



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

DECISION NO.: 401-BR-84
DATE: April 17, 1984

CLAIMANT: Linda L. Ruckman

APPEAL NO.: 10451

S.S.NO.:

EMPLOYER: Wheaton Plaza Merchants

LO. NO.: 50( VA)

Rep. APPELLANT: CLAIMANT

ISSUE Whether the claimant was able, avialable and actively seeking work within the meaning of §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 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 May 17, 1984

-APPEARANCE-

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 Appeals Referee.

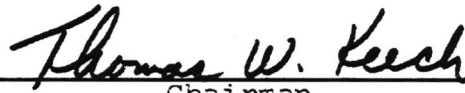
Although the evident e concerning the claimant's health was sketchy and was not fully developed at the hearing, the evidence does show that the claimant was terminated in early 1983 for health reasons, but that these particular health reasons (pneu-

monia ) were no longer a factor in her case by the time she applied for unemployment insurance benefits in June of 1983. The evidence concerning the claimant's other, chronic health problems is ambiguous, but, since these chronic problems did not prevent her from doing these jobs in the past, the Board will conclude that the claimant was capable of performing her job from June through September, 1983.

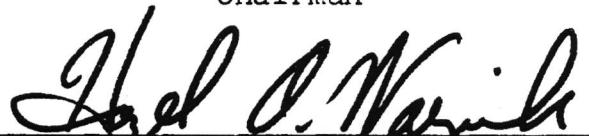
DECISION

The claimant was able, available and actively seeking work from June 19, 1983 to September 20, 1983.

The decision of the Appeals Referee is reversed.



Chairman



Associate Member

K:W

kbm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

OUT-OF-STATE CLAIMS



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

- DECISION -

CLAIMANT: Linda L. Ruckman  
 EMPLOYER: Wheaton Plaza Merchants Association  
 DATE: Oct. 17, 1983  
 APPEAL NO.: 10451 Java  
 S. S. NO.:  
 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 Nov. 1, 1983

- APPEARANCES -

FOR THE CLAIMANT:

Present , accompanied by witness,  
 David Rockman

FOR THE EMPLOYER:

Represented by  
 Boyd Horn,  
 Security Representative

FINDINGS OF FACT

The claimant's benefit year began June 19, 1983. The weekly benefit amount was established as \$51.00 and a \$9.00 dependents allowance. The claimant's occupation is that of dispatcher. The claimant was employed by Wheaton Plaza Merchants Association, Wheaton, Maryland beginning September , 9, 1982. She is a dispatcher. Her last day of work was February 20, 1983 and her shift was 4 p.m. to 12 midnight. The claimant had been under the care of Dr. Berg since May 31, 1983. The claimant was able to return to work provided that her duties were not too demanding. The claimant's doctor wrote a medical release September 28, 1983

explaining that the claimant could return to work provided her duties were not too demanding. Since that date, the claimant has made personal contacts for work in an attempt to find employment.

CONCLUSIONS OF LAW

The Maryland Unemployment Insurance Law, Section 4(c) requires that an individual be able to work, available for work and actively seeking work. The evidence shows that the claimant was under medical care since May 31, 1983 but that the claimant was able to return to work on the day given by her doctor as her release, September 28, 1983. The claimant did not meet the eligibility requirements of the Law from the original claim date, June 19, 1983 to September 28, 1983 and is disqualified to receive benefits under Section 4(c) of the Maryland Unemployment Insurance Law for that period of time. The determination of the Claims Examiner under Section 4(c) is modified accordingly.

DECISION

The claimant did not meet the eligibility requirements of Section 4(c) of the Law and benefits are denied only from June 19, 1983 to September 20, 1983.

The determination of the Claims Examiner is modified accordingly.

  
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M. Zahner  
Appeals Referee

Date of hearing: Sept. 29, 1983  
jlt  
(6474-Clagett)

Copies mailed to:  
Claimant  
Employer  
Unemployment Insurance - Wheaton