

Maryland

DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT



William Donald Schaefer, Governor
J. Randall Evans, Secretary

BOARD OF APPEALS

Thomas W. Keech
Chairman

Hazel A. Warnick
Associate Member

1100 North Eutaw Street
Baltimore, Maryland 21201
(301) 333-5033

	Decision No.:	27 -BH-88
	Date:	Jan. 12, 1988
Claimant: Marjorie Eyre	Appeal No.:	8708904
	S. S. No.:	
Employer: Manpower, Inc.	L.O. No.:	45
	Appellant:	CLAIMANT

Issue: Whether the claimant failed, without good cause, to apply for or to accept available, suitable work, within the meaning of Section 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.

February 11, 1988

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

— APPEARANCES —

FOR THE CLAIMANT:

Marjorie Eyre, Claimant

FOR THE EMPLOYER:

Karen Griffiths,
Service Rep.

EVALUATION OF EVIDENCE

The Board of Appeals has considered all of the evidence presented, including the testimony offered at the hearings. The Board has also considered all of the documentary evidence introduced in this case, as well as the Department of Economic and Employment Development's documents in the appeal file.

FINDINGS OF FACT

The claimant was employed as a permanent employee for the Computer Sciences Corporation as a technical writer until September of 1986. She left that employment in order to attempt to make more money in a sales position, but she was laid off from that position just before Christmas in 1986. She filed for unemployment benefits and also applied with Manpower, Inc., a private temporary agency. During March and April of 1987, she worked on a contract for Smithsonian Books, doing research for \$10.00 an hour. During this time and afterwards, the claimant went on numerous job interviews seeking permanent employment.

The claimant worked on behalf of Manpower for a company named Schmadizi for between \$5.00 to \$6.00 an hour taking phone orders. This was a temporary job and not in the claimant's ordinary occupational classification. She had made arrangements with this employer that she could leave two to three times per week in order to attend interviews for permanent positions. When she also injured her neck and was then required to have therapy once a week, the employer decided to terminate her and notified Manpower not to send her back.

Manpower, Inc. offered the claimant two jobs in June of 1987 while she was in claim status. On June 2, 1987, she was offered a job as a secretary for \$6.00 per hour. On or about June 23, 1987, she was offered a job in word processing for about \$7.00 per hour.

The claimant had worked in the past for Manpower, Inc. on word processing and typing assignments in December of 1986, January of 1987, and April of 1987. She had worked in jobs ranging in salary from \$5.50 to \$6.50 per hour during this time period.

Concerning both job offers which were made in June of 1987, the claimant offered to take these jobs if she were allowed to leave the jobs in order to attend interviews she had scheduled with potential permanent employers. Manpower, Inc. attempted to arrange this but was unsuccessful, and the claimant was not

allowed to take these jobs under those conditions. Concerning the job offered on June 23, the claimant had 9 interviews for possible permanent jobs scheduled during the first 2 weeks of the temporary employment offered by Manpower, Inc. The claimant would accept the job only if she were allowed to attend these interviews, but this was not acceptable to the potential temporary employer.

On July 6, the claimant obtained permanent employment as an editor with Deloitte, Haskins and Sells, an accounting firm. She has been employed since that date, earning \$24,000 a year.

CONCLUSIONS OF LAW

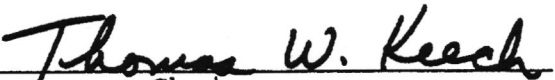
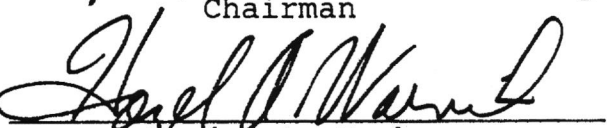
Section 6(d) requires that a claimant be penalized if he or she has refused suitable work without good cause. There is some question in this case as to whether the work offered the claimant was suitable in light of her experience and background. Only her temporary jobs, taken after she was laid off from her regular job, were really comparable in nature to the jobs offered in June of 1987. The Board does not have to reach this issue, however, because the Board concludes that the claimant had good cause for refusal of these temporary jobs.

