



DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND
HARRY HUGHES
Governor

BOARD OF APPEALS
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

(301) 383-5032

BOARD OF APPEALS

THOMAS W. KEECH
Chairman

HAZEL A. WARNICK
MAURICE E. DILL
Associate Members

SEVERN E. LANIER
Appeals Counsel

MARK R. WOLF
Chief Hearing Examiner

— DECISION —

Decision No.: 871-BR-85

Date: October 10, 1985

Claimant: Robert G. Spiker

Appeal No.: 01799

S. S. No.:

Employer: Dry Wood

L.O. No.: 14

Appellant: CLAIMANT

Issue: Whether the claimant failed, without good cause, to accept available, 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 ON

November 9, 1985

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

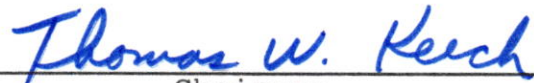
Upon review of the record in this case, the Board of Appeals reverses the decision of the Hearing Examiner and reinstates the decision of the Claims Examiner.

The claimant was hired, but he never actually began work, and he informed his employer prior to the scheduled first day of work that he was not going to take the job. The Board concludes that this case is better considered as a job refusal under §6(d) of the law rather than a voluntary quit under §6(a) of the law. This decision, however, has no effect on the penalty imposed, as the claimant still had the burden of showing good cause for the job refusal and still failed to meet his burden.

DECISION

The claimant failed, without good cause, to accept available, suitable work within the meaning of §6(d) of the Maryland Unemployment Insurance Law. He is disqualified from receiving benefits from the week beginning January 27, 1985 and until he becomes reemployed, earns at least ten times his weekly benefit amount (\$560.00) and thereafter becomes unemployment through no fault of his own.

The decision of the Hearing Examiner is reversed.



Chairman



Associate Member

K:W

kmb

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CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - OAKLAND



DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND
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Chief Hearing Examiner

— DECISION —

Claimant: Robert G. Spiker

Date: Mailed: June 6, 1985

Appeal No.: 01799

S. S. No.:

Employer: Dry Wood

L.O. No.: 14

Appellant: Claimant

Issue: Whether the claimant failed, without good cause, to accept or apply for available, suitable work within the meaning of Section 6(d) of the Law.

— NOTICE OF RIGHT OF FURTHER APPEAL —

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A FURTHER APPEAL AND SUCH APPEAL 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 June 21, 1985

— APPEARANCES —

FOR THE CLAIMANT:

Robert G. Spiker - Claimant
(Present for Telephonic Hearing
on March 7, 1985 - Maryland)

FOR THE EMPLOYER:

Don Gester -
Owner
(Present for Telephonic
Hearing on March 7, 1985
- Maryland)

FINDINGS OF FACT

The claimant, through the Job Service, was referred to employment with Dry Wood. The employer accepted the claimant for this employment, and he was to report to work on January 31, 1985. However, because of the weather, the claimant reporting for work