Maryland
Department of Economic & Employment Development

William Donald Schaefer, Governor
J. Randall Evans, Secretary

Board of Appeals
1100 North Eutaw Street
Baltimore, Maryland 21201
Telephone: (301) 333-5032

Board of Appeals
Thomas W. Keech, Chairman
Hazel A. Warnick, Associate Member
Donna P. Watts, Associate Member

— DECISION —

Decision No.: 293-BR-91

Date: March 14, 1991

Claimant: Vicki Liller

Appeal No.: 9016924

S. S. No.:

Employer:

L. O. No.: 3

Appellant: CLAIMANT

Issue: Whether the claimant was able to work, available for work, and actively seeking work within the meaning of Section 4(c) 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, IF YOU RESIDE IN BALTIMORE CITY, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

THE PERIOD FOR FILING AN APPEAL EXPIRES April 13, 1991

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals reverses the decision of the Hearing Examiner.

During the week ending November 10, 1990, the claimant made one contact for work. The prospective employer offered her a job, and the parties immediately began negotiations about the details of the employment. These negotiations proceeded quickly, and the claimant began full-time employment the following week. Under all of these circumstances, the Board concludes that the claimant's pursuing this job was reasonable course of action more likely to bear fruit than making another contact. The claimant was actively seeking work within the meaning of Section 4(c) of the law.

DECISION

The claimant was actively seeking work, within the meaning of Section 4(c) of the Maryland Unemployment Insurance Law. No disqualification from benefits is imposed for the week ending November 10, 1990.

The decision of the Hearing Examiner is reversed.

Thomas W. Keech
Chairman

Donna P. Watts
Associate Member

K:DW
kbm
COPIES MAILED TO:

CLAIMANT

UNEMPLOYMENT INSURANCE - CUMBERLAND

Maryland
Department of Economic & Employment Development

William Donald Schaefer, Governor
J. Randall Evans, Secretary

William R. Merriman, Chief Hearing Examiner
Louis Wm. Steinwedel, Deputy Hearing Examiner

1100 North Eutaw Street
Baltimore, Maryland 21201

Telephone: 333-5040

— DECISION —

Date: Mailed: 01/18/91

Claimant: Vicki J. Liner

Appeal No.: 9016924

S. S. No.:

Employer:

LO. No.: 03

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 MAYBE FILED IN ANY OFFICE OF THE DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT, 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 February 4, 1991

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Claimant-Present

FINDINGS OF FACT

The claimant filed a claim for unemployment insurance benefits establishing a benefit year beginning September 2, 1990 and a weekly benefit amount of $138.00. The claimant was denied benefits for her failure to make the required number of job contacts for the period beginning November 4, 1990 through November 17, 1990. She timely filed an appeal on that determination.

At an interview in the Cumberland local office, the claimant

indicated that she reported for work with Carl Belt, Incorporated on November 26, 1990. She was paid benefits for the week ending November 24, 1990.

On November 6, 1990, the claimant was contacted by Carl Belt, Incorporated concerning employment. Negotiations started and finally a contract of employment was signed on the 16th of November. This contract established the claimant's rate of pay, hours of work and other benefits. Because of the Thanksgiving holiday, the claimant was scheduled and did actually start work on November 26, 1990.

During the course of the negotiations, the claimant was not contacting any other employers for work because she had found a job that she wanted and it was a matter of time for the contract to be established.

She is still employed there.

CONCLUSIONS OF LAW

Article 95A, Section 4(c) provides that a claimant for unemployment insurance benefits must be (1) able and available for work and (2) actively seeking work without restrictions upon his/her availability for work. In Robinson v. Employment Security Board (202 Md. 515). The Court of Appeals upheld the principle that a claimant may not impose restrictions upon his/her willingness to work 'and still be "available" as 'the Statute requires.

The Agency has long required two, in-person, job contacts each week as a condition for eligibility for unemployment insurance benefits. Here, during the weeks in question. the claimant had only one job contact and that was with the firm for which she eventually accepted employment. Even though she was negotiating the contract of employment with this employer from November 6, 1990 through November 16, 1990, the claimant did not make the required number of job contacts as established by the Agency. Therefore, the determination of the Claims Examiner which denied her benefits for the period beginning November 4, 1990 through November 17, 1990 will be affirmed.

DECISION

The claimant was not actively seeking work, as required by Section 4(c) of the Maryland Unemployment Insurance Law. Benefits are denied for the period beginning November 4, 1990 through November 17, 1990.

The determination of the Claims Examiner is affirmed.

Seth Clark
Hearing Examiner

Date of Hearing: 01/10/91
dma/Specialist ID: 03261
Cassette No: 10382
Copies mailed on 01/18/91 to:

Claimant
Unemployment Insurance - Cumberland (MABS)