



**DEPARTMENT OF EMPLOYMENT AND TRAINING**

**BOARD OF APPEALS  
1100 NORTH EUTAW STREET  
BALTIMORE, MARYLAND 21201**

383.5032

**THOMAS W KEECH**  
Chairman

**HAZEL A WARNICK  
MAURICE E DILL**  
Associate Members

**SEVERNE E LANIER**  
Appeals Counsel

STATE OF MARYLAND

**HARRY HUGHES**  
Governor

**-DECISION-**

**DECISION NO.:** 631-BR-84

**DATE:** July 9, 1984

**APPEAL NO.:** 01767-EP

**S.S.NO.:**

CLAIMANT: Karen K. Toms

EMPLOYER Plantronics

**LO. NO.:** 4

**APPELLANT** CLAIMANT

**ISSUE** Whether the claimant failed, without good cause, to apply for available, suitable work within the meaning of §6(d) of the Law; whether the claimant refused an offer of suitable "work within the meaning of §6(d) 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 August 8, 1984**

**-APPEARANCE -**

FOR THE CLAIMANT

FOR THE EMPLOYER

**REVIEW ON THE RECORD**

Upon review of the record of this case, the Board of Appeals reverses the decision of the Appeals Referee and reinstates the decision of the Claims Examiner.

The claimant formerly performed services for the employer as an executive secretary, earning \$7.70 an hour. She was laid off on August 12, 1983. She then applied for unemployment insurance benefits.

In January of 1984, the employer called the claimant and asked if she wished to be considered for a different position, known as Departmental Secretary. The salary range for this position was from \$6.00 per hour up to \$8.00 per hour. The claimant was under the impression that the position paid \$6.00 per hour and that it was somewhat lower in responsibility than her previous position. The claimant was not actually offered the job but was merely invited to interview for the job. The claimant declined this interview.

As the Board stated in the Adams v. Cambridge Wire Cloth case (264-BH-82, the penalty to be imposed for refusing suitable work under §6(d) of the law may be activated whether the work is offered to the claimant by the agency itself or by a private employer. Another disqualification possible under §6(d), however, is a disqualification for refusing to apply for suitable work. This disqualification, unlike the disqualification for refusing suitable work, may be activated only by an agency referral to apply for suitable work.

The Board is unaware of why this distinction is made in the law. The legislature may have decided that because of problems of proof, it is fairer to restrict this penalty to actual offers of jobs by private employers. Another possible reason behind this provision may be an intention to encourage employers to register their job openings with the agency. In any case, the law clearly does make this distinction, and the Board must honor it.

The claimant, therefore, did not refuse an offer of suitable work within the meaning of §6(d) of the law. She also did not refuse to apply for available, suitable work when so directed by the agency. No disqualification under §6(d) is appropriate in this case.

The Board notes that this case does raise serious questions about the claimant's active search for work within the meaning of §4(c) of the law, but that issue is not before the Board and is subject to review by the local office. The Board also notes that, had the job opening been registered with the agency's Employment Service, a referral of the claimant by that Employment Service to apply for the job would probably have resulted in a disqualification under §6(d) of the law.

#### DECISION

The claimant did not refuse an offer of suitable work within the meaning of §6(d) of the law, nor did she refuse to apply for suitable work when so directed by the Secretary within the meaning of §6(d) of the law. No disqualification is imposed under that section of the law.