

Maryland

DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT

1100 North Eutaw Street
Baltimore, Maryland 21201
(301) 333-5033



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.: 657 -BH-88
Date: August 1, 1988

Claimant: Laurie Chambers

Appeal No.: 8801255

S. S. No.:

Employer: Fannin & Walker Serv., Inc.

L. O. No.: 22

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 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.

August 31, 1988

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

— APPEARANCES —

FOR THE CLAIMANT:

Laurie Chambers, Claimant

FOR THE EMPLOYER:

John T. McGucken, Legal Counsel, DEED

EVALUATION OF EVIDENCE

The Board of Appeals has considered all of the evidence presented, including the testimony offered at the hearings. The Board has also considered all of the documentary evidence introduced in this case, as well as the Department of Economic and Employment Development's documents in the appeal file.

FINDINGS OF FACT

The claimant had previously worked at Fannin & Walker Services, Inc., a jewelry store, from August of 1986 until November of 1987. This was a retail business at which she regularly worked some evening hours. Her only other fulltime job experience was at a different retail outlet with similar hours. She had earned her college degree in business administration in May of 1985.

The claimant was unable to work from the period beginning with her separation from Fannin & Walker and continuing until January 11, 1988. This was because of the advanced stages of pregnancy and the birth of her second child.

Although the claimant was physically able to work beginning in January, she did not look for any jobs which required the type of evening hours that she had experienced in her previous work situations. She was unaware at the time that one of the primary types of job she was seeking, management trainee in the banking profession, required such evening hours. She was, in fact, unwilling to work these hours until about March of 1988.

Beginning in March of 1988, the claimant became aware that the type of job she was seeking did require some evening hours. She also became aware that a type of day care was available which would accommodate such a schedule. So, beginning in March of 1988, the claimant relaxed her restrictions on the hours she would work and began to look for jobs which might include some evening work.

CONCLUSIONS OF LAW

The Board concludes that the claimant was not actively seeking work without unreasonable restrictions prior to March of 1988. Although she did have a business degree, she had no experience in work other than retail, and the type of business employment she was seeking required the type of evening hours that she was not willing to spend at that time.

After about March of 1988, however, the claimant became available for work at all hours normally required in retail work and were also in the bank management type of work that she was seeking. For this reason, the penalty under Section 4(c) of the law will be affirmed, but it will be lifted as of the first week of March.

The Board notes that the claimant apparently did not file any claim cards after March. Thus, the effect of this decision, lifting the penalty under Section 4(c) of the law, may not make the claimant totally eligible for benefits, since there are other requirements of the law, such as filing timely claims on a bi-weekly basis (see, Section 4(b) of the law). Since this issue is not before the Board, the Board will rule only on the 4(c) issue.

DECISION

The claimant was not meeting the availability requirements of Section 4(c) of the Maryland Unemployment Insurance Law until March of 1988. She is disqualified from the receipt of benefits under Section 4(c) of the law from January 3, 1988 through February 27, 1988.

Beginning with the week ending March 5, 1988, no disqualification is imposed on the claimant under Section 4(c) of the law. There are other eligibility requirements of the law, however, and the claimant may contact her local office to determine if she is eligible.

The decision of the Hearing Examiner is modified to reflect the ending date of the 4(c) penalty.


Chairman


Associate Member


Associate Member

K:W:W

kbm

Date of Hearing: June 21, 1988

COPIES MAILED TO:

CLAIMANT

EMPLOYER

Gordans
Hunt Valley Mall

John McGucken, Legal Counsel, DEED

UNEMPLOYMENT INSURANCE - BEL AIR

STATE OF MARYLAND
APPEALS DIVISION
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201
(301) 383-6040

STATE OF MARYLAND
William Donald Schafer
Governor

— DECISION —

Date: Mailed: 3/10/88
Claimant: Laurie M. Chambers Appeal No: 8801255
S.S. No.:
Employer: Fannin & Walker Services, Inc. LO. No.: 22
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 518, 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 3/28/88
NOTICE: APPEALS FILED BY MAIL, INCLUDING SELF-METERED MAIL, ARE CONSIDERED FILED ON THE DATE OF THE U.S. POSTAL SERVICE POSTMARK

— APPEARANCES —

FOR THE CLAIMANT:

Claimant-Present

FOR THE EMPLOYER:

Not Represented

FINDINGS OF FACT

The claimant has a benefit year effective January 3, 1988. The claimant was last employed with Fannin & Walker Services, Inc. of Hunt Valley, Maryland where she began work on August 4, 1986. She was performing duties as an Assistant Manager in the jewelry department for \$5.85 an hour plus commission at the time of her separation from the employment on November 23, 1987.

The testimony reveals that the claimant worked two days from 9:30 a.m. to 6:30 p.m. and three days from 12:45 p.m. to 9:45 p.m. She is not able to work after 5:00 p.m. because of day care problems. The claimant gave birth to a child on December 17, 1987, and was

released on January 11, 1988 for full-time employment. She was unable to work from November 23, 1987 until her release on January 11, 1988, because of pregnancy and childcare problems. The claimant has remained unemployed from November 23, 1987 to the present.

The claimant received a degree in Business Administration from Towson State University in May 1985, and is looking for a job in that field of banking and accounts payable.

The claimant still cannot work past 5:00 p.m. because the day care center closes and she would have no one to care for her children.

CONCLUSIONS OF LAW

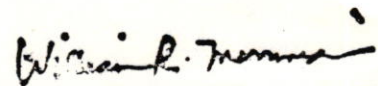
It is concluded from the testimony that the claimant is still restricting her availability for work. Even though the claimant contends that she is looking for work in banking and accounts payable, she has a degree and she has had the degree since May 1985 and has yet worked in other jobs where night work is required.

In the work that the claimant has done most recently, night work and night hours are required and the claimant could not be doing those because of child care problems. It is, therefore, concluded that the claimant is still restricting her availability and the determination of the Claims Examiner under Section 4(c) of the Law, is affirmed.

DECISION

The claimant is not meeting the requirements of Section 4(c) of the Law. She is disqualified from receiving benefits from January 3, 1988 and until she meets the requirements of the Law.

The determination of the Claims Examiner under Section 4(c) of the Law, is affirmed.



William R. Merriman
Hearing Examiner

Date of hearing 2/26/88
To
(888)-Bowers
Copies mailed on 2/10/88 to:

Walter
Employer
Unemployment Insurance - Baltimore - MARY

Gordon
Hunt Valley Mall
119 Shawan Road
Hunt Valley, Maryland 21031

Date of hearing: 2/26/88

rc

(656)-Bowers

Copies mailed on 3/10/88 to:

Claimant

Employer

Unemployment Insurance - Bel Air - MABS

Gordans