The purpose of the unemployment insurance law is to ease the transition of claimants unemployed through no fault of their own into permanent full-time work. A claimant is expected to be looking for permanent full-time work under Section 4(c) of the law. This claimant's insistence on being allowed to make her appointments for interviews for permanent full-time work rather than accept temporary work out of her field, at significantly less pay, is certainly a reasonable decision, calculated to remove herself from the unemployment rolls in a permanent manner. Under these circumstances, the Board concludes that the claimant had good cause for refusing work within the meaning of Section 6(d) of the law and that no penalty should be applied.

DECISION

The claimant had good cause for failing to accept work offered in June of 1987 by Manpower, Inc. No disqualification is imposed under Section 6(d) of the law for her refusal of work from this employer.

The decision of the Hearing Examiner is reversed.


Chairman

Associate Member

K:W

kbm

Date of hearing: January 5, 1988

COPIES MAILED TO:

CLAIMANT

EMPLOYER

Manpower, Inc.

UNEMPLOYMENT INSURANCE - NORTHWEST



DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

(301) 383-5040

STATE OF MARYLAND
William Donald Schaefer
Governor

BOARD OF APPEALS

THOMAS W. KEECH
Chairman

HAZEL A. WARNICK

Associate Members

SEVERN E. LANIER
Appeals Counsel

MARK R. WOLF
Chief Hearing Examiner

— DECISION —

Claimant:	Marjorie Eyre	Date:	Mailed: 10/2/87
		Appeal No.:	8708904
		S. S. No.:	
Employer:	Manpower, Inc.	L.O. No.:	45
		Appellant:	Employer

Issue:

Whether the claimant failed, without good cause to apply for or to accept available, suitable work, within the meaning of Section 6(d) of the Law.

— 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 PETITION FOR REVIEW EXPIRES AT MIDNIGHT ON 10/19/87

— APPEARANCES —

FOR THE CLAIMANT:

Claimant-Not Present

FOR THE EMPLOYER:

Karen Griffiths,
Customer Service

FINDINGS OF FACT

The claimant was referred to two jobs while in claim status by the employer in this case. On June 2, 1987, when she was offered a job as a secretary for \$6 per hour and another on June 23, 1987, when she was offered a job in word processing at \$7 per hour. The claimant had worked in the past for the employer on word processing and typist assignments in December 1986, January 1987, April 1987. She had worked at jobs ranging in salary from \$5.50 per hour to \$6.50 per hour during this time.

The Job to which the claimant was referred was referred to the Maryland Job Service which found that these were not suitable

jobs for the claimant who is classified as a Technical Writer.

The jobs that the claimant were offered as a word processor and typist were for forty hours and lasted for approximately two months.

There is no evidence that the claimant was offered a job by this employer after June 23, 1987. There were messages left for the claimant as of August 23, 1987, but no contact was had with her offering a specific job.

CONCLUSIONS OF LAW

In determining whether work is suitable to which a claimant has been referred, the classification of that person as made by the Job Service is only one factor to be taken into account. The claimant's recent work history must be taken into account. Based on the claimant's recent work history she had performed in jobs as a word processor and a typist at salaries from around \$5.50 per hour to \$6.50 per hour. Therefore, she had made herself available for this work and made it suitable for herself.

There are in this case, mitigating circumstances present which must be taken into account in determining a disqualification because of the claimant's refusal for a suitable job offer on June 2 and June 23, 1987. The claimant's classification is a technical writer and she should not be overly penalized because in recent times she had been working at the jobs outside of her classification. But, in the absence of any explanation for her refusal of these jobs, some disqualification will be imposed.

No disqualification can be imposed as a result of any action in August 23, by the employer, because the employer has not met the burden of proving that a specific job was offered to the claimant at that time.

DECISION

The claimant refused available, suitable work, when offered to her within the meaning of Section 6(d) of the Maryland Unemployment Insurance Law. She is disqualified from receiving unemployment insurance benefits for the week beginning June 21, 1987 and for four weeks immediately thereafter.

The determination of the Claims Examiner is **reversed**



Martin A. Ferris
Hearing Examiner

Date of hearing: 9/18/87

rc

(5670)-Eddington

Copies mailed on 10/2/87 to:

Claimant

Employer

Unemployment Insurance - Northwest - MABS

Manpower, Inc.