

The claimant failed to report to the local (unemployment) office on May 7, 1993 to take a test. The test was being given on behalf of a potential employer who wanted applicants screened as to verbal and math abilities before hiring. The claimant finally did take the test on May 21, 1993.

The Board disagrees that the claimant failed to apply for available, suitable work. It would not be clear whether the work was either available or suitable until after the test was taken. The claimant thus cannot be disqualified under §8-1005 for failure to apply for available, suitable work.

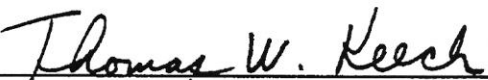
The claimant, however, should be disqualified for failure to report to the local office when directed, under §8-902(a) (2) of the law. The appropriate disqualification would be from the date the claimant should have taken the test until the date he did take it.

DECISION

The claimant did not refuse to apply for available, suitable work, within the meaning of §8-1005 of the Labor and Employment Article. No disqualification is imposed under this section of the law based upon his failure to take the test.

The claimant did fail to report to an employment office, within the meaning of §8-902(a) (2). He is disqualified from benefits from the week beginning May 2, 1993 through the week ending May 22, 1993.

The decision of the Hearing Examiner is modified.


Chairman


Associate Member

K:HW

kbm

COPIES MAILED TO:

CLAIMANT

UNEMPLOYMENT INSURANCE - BEL AIR

Rhonda Lipkin, Chief Attorney

Legal Aid Bureau, Inc.

 **Maryland**
Department of Economic &
Employment Development

William Donald Schaefer, Governor

Mark L. Wasserman, Secretary

Gary W. Wiedel, Administrator

Louis Wm. Steinwedel, Chief Hearing Examiner

Room 501

1100 North Eutaw Street

Baltimore, Maryland 21201

— D E C I S I O N —

Date: July 9, 1993
Claimant: Larry P Weber Appeal No.: 9310755
S. S. No.:
Employer: L.O. No.: 22
Appellant: Claimant

Whether the claimant failed, without good cause, to apply for or to accept available, suitable work within the meaning of the Code of Maryland, Labor and Employment Article, Title 8, Section 1005.

— 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 OFFICE OF THE DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT, OR WITH THE BOARD OF APPEALS, ROOM 515, 1100 NORTH EUTAW STREET, BALTIMORE, MARYLAND 21201, EITHER IN PERSON OR BY MAIL
July 21, 1993

THE PERIOD FOR FILING A FURTHER APPEAL EXPIRES ON

NOTICE: APPEALS FILED BY MAIL INCLUDING SELF-METERED MAIL ARE CONSIDERED FILED ON THE DATE OF THE U.S. POSTAL SERVICE POSTMARK

— A P P E A R A N C E S —

FOR THE CLAIMANT:

Present
Latanya D. Miller, Legal Assistant
Silvia P. Meranski, Legal
Assistant

FOR THE EMPLOYER:

Other:
Susan Voelker,
Claims Specialist

FINDINGS OF FACT

The claimant established a benefit year beginning June 21, 1992, with a weekly benefit amount of \$110.00.

As part of the claimant's search for employment, he was referred to the Maryland Job Services. On May 7, 1993, the claimant was

scheduled to take the GATB test. This is a test that many employers use to screen applicants. It test the applicant's aptitude in the areas of math and reading. Job Services received a request from a potential employer that it was seeking material handlers. Job Services made the claimant aware of this potential employment and scheduled him to take this test. On May 7, 1993, the claimant did not take the test because he wanted additional time to study. Because the claimant failed to take the test, the Local Office denied the claimant benefits, on the basis that as he failed to take the test, he had failed to apply for or accept suitable work. The claimant presented himself to the Local Office on May 18, 1993 and rescheduled the test for May 21, 1993. The claimant took the test on that day.

The claimant could not recall any specific position offered to him. He was given an application to fill out and instructed to take the test. There was no specific rate of pay discussed with the claimant and the claimant did not remember being told that this test was part of the application process for this specific job. The claimant was unaware that his failure to take the test would result in his benefits being stopped.

CONCLUSIONS OF LAW

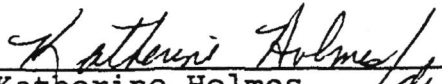
The Maryland Code, Labor and Employment Article, Title 8, Section 1005 provides that an individual who is otherwise eligible to receive benefits is disqualified from receiving benefits if it is determined that the individual without good cause, failed to apply for work that is available and suitable when directed to do so; accept suitable work when offered, or return to the individual as usual self employment.

In the instant case, as there was no bona fide offer of employment, the claimant did not fail to accept suitable work. The issue is whether the claimant failed to apply for work that is available and suitable when directed to do so by the Local Office. The claimant was unaware that the test being administered at the Local Office was part of the application process. However, the claimant was instructed to take the test by the Local Office and his failure to do so constitutes a failure to apply for work that is available and suitable.

DECISION

It is held that the claimant failed, without good cause, to apply for available suitable work, within the meaning of the Maryland Code, Labor and Employment Article, Title 8, Section 1005. He is disqualified from receiving benefits from the week beginning May 2, 1993 and for the four weeks immediately following.

The determination of the Claims Examiner is modified


Katherine Holmes
Hearing Examiner

Date of Hearing: 6/15/93
dw/Specialist ID: 22155
Cassette Attached to File
Seq. 05

Copies mailed on: 7/6/93 to:

Claimant
Unemployment Insurance - Bel Air

Latanya D. Miller, Legal Assistant

Silvia P. Meranski