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

—DECISION—

Decision No.: 1284-BR-91

Date: October 18, 1991

Claimant: Carol Wenner

Appeal No.: 9112601

S. S. No.:

Employer: Frederick County Board of Education

L. O. No.: 5

Appellant: CLAIMANT

Issue: Whether the claimant had a contract or reasonable assurance of returning to work under Section 8-909(a) of the Labor and Employment Article.

— 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 November 17, 1991

—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.

The claimant was a part-time tutor, not working under contract. During the summer of 1990, the claimant found out that she would have a position during the 1990-91 school year approximately two days prior to the start of the academic year. At the end of that academic year, nothing was said to the claimant about funding for her position for the 1991-92 school year. When the claimant approached her principal, the principal said that they hoped the claimant would be back for the coming year, and that they were working on it. The principal also said that they don't know until they get notice from the Personnel Office. The claimant didn't hear anything about her position until approximately August 6th. At that time, she was notified that her job was available in the 1991-92 academic year.

The undisputed testimony is that the claimant never received any information regarding the status of her job until the beginning of August, at which time she was told that her job was again available for her for the upcoming academic year.

At the end of the 1990-91 school year, the claimant's principal had no idea whether or not the position would be there in the fall.

There is no evidence to show that the claimant had any assurance at all of any work in the 1991-92 academic year or that she had a contract for that school year.

DECISION

The claimant did not have reasonable assurance pursuant to Section 8-909(a) of the Labor and Employment Article. Benefits are allowed from June 16, 1991 until the week ending August 3, 1991. She may not be paid benefits based on her employment for the Frederick County Board of Education beginning August 4, 1991 and until September 7, 1991.

The decision of the Hearing Examiner is reversed.

Associate Member

Associate Member

W:W
kbm
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CLAIMANT
EMPLOYER
UNEMPLOYMENT INSURANCE - FREDERICK

Maryland
Department of Economic & Employment Development

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: 8/23/91

Claimant: Carol D. Wenner

Appeal No.: 9112601

S. S. No.:

Employer: Frederick County Board of Education

L. O. No.: 5

Appellant: Claimant

Issue:
Whether the claimant had a contract or reasonable assurance of returning to work under Section 4(f)3 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 A PETITION FOR REVIEW EXPIRES AT MIDNIGHT ON 9/9/91

— APPEARANCES —

FOR THE CLAIMANT: Claimant-Present

FOR THE EMPLOYER: Not Represented

FINDINGS OF FACT

The claimant filed for unemployment insurance benefits establishing a benefit year, effective June 16, 1991, and a weekly benefit amount of $96.

The claimant has been employed from January 16, 1989, as a tutor at an hourly pay rate of $6 per hour for part-time employment on

a temporary basis On June 19, 1991, the claimant was employed at the Brunswick Middle School, tutoring students, On June 19, 1991, she was not told that no employment existed for her when school reopened in September, 1991. The procedure this year was the same in prior years, the claimant learns sometime during the summer that her duties are to resume when school reopens. This year was no different from prior years.

CONCLUSIONS OF LAW

It is held that the claimant had reasonable assurance that she would return to her duties as tutor when school resumed in the Fall of 1991. She is not entitled to unemployment benefits under this provision of the Statute. The determination of the Claims Examiner which denied benefits was warranted and will be affirmed.

DECISION

The claimant has reasonable assurance of returning to work under Section 4(f)(3) of the Maryland Unemployment Insurance Law. Benefits are denied from June 16, 1991, the effective date of her claim, until September 7, 1991.

The determination of the Claims Examiner is affirmed.

P. J. Hackett
Hearing Examiner

Date of hearing: 8/21/91
ah/Cassette: 8130A
Specialist ID: 05388
Copies mailed on 8/23/91 to:

Claimant
Employer
Unemployment Insurance - Frederick MABS