



DEPARTMENT OF EMPLOYMENT AND TRAINING

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

(301) 383-5032

**STATE OF MARYLAND
HARRY HUGHES
Governor**

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.: 101-BR-85

Date: February 22, 1985

Claimant: Paula L. Braddock

Appeal No.: 06323 & 06324

S. S. No.:

Employer: Chesapeake & Potomac Telephone Co.

L.C. No.: 43

Appellant: CLAIMANT

Issue: Whether the claimant was discharged for misconduct, connected with the work, within the meaning of § 6(c) of the law; and whether the claimant was able to work, available for work and actively seeking work within the meaning of § 4(c) 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

March 24, 1985

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon a review of the record in these cases, the Board of Appeals affirms the decision with regard to § 6(c) of the law, but modifies the decision with regard to § 4(c) of the law.

The claimant testified that she returned to work for the employer on June 2, 1984. This was undisputed by the employer. Therefore, although she failed to present medical evidence that she was able to work, the Board concludes that her return to full-time employment with the employer demonstrates that she was able to work, at least after June 1, 1984.

DECISION

The claimant was discharged for misconduct, connected with the work, within the meaning of § 6(c) of the Maryland Unemployment Insurance Law. She is disqualified from receiving benefits from the week beginning April 29, 1984 and the nine weeks immediately following.

The claimant was not able to work, available for work or actively seeking work within the meaning of § 4(c) of the Maryland Unemployment Insurance Law. She is disqualified from receiving benefits from the week beginning May 6, 1984 and until June 1, 1984.

The decision of the Appeals Referee as to § 6(c) of the law is affirmed; the decision of the Appeals Referee as to § 4(c) of the law is modified.

This denial of unemployment insurance benefits for a specified number of weeks will also result in ineligibility for Extended Benefits, and Federal Supplemental Compensation, unless the claimant has been employed after the date of the disqualification.


Associate Member


Chairman

W:K
dp

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - WHEATON



DEPARTMENT OF EMPLOYMENT AND TRAINING

**STATE OF MARYLAND
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201**

(301) 383-5040

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 —

Claimant: Paula L. Braddock
Date: Aug. 14, 1984
Appeal No.: 06323-06324
S. S. No.:
Employer: Chesapeake & Potomac Telephone Co. L.O. No.: 43
Appellant: Claimant

Issue: Whether the claimant was discharged for gross misconduct connected with her work within the meaning of Section 6(b) of the Law. Whether the claimant was able to work, available for work and actively seeking work within the meaning of Section 4(c) 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 August 29, 1984

— APPEARANCES —

FOR THE CLAIMANT:

Paula L. Braddock - Claimant
(Telephonic Hearing - August 7,
1984

FOR THE EMPLOYER:

Barbara Myers - Manager
(Telephonic Hearing -
August 7, 1984 -

FINDINGS OF FACT

The claimant was employed by the Chesapeake and Potomac Telephone Company from May 30, 1983 as a service representative earning \$243.00 a week until her last day of work, May 1, 1984.

The claimant was discharged from this employment for excessive absenteeism. The claimant had reached and exceeded the limit of absent days permitted. On April 23, 1984, the claimant injured her back when she fell in the ladies' room. The claimant reported out for work on April 24, 1984. The employer picked the claimant up at her home and took her to a doctor. The claimant was to report back to this doctor on April 26, 1984. The claimant did not report back to the doctor because she thought that she once again would be picked up by the employer and taken to the doctor. On April 27, 1984, the claimant reported to work and left shortly after she reported, complaining of pain. The claimant was again scheduled for work on April 30, 1984, but did not show up. On May 1, 1984, the claimant reported to the employer's premises to pick up her paycheck. At this time, the claimant was discharged.

However, through union intervention, the claimant was reinstated on June 2, 1984 and presently is working for this employer.

CONCLUSIONS OF LAW

In Appeal No. 06324, the Appeals Referee finds that the claimant was discharged, but not for gross misconduct, but misconduct connected with her work within the meaning of the Maryland Unemployment Insurance Law. Therefore, the determination of the Claims Examiner will be reversed.

In Appeal No. 06323, since the claimant has failed to submit any doctor's statements that she is able to return to work, she must be considered unable, unavailable and not actively seeking employment within the meaning of the Maryland Unemployment Insurance Law. Therefore, the determination of the Claims Examiner will be affirmed.

DECISION

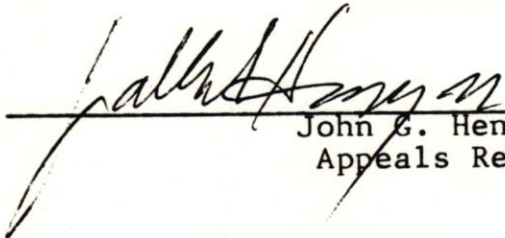
In Appeal No. 06324, the claimant was discharged for misconduct connected with her work within the meaning of Section 6(c) of the Maryland Unemployment Insurance Law. She is disqualified from receiving benefits for the week beginning April 29, 1984 and the nine weeks immediately following.

The determination of the Claims Examiner under Section 6(b) of the Law is reversed.

In Appeal No. 06323, the claimant was not able, available and actively seeking employment within the meaning of Section 4(c) of the Maryland Unemployment Insurance Law. Benefits are denied from the week beginning May 6, 1984 and until the claimant is able, available and actively seeking work without restrictions.

The determination of the Claims Examiner under Section 4(c) of the Law is affirmed.

This denial of unemployment insurance benefits for a specified number of weeks will also result in ineligibility for Extended Benefits, and Federal Supplemental Compensation (FSC), unless the claimant has been employed after the date of the disqualification.


John G. Hennegan
Appeals Referee

Date of hearing: 8/7/84
amp/0099
(Blagmond)
4348

Copies mailed to:

Claimant
Employer
Unemployment insurance - Wheaton