



**DEPARTMENT OF EMPLOYMENT AND TRAINING**

**BOARD OF APPEALS**

**1100 NORTH EUTAW STREET  
BALTIMORE, MARYLAND 21201**

**383-5032**

**-DECISION-**

**THOMAS W. KEECH**  
Chairman

**HAZEL A. WARNICK  
MAURICE E. DILL**  
Associate Members

**SEVERN E. LANIER**  
Appeals Counsel

**STATE OF MARYLAND  
HARRY HUGHES**  
Governor

**DECISION NO:** 29-BR-84

**DATE:** January 20, 1984

**CLAIMANT:** Solomon B. Fried

**APPEAL NO.:** 10963

**S.S.NO.:**

**EMPLOYER:** Suburban Bank

**LO. NO.:** 43

**APPELLANT:** CLAIMANT

**ISSUE:** Whether the claimant was able to work, available for work, and actively seeking work, within the meaning of §4(c) of the law.

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**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 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

February 19, 1984

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**-APPEARANCE-**

FOR THE CLAIMANT:

FOR THE EMPLOYER:

**REVIEW ON THE RECORD**

Upon review of the record this case, the Board of Appeals modifies the decision of the Appeals Referee and concludes that the claimant has been meeting the requirements of §4(c) of the law from August 29, 1983.

The claimant testified at length regarding his job search, which appears to be more than adequate. Although his physician has advised him to avoid jobs which would subject him to "undue stress or strain," in view of the claimant's job history and job search, the Board does not find this limitation to be disqualifying, within the meaning of §4(c) of the law.

DECISION

The claimant was not able, available and actively seeking work within the meaning of §4(c) of the Maryland Unemployment Insurance Law. He is disqualified from receiving benefits from August 7, 1983 to August 28, 1983. The claimant is able to work, available for work and actively seeking work beginning August 29, 1983.

The decision of the Appeals Referee is modified.

  
\_\_\_\_\_  
Associate Member

  
\_\_\_\_\_  
Chairman

W:K  
kmb

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - WHEATON



**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: Solomon B. Fried

DATE: NOV. 14, 1983

APPEAL NO.: 10963

S. S. NO.:

EMPLOYER: Suburban Bank

L.O. NO.: 43

APPELLANT: Claimant

ISSUE: Whether the claimant was able, available, and actively seeking work within the meaning of Section 4(c) 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 November 29, 1983

**- APPEARANCES -**

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Solomon B. Fried, Present

Not Represented

**FINDINGS OF FACT**

The claimant last worked at Suburban Bank in Silver Spring, Maryland as a Collector. The claimant resigned this position on August 5, 1983, on the advice of his physician. During the course of the claimant's employment with Suburban Bank, he had

developed severe high blood pressure, fatigue, insomnia, depression and palpitations all as the result of stress from his job. These complications due to stress arose from the claimant's difficulties with his supervisor at Suburban Bank.

On or about August 29, 1983, the claimant was released for work. According to the claimant's treating physician, Howard S. Goldstein, M.D., the claimant was not able to work at his previous job "nor at" any job which subjects him to undue stress or strain". Since the claimant's release from Suburban Bank, he has actively sought other employment. The claimant is not limiting his job search in any way due to the medical problems he experienced while with Suburban Bank.

#### CONCLUSIONS OF LAW

Section 4(c) of the Maryland Unemployment Insurance Law provides that an unemployed individual is eligible to receive benefits only if it is determined that he is able to work, available for work, and actively seeking work. A claimant may not impose restrictions on his willingness to work and still be available as the Statute requires. A claimant's unavailability for work may warrant the denial of unemployment insurance benefits.

The weight of the credible evidence in this case indicates that the claimant is, in fact, actively seeking work. However, the claimant left his former employment due to stress-related medical problem. The claimant's physician has released him for work with the caveat that he not work in a position that subjects him to undue stress or strain. Therefore, the claimant's treating physician has placed a restriction upon the claimant's availability to work. Therefore, it must be held that the claimant is not able or available for work without restriction until the claimant can produce medical evidence indicating that he is able to work without restriction. Such medical certification should also indicate the effective date of the claimant's unrestricted release for work.

#### DECISION

The claimant is not able to work or available for work within the meaning of Section 4(c) of the Maryland Unemployment Insurance Law. Benefits are denied for the week beginning August 7, 1983 and until the claimant is able to work, available for work and actively seeking work without restriction. The claimant

may provide his Local Office with a medical verification releasing him for work if and when such verification is obtained.

The determination of the Claims Examiner under Section 4(c) of the Law is affirmed.

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Judith S. Singleton  
APPEALS REFEREE

Date of hearing: October 31, 1983

Cassette: 8068

hf (Herrmann)

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Claimant  
Employer  
Unemployment Insurance-Wheaton