

Maryland

DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT

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William Donald Schaefer, Governor
J. Randall Evans, Secretary

BOARD OF APPEALS

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

— DECISION —

	Decision No.:	426-BR-89
	Date:	May 19, 1989
Claimant:	Appeal No.:	8902421
	S. S. No.:	
Employer:	L. O. No.:	2
	Appellant:	CLAIMANT
Issue:	Whether the claimant filed proper claims for benefits within the meaning of Section 4(b) 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, 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 AT MIDNIGHT ON **June 18, 1989**

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals adopts the findings of fact and the conclusions of law of the Hearing Examiner. However, the Board modifies the Hearing Examiner's decision to include the weeks ending February 4 and February 11, 1989 as weeks for which the claims were filed in a timely and acceptable manner.

The claims for the weeks ending February 4 and February 11, 1989 were mailed, and they were received by the agency on February 17, 1989, according to the Hearing Examiner's findings of fact. Therefore these claims were received within fourteen days of the week ending date.

DECISION

The claimant was not eligible for benefits within the meaning of Section 4(b) of the Maryland Unemployment Insurance Law from January 15, 1989 until January 29, 1989.

The claimant's claims for the weeks ending February 4 through the week ending February 25, 1989 were timely filed within the meaning of Section 4(b) of the law.

The decision of the Hearing Examiner is modified.


Associate Member


Chairman

D:K

kmb

COPIES MAILED TO:

CLAIMANT

UNEMPLOYMENT INSURANCE - GLEN BURNIE

The claimant's claim certifications for the weeks ending February 4 through February 25, 1989 were taken in his Local Office on February 27, 1989. The claimant alleged that he received the certifications on February 24, 1989 and mailed them on February 26, 1989.

Claimants are instructed that if they do not receive a certification within a seven-day period following the week ending date, they are to report to the Local Office to obtain one.

CONCLUSIONS OF LAW

Although the Regulations, at COMAR 24.02.02.03(D)(1) call for a weekly completion of claim cards, the Agency's new computerized benefit system requires the completion of claim cards on a bi-weekly basis. In addition, under Agency Instruction No. 10-87 issued July 27, 1987 backdated claims of up to two weeks will be considered timely. Claims are not characterized as untimely unless they are received fourteen days after the second week ending date on the SR-3219.

It is clear that the claimant's claims for the weeks ending January 21, January 28, February 4 and February 11, 1989 were received after the fourteen-day limit. Therefore, they are untimely.

The claimant's claims for the weeks ending February 18 and February 25, 1989, as they were taken on February 27, 1989, must be considered timely.

The determination of the Claims Examiner will be modified accordingly.

DECISION

That the claimant was not eligible for benefits within the meaning of Section 4(b) of the Law. Benefits are denied from January 15, 1989 until February 11, 1989.

The claimant's claims for the weeks ending February 18 and February 25, 1989 are considered timely and acceptable.

The determination of the Claims Examiner is modified accordingly.


John F. Kennedy, Jr.
Hearing Examiner

Date of hearing: 3/23/89
amp/Specialist ID: 02416
Cassette No. 2377
Copies mailed on March 28, 1989 to:

Claimant
Unemployment insurance - Glen Burnie (MABS)