



DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

383 - 5032

—DECISION—

STATE OF MARYLAND
HARRY HUGHES
Governor

BOARD OF APPEALS
THOMAS W. KEECH
Chairman

HAZEL A. WARNICK
MAURICE E. DILL
Associate Members

SEVERN E. LANIER
Appeals Counsel

CLAIMANT: Daniel A. Trey

DECISION NO.: 224-BR-84

DATE: February 24, 1984

APPEAL NO.: 13888

S. S. NO.:

EMPLOYER: Ansetta Associates, Ltd.

LO. NO.: 5

APPELLANT: CLAIMANT

ISSUE: Whether the Claimant failed, without good cause, to accept an offer of available, suitable work, within the meaning of §6(d) 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, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT

March 25, 1984

—APPEARANCE—

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon a review of the record in this case, the Board of Appeals reverses the decision of the Appeals Referee and concludes that the Claimant did not refuse an offer of suitable work, within the meaning of §6(d) of the Law.


The Claimant did not accept the offer to return to Ansetta Associates, Ltd. because of a medical condition; this is documented by a physician's statement. Under §6(d), one of the factors in determining suitability for a particular Claimant is "the degree of risk involved to his health, . . . [and] his physical fitness. . . . Clearly, this job, which involved construction work, was not suitable within the meaning of §6(d).

The Board notes that the Claimant has been disqualified under §4(c) of the Law, from October 9, 1983, in a separate case, Appeal No. 13686 and this decision is final.

DECISION

The Claimant did not fail to accept an offer of available suitable work, within the meaning of §6(d) of the Maryland Unemployment Insurance Law. He is eligible for benefits from the week beginning October 3, 1983 and thereafter.

The decision of the Appeals Referee is reversed.



Associate Member



Associate Member

W:D
dp

COPIES MAILED TO:

CLAIMANT

EMPLOYER

Ansetta Associates, Ltd.

UNEMPLOYMENT INSURANCE - FREDERICK



STATE OF MARYLAND
 HARRY HUGHES
 Governor
 KALMAN R. HETTLEMAN
 Secretary

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

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: Daniel A. Trey
 EMPLOYER: Ansetta Associates, Ltd.
 ISSUE: Whether the claimant failed, without good cause, to accept or apply for available, suitable work within the meaning of Section 6(d) of the Law.

DATE: December 16, 1983
 APPEAL NO.: 13888-EP
 S. S. NO.:
 L. O. NO.: 5
 APPELLANT: Employer

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 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 FURTHER APPEAL EXPIRES AT MIDNIGHT ON January 3, 1984

-APPEARANCES -

FOR THE CLAIMANT:

Daniel A. Trey - Claimant
 Patty Nelson - Fiancee - Witness

FOR THE EMPLOYER:

David E. Maile -
 Executive Vice-President

FINDINGS OF FACT

The claimant last worked for the employer in, July 1983, when he was discharged for the suspected theft of plywood. He was subsequently denied benefits for misconduct connected with his work, and he did not appeal that disqualification made under Section 6(c) of the Law. The claimant has been filing for unemployment insurance benefits since September 1983, and while

visiting the local office on October 26, 1983, learned through the an Employment Service representative that the employer had additional employment available to the claimant. The claimant did not pursue 'this opportunity for reemployment, because at that time he was suffering from phlebitis and was unable to perform the normal duties of his job.

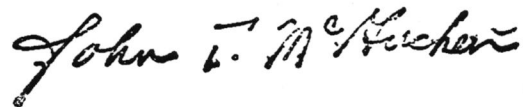
CONCLUSIONS OF LAW

Since the claimant failed to pursue an offer of employment by his' previous employer primarily because he was unable to work at the time, it must be found that he refused an offer of available, suitable work within the meaning of Section 6(d) of the Law and must be denied benefits for failing to pursue that offer of suitable employment.

DECISION

The claimant refused to accept an offer of suitable employment within the meaning of Section 6(d) of the Maryland Unemployment Insurance Law. Benefits are denied for the week beginning October 23, 1983 and until the claimant becomes reemployed and earns at least ten times his weekly benefit amount (\$1000) and thereafter becomes unemployed through no fault of his own.

The determination of the Claims Examiner is reversed.



John T. McGucken
APPEALS REFEREE

DATE OF HEARING: December 6, 1983

ras

(9421 -- Gaver)

copies mailed to:

Claimant
Employer
Unemployment Insurance - Frederick

Ansetta Associates, Ltd.
6110 Executive Boulevard, Ste. 220
Rockville, Maryland 20852