



Maryland

Department of Economic & Employment Development

William Donald Schaefer, Governor
J. Randall Evans, Secretary

Board of Appeals
1100 North Eutaw Street
Baltimore, Maryland 21201
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Board of Appeals
Thomas W. Keech, Chairman
Hazel A. Warnick, Associate Member
Donna P. Watts, Associate Member

— DECISION —

	Decision No.:	95-BH-90
	Date:	January 31, 1990
Claimant: Shawn J. Clasing	Appeal No.:	8912306
	S. S. No.:	
Employer:	L O. No.:	40
	Appellant:	CLAIMANT
Issue:	Whether the claimant was able, available and actively seeking work, within the meaning of Section 4(c) of the law. Whether; the claimant failed, without good cause, to file a timely and valid 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.

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

March 2, 1990

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Shawn J. Clasing - Claimant

DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT
John T. McGucken - Legal Counsel

EVALUATION OF EVIDENCE

The Board of Appeals has considered all of the evidence presented, including the testimony offered at the hearings. The Board has also considered all of the documentary evidence introduced in this case, as well as the Department of Economic and Employment Development's documents in the appeal file.

FINDINGS OF FACT

As to the issue of whether or not the claimant filed a timely appeal or had good cause for an appeal filed late within the meaning of Section 7(c)(3) of the Maryland Unemployment Insurance Law, the Board makes the following findings of fact. The benefit determination which was mailed to the claimant informing him of his disqualification from the receipt of unemployment insurance benefits established an appeal deadline of September 29, 1989. The claimant had intended to file his appeal in person at his local office on the 29th of September. On the evening of September 28th the claimant was called back to work and required to report by 7:00 a.m. on the morning of September 29th. The claimant decided it was better for him to return to work, than to not show up and therefore risk further unemployment, rather than personally appear at the local unemployment office on the 29th to file his appeal. Two days later, October 2, 1989, the claimant was able to get time off from work and did, in fact, go to the Eastpoint Office and file his appeal.

As to the issue of whether or not the claimant was able, available and actively seeking work within the meaning of Section 4(c) of the Law, the Board makes the following findings of fact. The claimant had been attending school on Wednesdays from 7:00 p.m. to 9:00 p.m. The claimant had been involved in this program throughout the time that he was employed by the employer and continued to attend these classes even after he had been laid off. The two hours a week that the claimant attended these classes did not interfere with his availability or his seeking of employment.

CONCLUSIONS OF LAW

The claimant filed an untimely appeal, with good cause, within the meaning of Section 7(c)(3) of the law. The claimant was called back to work on the last date to file his appeal and did not wish to risk further unemployment by not reporting to work.