

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.:	725-BR-88
	Date:	August 18, 1988
Claimant: William Wagner	Appeal No.:	8712696
	S. S. No.:	
Employer: Towson State University	L O. No.:	40
	Appellant:	CLAIMANT

Issue:

Whether the claimant had a contract or reasonable assurance of returning to work under Section 4(f)4 of the law; whether the appealing party filed a timely appeal or had good cause for filing a late appeal, 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 MAYBE 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.

September 17, 1988

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT IN

— 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 with regard to Section 7(c)(3) but concludes that the claimant had reasonable assurance within the meaning of Section 4(f)(4) of the law.

The record reveals that the claimant, an office worker at Towson State University, originally filed for unemployment insurance benefits at the conclusion of the spring 1986 term, with a benefit year beginning June 29, 1986. Although the claimant had signed a contract for the fall term with Towson State University (he admitted this before the Hearing Examiner), he was found eligible for unemployment insurance benefits (apparently without an initial benefit determination being done) at that time and began receiving benefits. It also appears from the record that the claimant lived at the West Woodwell Road address when he applied for benefits.

For reasons that are not clear from the record, a fact finding report was not done until November 3, 1987 and a non-monetary determination was issued on November 3, 1987, finding the claimant ineligible for benefits because he had reasonable assurance of returning to work with Towson State University in the fall of 1986. This determination went to the West Woodwell Road address, and the last date to appeal it was November 18, 1987. However, sometime prior to this determination being sent, the claimant had moved to the Saint Paul Street address. The claimant filed an appeal of that determination on November 30, 1987 and notified the Appeals Division of his current address (St. Paul Street) at that time.

Since the benefit determination went to an incorrect address for this claimant (who, it would appear, had no reason prior to that time, to notify the agency of his change in address) the Board concludes that he had good cause to file a late appeal of that determination within the meaning of Section 7(C)(3).

However, the employer testified that on May 2, 1986 the claimant had signed a contract to return to work on August 25, 1986, and the claimant in fact did return to work with Towson State University (although he later resigned in December, admitted that he signed the contract and his explanation of why he still he did not have a reasonable assurance of returning in the fall of 1988 is simply not credible. Therefore, the Board concludes that the claimant may not be paid benefits based on covered service performed for Towson State University for the period between June 29, 1986 and the time he returned to work for Towson State University in August, 1988, within the meaning of Section 4(f)(4).

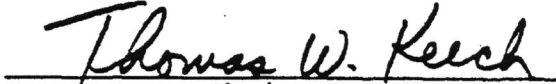
DECISION

The claimant had good cause for filing a late appeal within the meaning of Section 7(c)(3) of the Maryland Unemployment Insurance Law.

The claimant had reasonable assurance of a job within the meaning of Section 4(f)(4) of the Maryland Unemployment Insurance Law. He is disqualified from receiving benefits from the week beginning June 26, 1986 and until he meets the eligibility requirements of the law.

The decision of the Hearing Examiner is reversed with regard to Section 7(c)(3) and affirmed with regard to Section 4(f)(4).


Associate Member


Chairman

HW:K
kbm
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