

- DECISION -

Claimant:	Decision No.:	01827-BR-95
MARY L. HRADSKY	Date:	June 12, 1995
	Appeal No.:	9505524
Employer:	S.S. No.:	
	L.O. No.:	15
	Appellant:	Claimant

Issue: Whether the claimant was able, available and actively seeking work within the meaning of the Maryland Code, Labor and Employment Article, Title 8 Section 903.

- NOTICE OF RIGHT OF APPEAL TO COURT -

You may file an appeal from this decision in the Circuit Court for Baltimore City or one of the Circuit Courts in a county in Maryland. The court rules about how to file the appeal can be found in many public libraries, in the Maryland Rules of Procedure, Title 7, Chapter 200.

The period for filing an appeal expires: July 12, 1995

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals adopts the findings of fact of the Hearing Examiner. However the Board concludes that these facts warrant a different conclusion of law.

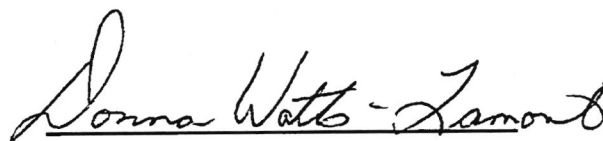
Section 8-903 of the Labor and Employment Article requires that a claimant be able to work, available to work and actively seeking work in each week for which benefits are claimed.

The Board concludes that it is contrary to the intent of the unemployment insurance law to deny a claimant benefits, who has accepted a bona fide offer of employment and who, as a condition of that employment, must participate for a number of weeks in a training program, for which no wages are paid.

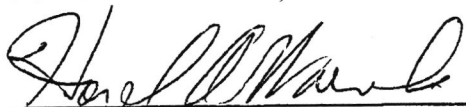
DECISION

The claimant was able to work, available to work and actively seeking work within the meaning of §8-903 of the Labor and Employment Article. No disqualification from the receipt of benefits shall be imposed for the week beginning February 12, 1995 through the week ending March 4, 1995.

The decision of the Hearing Examiner is reversed.



Donna Watts-Lament, Associate Member



Hazel A. Warnick, Chairperson

kjk

Copies mailed to:

MARY L. HRADSKY
Local Office - #15

UNEMPLOYMENT INSURANCE APPEALS DECISION

MARY L. HRADSKY

Before the:

SSN #

Claimant

vs.

**Maryland Department of Economic and
Employment Development
Appeals Division**

1100 North Eutaw Street
Room 511
Baltimore, MD 21201
(410) 767-2421

Appeal Number: 9505524
Appellant: Claimant
Local Office: 15 / Westminster

April 20, 1995

Employer/Agency

For the Claimant: PRESENT, STEVEN J. CONSTANTS

For the Employer:

For the Agency: DEBRA LINARD

ISSUE(S)

Whether the claimant is able to work, available for work and actively seeking work within the meaning of the MD Code Annotated, Labor and Employment Article, Title 8 Sections 903 and 904.

FINDINGS OF FACT

On February 13, 1995, the claimant began a precontract training program with Mutual of New York. This program is part of the interview process and applicants are paid no monies while in training. There is no guarantee that they will be hired at the conclusion of the training program. The program is intensive and involves more than eight hours a day. The claimant was hired effective March 6, 1995. During, pre contract training period, the claimant made no job contacts.

CONCLUSIONS OF LAW

Md. Code Ann., Labor & Emp., Section 8-903 (Supp. 1994) provides that a claimant for unemployment insurance benefits must be (1) able and available for work and (2) actively seeking work without restriction upon availability for work. In Robinson v. Maryland Employment Sec. Bd., 202 Md. 515, 97 A.2d 300 (1953), the Court of Appeals held that a claimant may not impose restrictions upon his, or her willingness to work and still be available as the statute requires.

EVALUATION OF EVIDENCE

It is the claimant's burden to prove that, during the period in question, she was able, available and actively seeking work without restriction. This burden has not been met.

Clearly, the evidence on the record confirms that the claimant was not able and available for work during the period of time in question, nor did she make the required job contacts.

DECISION

IT IS HELD THAT the claimant is not fully able and available for work without material restriction and/or not actively seeking work within the meaning of Md. Code Ann., Labor & Emp., Section 8-903 (Supp. 1994). Benefits are denied for the week beginning February 12, 1995 and until such time as the claimant is fully able, available and actively seeking work without material restriction.

The determination of the claims examiner is affirmed.


R. Bloom, ESQ
Hearing Examiner

Notice of Right to Petition for Review

Any party may request a review either in person or by mail which may be filed in any local office of the Department of Economic and Employment Development, or with the Board of Appeals, Room 515, 1100 North Eutaw Street, Baltimore, MD 21201. Your appeal must be filed by May 5, 1995.

Note: Appeals filed by mail are considered timely on the date of the U.S. Postal Service postmark.

Date of hearing: April 17, 1995

DW/Specialist ID: 15705

Seq. No.: 002

Copies mailed on April 20, 1995 to:

MARY L. HRADSKY
LOCAL OFFICE #15