

# Maryland

DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT

1100 North Eutaw Street  
Baltimore, Maryland 21201  
(301) 333-5033



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.:	1148 -BR-88
	Date:	Dec. 9, 1988
Claimant: Vurneda Godfrey	Appeal No.:	8804779
	S. S. No.:	
Employer: Barrett Business Serv., Inc.	L. O. No.:	9
	Appellant:	EMPLOYER

Issue:

Whether the claimant was available for work within the meaning of Section 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, 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

January 8, 1989

---

**- APPEARANCES -**

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals affirms the decision of the Hearing Examiner.

The Board notes that the Hearing Examiner gave a great deal of credence to the claimant's testimony and was undoubtedly influenced by the fact that the claimant, soon after the events in question, obtained two permanent jobs which she worked simultaneously thereafter. The Board adopts this credibility finding on the part of the Hearing Examiner.

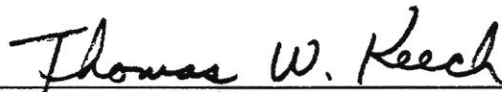
The claimant signed up for a one-month stint with this temporary employer and completed that stint. Following that, she refused a number of assignments from the company. The first refusal was due to a lack of communication, as the claimant decided to babysit for a relative one day only after having checked with this employer and having been told that there was no work for her. Later, when work became available, the claimant had already committed herself for the day. The claimant refused later assignments, generally because they interfered with her search for fulltime work. The evidence on this issue is not as developed as it could have been, but the claimant did so testify. Considering that the claimant did find not one but two permanent jobs shortly thereafter, the Board concludes that it is fair to accept her generalized testimony that these assignments would have interfered with her search for permanent work, although a more detailed presentation of the sequence of events would have been preferable.

Since one of the primary purposes of the unemployment insurance law is to tide a claimant over while the claimant searches for permanent work, the Board concludes that it would not be logical to impose on a claimant who has once accepted a temporary job a higher standard than is imposed on the general claimant public. Since this claimant was assiduously searching for permanent work, her refusal of various temporary assignments which would hinder her search is not disqualifying. This is a close case, due to the lack of specificity in the claimant's testimony. Were there any indication that the claimant's refusal of assignments was for any reason other than her proven desire to obtain permanent work, the result may well have been different.

#### DECISION

The claimant was meeting the requirements of Section 4(c) of the Maryland Unemployment Insurance Law. Benefits are allowed for the week beginning March 27, 1988, if the claimant is otherwise eligible under the law.

The decision of the Hearing Examiner is affirmed.



Chairman



Associate Member

K:HW

kbm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - TOWSON

STATE OF MARYLAND  
APPEALS DIVISION  
1100 NORTH EUTAW STREET  
BALTIMORE, MARYLAND 21201  
(301) 383-5040

STATE OF MARYLAND  
William Donald Schaefer  
Governor

--- DECISION ---

Date: Mailed July 5, 1988  
Claimant: Vurneda J. Godfrey Appeal No: 8804779  
S.S. No.:  
Employer: Barrett Business Service, Inc. L.O.No.: 09  
Appellant: Claimant

Issue: Whether the Claimant was able and available for 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 FURTHER APPEAL EXPIRES AT MIDNIGHT ON July 20, 1988  
NOTICE: APPEALS FILED BY MAIL INCLUDING SELF-METERED MAIL ARE CONSIDERED FILED ON THE DATE OF THE U.S. POSTAL SERVICE POSTMARK

---

--- APPEARANCES ---

FOR THE CLAIMANT:  
Present

FOR THE EMPLOYER:  
Fran Sirbaugh,  
Clerical Manager

FINDINGS OF FACT

The Claimant was employed by Barrett Business Service from February 10, 1988 until March 10, 1988. The Claimant is a data entry operator and was given an assignment that lasted a month at Joseph A. Banks Clothiers. The Claimant completed that job assignment. On March 17, 1988, the Claimant was offered a short-term assignment at the U. S. Department of Health. Because the Claimant was babysitting her niece, the Claimant did not accept that

assignment. The Claimant was offered an indefinite long-term assignment on March 22 at Morgan State. The Claimant again declined. On March 30, the Claimant again refused an assignment, indicating she wanted a short-term assignment. On April 6, the Claimant turned down another assignment because she had an interview that particular week and the following week. Further contacts by the employer were left on the Claimant's answering machine and never returned.

Because of the Claimant's refusal to accept these assignments, the determination was made that benefits were to be denied from March 27, 1988 until she otherwise meets the requirements of the Law. This was because the Claimant was restricting her availability to work.

The Claimant has been employed since May 26, 1988 and is presently working two positions, as she normally does.

#### CONCLUSIONS OF LAW

Section 4(c) of the Law provides that an unemployed individual is eligible to receive benefits only if it is determined that she is able to work, available for work, and actively seeking work. Here, the Claimant was denied benefits because she failed to accept temporary work assignments offered her by Barrett Business Services. The Claimant was attempting, during that time frame, to find permanent employment with benefits. The positions the Claimant failed to accept did not have benefits, nor were they of a permanent nature. Thus, it cannot be concluded that the Claimant was not available for work as required by Section 4(c) of the Law. Therefore, the determination of the Claims Examiner will be reversed.

#### DECISION

The Claimant was available for work within the meaning of Section 4(c) of the Law. Benefits are allowed for the week beginning March 27, 1988 if the Claimant is otherwise eligible under the Law. The Claimant may contact the local office concerning these eligibility requirements.

The determination of the Claims Examiner is reversed.

  
\_\_\_\_\_  
Seth Clark  
Hearing Examiner

Date of Hearing: June 22, 1988

Cassette: 5823

Specialist ID: 09655

Copies Mailed on July 5, 1988 to:

Claimant

Employer

Unemployment Insurance - Towson (MABS)