



Maryland

Department of Economic & Employment Development

*William Donald Schaefer, Governor
J. Randall Evans, Secretary*

*Board of Appeals
1100 North Eutaw Street
Baltimore, Maryland 21201
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*Board of Appeals
Thomas W. Keech, Chairman
Hazel A. Warnick, Associate Member
Donna P. Watts, Associate Member*

— DECISION —

	Decision No.:	495-BR-90
	Date:	May 25, 1990
Claimant: Maebell Carmichael	Appeal No.:	9001980
	S. S. No.:	
Employer: Credit Bureau of Baltimore, Inc.	L O. No.:	9
	Appellant:	BOARD'S OWN MOTION

Issue:

Whether the claimant is receiving or has received a governmental or other pension, retirement or retired pay, annuity or other similar periodic payment which is based on any previous work of such individual, which is equal to or in excess of his/her weekly benefit amount, within the meaning of Section 6(g) 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 AT MIDNIGHT ON

June 24, 1990

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record in this case, and in light of the new information provided by the employer (entered into evidence and marked Board Exhibit #1), the Board of Appeals reverses the decision of the Hearing Examiner.

While it is true that Section 6(g) of the Maryland Unemployment Insurance Law provides for the reduction of benefits by the amount of a profit sharing plan received, Section 6(g) will not be applied in this case. The Board has held that in cases where the actual receipt of lump sum pension or profit sharing payments based on previous work is some date in the future, and is so long in the future that the receipt of this amount cannot be reasonably related to a current claim for benefits, a pension reduction will not be made from unemployment benefits. (See, Virgil Chinn v. Bedding Barn, Inc., 841-BH-89.)

DECISION

The claimant is not in receipt of a profit sharing plan, within the meaning of Section 6(g) of the Maryland Unemployment Insurance Law. No disqualification will be imposed from November 19, 1989 to May 5, 1990 under this section of the law.

The decision of the Hearing Examiner is reversed.



Associate Member



Chairman

DW:K

kbm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - TOWSON



Maryland

Department of Economic & Employment Development

William Donald Schaefer, Governor
J. Randall Evans, Secretary

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

1100 North Eutaw Street
Baltimore, Maryland 21201

Telephone: 333-5040

— D E C I S I O N —

Date: Mailed: 3/9/90
Appeal No: 9001980
1030 S.S.No.:
LO. No.: 9
Appellant: Claimant

Claimant: Maebell Carmichael
Employer: Credit Bureau of Baltimore, Inc.

Issue: Whether the claimant is receiving or has received a governmental or other pension, retirement or retired pay, annuity or other similar periodic payment which is based on any previous work of such individual, which is equal to or in excess of his/her weekly benefit amount, within the meaning of Section 6(g) of the Law.

— NOTICE OF RIGHT TO PETITION FOR REVIEW —

ANY INTERESTED PARTY 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

3/26/90

— A P P E A R A N C E S —

FOR THE CLAIMANT:

Claimant-Present

FOR THE EMPLOYER:

Not Represented

FINDINGS OF FACT

The claimant filed an original claim for unemployment insurance benefits effective January 21, 1990.

The claimant was employed by Credit Bureau of Baltimore, Inc. for approximately five years, her last job classification as a CTR operator at an hourly wage rate of \$6.55. She last worked for

this employer on or about November 15, 1989. The claimant was on medical leave when terminated.

The claimant will receive a profit sharing distribution as part of the employer's pension plan in the amount of \$6,000 in June 1990.

CONCLUSIONS OF LAW

As the claimant is receiving or will receive a profit sharing distribution as part of her last employer's pension plan, the claimant's unemployment insurance benefits must be reduced, within the meaning of Section 6(g) of the Maryland Unemployment Insurance Law.

Under the above facts, the determination of the Claims Examiner shall be affirmed.

DECISION

The claimant is in receipt of a profit sharing plan, within the meaning of Section 6(g) of the Maryland Unemployment Insurance Law. Benefits are denied from November 19, 1989 to May 5, 1990.

The determination of the Claims Examiner is affirmed.

Selig A. Wolfe

Selig A. Wolfe
Hearing Examiner

Date of hearing: 3/2/90

rc

(1819)-Specialist ID: 09656

Copies mailed on 3/9/90 to:

Claimant

Employer

Unemployment Insurance - Towson - MABS