct what she perceived as an error in the determination, and where she was repeatedly told that nothing could be done until the following January, the claimant had good cause for failing to file the appeal until the following January. The instant case is very similar to the Briddel case, and a similar result should follow.

#### DECISION

The claimant filed a late appeal, but with good cause, within the meaning of Section 7(c)(3) of the Maryland Unemployment Insurance Law. The decision of the Hearing Examiner with respect to this issue is reversed.

This case is remanded to the Appeals Division for a new hearing, on the merits, before a different Hearing Examiner.

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Associate Member

K:HW  
kbm

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<sup>1</sup>At the hearing, the Hearing Examiner seemed quite skeptical of the claimant's testimony on this issue. Indeed, the Board also is normally quite skeptical of claims that the local office personnel misled people with respect to the necessity of filing appeals on time. The Hearing Examiner, however, made a finding of fact that the claimant was given the wrong information by the local office, and this decision is based on that finding.

COPIES MAILED TO:

CLAIMANT

EMPLOYER

Dennis R. Robin

UNEMPLOYMENT INSURANCE - GLEN BURNIE

APPEALS DIVISION

STATE OF MARYLAND  
APPEALS DIVISION  
1100 NORTH EUTAW STREET  
BALTIMORE, MARYLAND 21201  
(301) 383-5040

STATE OF MARYLAND  
William Donald Schaefer  
Governor

--- DECISION ---

Date: Mailed April 8, 1988  
Claimant: B. L. Redden Appeal No: 8801837  
S.S. No.:  
Employer General Electric Company L.O.No: 02  
Appellant: Claimant

Issue: Whether the Claimant's unemployment was due to leaving work voluntarily, without good cause within the meaning of Section 6(a) of the Law. Whether the appealing party filed a timely appeal or good cause for an appeal filed late within the meaning of section 7(c)(3) 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

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

April 25, 1988

NOTICE: APPEALS FILED BY MAIL, INCLUDING SELF-METERED MAIL, ARE CONSIDERED FILED ON THE DATE OF THE U.S. POSTAL SERVICE POSTMARK.

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--- APPEARANCES ---

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Present

Not Represented

FINDINGS OF FACT

The last day to file an appeal in the above entitled matter was December 15, 1987. The Claimant did not file an appeal until February 24, 1988. The Claimant relied on information offered by a Local Office representative that inasmuch as she was disabled and therefore, not able and available for work, she was not eligible for benefits and need do nothing further until she was released for work. Upon securing a medical release (with restrictions) dated February 24, 1988, the Claimant appeared at the Local Office

requesting benefits. She then learned that benefits could not be allowed because she had been disqualified on the grounds of voluntarily leaving employment without good cause, and she had failed to file an appeal by the appeal date. The Claimant timely received the Notice of Benefit Determination, and she read and understood the notice that the last date to file an appeal was December 15, 1987. Nonetheless, relying on information that she was not eligible for benefits until she was released for work, she did not file an appeal at that time. The Claimant had stopped working at General Electric because of her disability and she is presently precluded from doing any type of factory work. The Claimant became entitled to a retirement disability pension, \$300 per month.

#### CONCLUSIONS OF LAW

The Claimant failed to file a timely appeal within the meaning of Section 7(c) of the Maryland Unemployment Insurance Law. Further, the Claimant has failed to show good cause as to why the appeal time should be extended, or why she filed the appeal late. The Claimant read the Notice of Benefit Determination, and she understood it. She acknowledged that she had read that the last date to file an appeal was December 15, 1987, but that she relied on information received by telephone from a Local Office representative that she would not be eligible for benefits until she was released for work. Such reliance does not provide a reasonable basis to ignore this data in writing on the official Notice of Benefit Determination. Accordingly, she has failed to show good cause to have the appeal time extended and therefore, there is no basis to disturb the determination of the Claims Examiner.

#### DECISION

It is held that the Claimant failed to file a valid and timely appeal within the meaning of Section 7(c) of the Maryland Unemployment Insurance Law. It is held that the Claimant failed to show good cause why the appeal time should be extended within the meaning of Section 7(c)(3) of the Maryland Unemployment Insurance Law.

The determination of the Claims Examiner as rendered under Section 6(a) of the Unemployment Insurance Law and the maximum disqualification as entered therein shall not be disturbed.

*Robin L. Brodinsky*  
 Robin L. Brodinsky  
 Hearing Examiner

Date of Hearing: March 18, 1988

Cassette: 1620

Specialist ID: 02412

Copies Mailed on April 8, 1988 to:

Claimant

Employer

Unemployment Insurance - Glen Burnie (NABS)