

DECISION

Claimant:
DIXIE E ANGLE

Decision No.: 3987-SE-13

Date: September 23, 2013

Appeal No.: 1207457

Employer:

S.S. No.:

L.O. No.: 63

Appellant: CLAIMANT - REMAND FROM
COURT

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: October 23, 2013

- APPEARANCES -

FOR THE CLAIMANT:
Dixie E. Angle, Justin S. Alex, Esquire

FOR THE EMPLOYER:
N/A

AGENCY:
Failed to Appear

PRELIMINARY STATEMENT

This case was remanded by an Order of the Circuit Court for Harford County dated May 31, 2013, for a "review of the decision" on the specific issue enumerated above. Pursuant to the discretion vested in the Board of Appeals, this case was scheduled for a hearing on the merits before a Special Examiner. In addition to the issue enumerated above, the Board noted, "The Board of Appeals is particularly interested in testimony and evidence regarding the date the claimant was released to return to work by her physician."

EVALUATION OF EVIDENCE

The Board of Appeals finds the testimony of the claimant as well as the documentary evidence submitted by the claimant (*Special Examiner Exhibits #1 and 2*) in the Special Examiner Hearing both sufficient and credible to support that the claimant herein was able to work, available for work and actively seeking work within the meaning of *Maryland Code Annotated, Labor and Employment Article, Title 8, Section 903*. This finding is based upon the preponderance of credible evidence offered by the claimant in her testimony that she was released from her doctor's care on January 18, 2012, without restriction. The testimony is corroborated by *Special Examiner Claimant Exhibits #1 and #2*.

FINDINGS OF FACT

The claimant filed for unemployment insurance benefits establishing a benefit year commencing on January 22, 2012. Her weekly benefit amount was established as \$430.00.

The claimant had been seeking work as a nurse since filing her unemployment insurance claim. Prior to filing her claim, she had been under the medical care of Dr. Anuraag Sood but she was released for work without restriction on January 18, 2012, (*Special Examiner Claimant Exhibit #1*) She has no material restriction upon her ability or availability to work. The claimant has made at least two job contacts per week as required by law since filing for benefits. It is noted that the claimant was under the care of Dr. Sankai J. Kausik from February 13, 2012 to February 15, 2012, (*Claimant Exhibit #2*), however, said treatment is not relevant to the issue enumerated above.

CONCLUSIONS OF LAW

Section 8-903 provides that a claimant must be able to work, available to work, and actively seeking work in each week for which benefits are claimed.

DECISION

The claimant is able to work, available for work and actively seeking work within the meaning of *Maryland Code Annotated, Labor and Employment Article, Title 8, Section 903*. Benefits are allowed from the week beginning January 22, 2012, provided the claimant meets the other eligibility requirements of the Maryland Unemployment Insurance Law.

The hearing examiner's decision is reversed.



Donna Watts-Lamont, Chairperson



Clayton A. Mitchell, Sr., Associate Member

VD/ps

Date of hearing: August 26, 2013

Copies mailed to:

DIXIE E. ANGLE

SUSAN BASS DLLR

JUSTIN S. ALEX ESQ.

Susan Bass, Office of the Assistant Secretary