



# Maryland

## Department of Economic & Employment Development

*William Donald Schaefer, Governor  
Mark L. Wasserman, Secretary*

*Board of Appeals  
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*Board of Appeals  
Thomas W. Keech, Chairman  
Hazel A. Warnick, Associate Member  
Donna P. Watts, Associate Member*

**— DECISION —**

	Decision No.:	699-BR-93	
	Date:	April 20, 1993	
Claimant:	Michael J. Logan, Sr.	Appeal No.:	9225698
		S. S. No.:	
Employer:		L. O. No.:	8
		Appellant:	CLAIMANT
Issue:	Whether the claimant was able, available and actively seeking work, within the meaning of §8-903 of the Labor and Employment Article.		

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**— 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

May 20, 1993

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**— 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.

The Board finds that the claimant's medical condition does not so severely restrict his availability for work as to make him unavailable for work, within the meaning of §8-903 of the Labor and Employment Article. The claimant was seeking full time work in the Annapolis/Parole area, as an auto mechanic. His credible testimony, that there is a substantial number of mechanic jobs in that geographic area, is supported by the fact that he had already obtained a job within approximately one month from the time he filed for benefits.

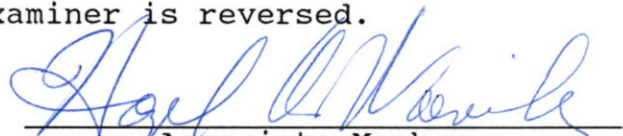
In cases where the geographic area in which a claimant can search for work is limited by the fact that he does not own an automobile or have a drivers license, the Board has long held that a claimant is not disqualified from benefits, provided he is making a reasonable and active search for work under the circumstances. See, e.g., Taylor, 796-BR-81; see also, the Court of Appeals decision in E.S.A. Board of Appeals v. Smith, 282 Md. 267, 383 A. 2d 1108 (1978).


The Board concludes that similar reasoning should be applied here, where the limitations are the result of a documented medical condition, that does not otherwise prevent the claimant from working full time. For these reasons, the decision of the Hearing Examiner will be reversed.

DECISION

The claimant is able to work, available for work and actively seeking work within the meaning of §8-903 of the Labor and Employment Article. No disqualification is imposed under this section of the law.

The decision of the Hearing Examiner is reversed.

  
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Associate Member

  
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Chairman

HW:K

kbm

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CLAIMANT

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