



Maryland

Department of Economic & Employment Development

William Donald Schaefer, Governor
J. Randall Evans, Secretary

Board of Appeals
1100 North Eutaw Street
Baltimore, Maryland 21201
Telephone: (301) 333-5032

Board of Appeals
Thomas W. Keech, Chairman
Hazel A. Warnick, Associate Member
Donna P. Watts, Associate Member

*NOTE: See Correction on Page #2.
12/17/90, kbm

— DECISION —

Decision No.:	1197-BR-90
Date:	Nov. 29, 1990
Claimant: Lorraine McKinney	Appeal No.: 9011955
	S. S. No.:
Employer: Howard Co. Board of Education c/o Gibbens Company	L.O. No.: 23
	Appellant: CLAIMANT

Issue:

Whether the claimant had a contract or reasonable assurance of returning to work under Section 4(f)(5) 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.

December 29, 1990

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

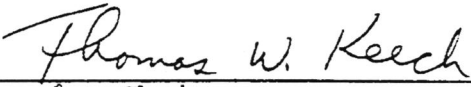
Upon review of the record in this case, the Board of Appeals affirms the decision of the Hearing Examiner The Board, however, will clarify the penalty in this case. First, Section 4(f) of the law disqualifies claimants only

from receiving benefits based on the covered service for the educational institution. Second, the penalty should be imposed under Sections 4(f)(3) and 4(f)(5), not 4(f)(4). Third, the penalty automatically expires at the end of the summer vacation period.

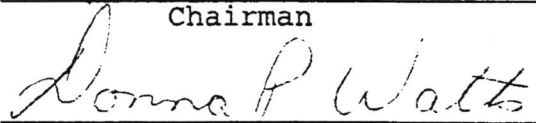
DECISION

The claimant is disqualified from receiving benefits based on covered service with this employer from the week beginning * August 19, 1990 until September 1, 1990.

The decision of the Hearing Examiner is affirmed, as clarified above.



Chairman



Associate Member

K:DW

kbm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - COLUMBIA



Maryland

Department of Economic & Employment Development

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Donna P. Watts, Associate Member*

— DECISION —

	Decision No.:	1197-BR-90
	Date:	Nov. 29, 1990
Claimant:	Appeal No.:	9011955
	S. S. No.:	
Employer:	LO. No.:	23
	Appellant:	CLAIMANT

Issue:

Whether the claimant had a contract or reasonable assurance of returning to work under Section 4(f)(5) of the law.

—NOTICE OF RIGHT OF APPEAL TO COURT -

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THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

December 29, 1990

— 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, however, will clarify the penalty imposed in this case. First, Section 4(f) of the law disqualifies claimants only

from receiving benefits based on the covered service for the educational institution. Second, the penalty should be imposed under Sections 4(f)(3) and 4(f)(5), not 4(f)(4). Third, the penalty automatically expires at the end of the summer vacation period.

DECISION

The claimant is disqualified from receiving benefits based on covered service with this employer from the week beginning August 19, 1990 until September 3, 1990.

The decision of the Hearing Examiner is affirmed, as clarified above.

Thomas W. Keech

Chairman

Donna P. Watts

Associate Member

K:DW

kbm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - COLUMBIA



William Donald Schaefer, Governor
J. Randall Evans, Secretary

William R. Merriman, Chief Hearing Examiner
Louis Wm. Steinwedel, Deputy Hearing Examiner

1100 North Eutaw Street
Baltimore, Maryland 21201

Telephone: 333-5040

— DECISION —

		Date:	Mailed: 10/11/90
Claimant:	Lorraine M. McKinney	Appeal No.:	9011955
		S.S.No.:	
Employer:	Howard County Board of Education	LO. No.:	023
		Appellant:	Claimant

Issue: Whether the claimant had a contract or reasonable assurance of returning to work under Section 4(f)(5) of the Law.

—NOTICE OF RIGHT TO PETITION FOR REVIEW—

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A REVIEW AND SUCH PETITION FOR REVIEW MAY BE FILED IN ANY OFFICE OF THE DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT, OR WITH THE APPEALS DIVISION, ROOM 515, 1100 NORTH EUTAW STREET, BALTIMORE, MARYLAND 21201, EITHER IN PERSON OR BY MAIL

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON **October 26, 1990**

— APPEARANCES —

FOR THE CLAIMANT:	FOR THE EMPLOYER:
Claimant - Present	Kirk J. Thompson, Specialist Human Resources Marty Young, Gibbens Co.

FINDINGS OF FACT

The claimant was employed as a substitute teacher for the Howard County School System from February 5, 1990 to June 15, 1990. on or about May 30, 1990, the claimant was sent a letter giving reasonable assurance that she could return to her current position or a similar position for the 1990-1991 school year. An intent to return form was included with the letter but the

claimant did not return it immediately. During the summer, the claimant did make arrangements to be on the substitute teachers list for the following school year, although she did not intend to work as a substitute, unless a long term full-time position was offered. At this time the claimant remains on the active substitute list.

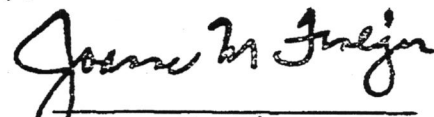
CONCLUSIONS OF LAW

Article 95A, Section 4(f) provides that an individual may not be paid unemployment insurance benefits, based on instructional work for an educational institution or governmental entity, if the period of unemployment begins during an established or customary vacation period or holiday recess if the individual performs the service in the period immediately before the vacation period and there is reasonable assurance that the individual will perform the service in the period immediately following period or holiday recess. Substitute teaching is by its nature sporadic employment and it is concluded that the claimant had reasonable assurance that she would return to same or similar position in the next school year.

DECISION

It is held that the claimant had reasonable assurance of returning to work under Section 4(f) (4) of the Law. Benefits are denied for the week beginning August 19, 1990 until meeting requirements of the Law.

The determination of the Claims Examiner is affirmed.


Joanne M. Finegan
Hearing Examiner

Date of Hearing: October 4, 1990
lr/Specialist ID: 23993
Cassette No: 7643
Copies mailed on October 11, 1990 to:

Claimant
Employer
Unemployment Insurance - Columbia (MABS)