



DEPARTMENT OF HUMAN RESOURCES

EMPLOYMENT SECURITY ADMINISTRATION

1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

383-5032

- DECISION -

STATE OF MARYLAND

HARRY HUGHES
Governor

KALMAN R. HETTLEMAN
Secretary

BOARD OF APPEALS

THOMAS W. KEECH
Chairman

HAZEL A. WARNICK
MAURICE E. DILL
Associate Members

SEVERN E. LANIER
Appeals Counsel

DECISION NO.: 171-BR-83

DATE: February 9, 1983

APPEAL NO.: 14144

S. S. NO.:

CLAIMANT: Darrell M. Beech

EMPLOYER: Baltimore City

L. O. NO.: 1

APPELLANT: CLAIMANT

ISSUE Whether the Claimant is eligible for benefits within the meaning of § 4(f)(3) 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 SUPERIOR 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

March 11, 1983

- APPEARANCES -

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon a review of the record in this case, the Board reverses the decision of the Appeals Referee. The Claimant was employed as a substitute teacher for the school year 1981-1982. At the end of that school year, the Claimant was given a letter, signed by the

Principal of the school which stated that the Claimant will not resume employment with the Baltimore City Public Schools. Under the circumstances, the Board concludes that there was no contract or reasonable assurance that the Claimant would perform services in any capacity during the next academic year or term within meaning of § 4(f)(3) of the Law.

DECISION

The Claimant did not have a contract or reasonable assurance of performing services for an educational institution within the meaning of § 4(f)(3) of the Maryland Unemployment Law. No disqualification is imposed under this section of the Law.

The Claimant may contact his Local Office concerning the other eligibility requirements of the law.

The decision of the Appeals Referee is reversed.



Associate Member



Associate Member

D:W
gm

LWS

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - BALTIMORE



DEPARTMENT OF HUMAN RESOURCES
 EMPLOYMENT SECURITY ADMINISTRATION
 1100 NORTH EUTAW STREET
 BALTIMORE, MARYLAND 21201
 383 - 5040

STATE OF MARYLAND
 HARRY HUGHES
 Governor
 KALMAN R. HETTLEMAN
 Secretary

BOARD OF APPEALS
 THOMAS W. KEECH
 Chairman
 MAURICE E. DILL
 HAZEL A. WARNICK
 Associate Members
 SEVERN E. LANIER
 Appeals Counsel
 MARK R. WOLF
 Administrative
 Hearings Examiner

- DECISION -

CLAIMANT: Darrell M. Beech

DATE: 12/14/82

APPEAL NO.: 14144

S. S. NO.:

EMPLOYER: Baltimore City

L. O. NO.: 1

APPELLANT: Claimant

ISSUE: Whether the claimant is eligible for benefits within the meaning of Section 4(f)(3) & 20(g)7 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 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 Dec. 29, 1982

- APPEARANCES -

FOR THE CLAIMANT:

Claimant-Present

FOR THE EMPLOYER:

Charles Spinner,
 Personnel Technician
 Supervisor

FINDINGS OF FACT

The claimant first held employment as a Substitute Teacher, on December 1, 1981 and was entered on the books of the employer as an employee on November 17, 1981. At the close of the 1981-82 academic year, the claimant worked on the last day of school, June 27, 1982. The claimant last performed services as a substitute teacher on November 26, 1982, and is listed as "current" on the employer's books. The claimant enters into the record a statement from the principal of the Victory Elementary School where he taught certifying the date of his completion of

substitute services in June 1982. The last sentence of the letter states "He will not resume employment at the Baltimore City Public Schools".

CONCLUSIONS OF LAW

Section 4(f)(3) provides, in substance, that a claimant is not eligible for benefits based upon employment performed in an instructional, research, or principal administrative capacity for an educational institution for a period of paid sabbatical leave provided for by contract or where the leave of employment occurs between two successive academic years and where there is reasonable assurance (though not necessarily a guarantee) that the individual will perform similar services in the following academic year.

The evidence in the instant case demonstrates that there was reasonable assurance that the claimant, employed in a substitute teacher capacity, and whose unemployment occurred between two successive academic years would be offered similar employment upon the resumption of the academic year and, in fact, was offered and accepted such employment.

DECISION

The claimant had reasonable assurance, under Section 4(f)(3) of the Maryland Unemployment Insurance Law, of performing services for an educational institution in an academic year beginning September 1982. He is disqualified from receiving benefits based on service with the Baltimore City Public Schools from June 27, 1982, until the beginning of the academic year in September 1982.

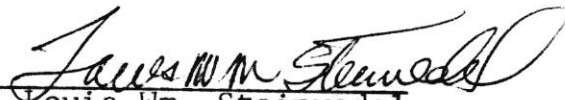
Date of Hearing: 12/1/82

rc

(6734)-?

Copies mailed to:

Claimant
Employer
Unemployment Insurance - Baltimore



Louis Wm. Steinwedel

Appeals Referee

