



STATE OF MARYLAND
HARRY HUGHES
Governor

RUTH MASSINGA
Secretary

DEPARTMENT OF HUMAN RESOURCES

EMPLOYMENT SECURITY ADMINISTRATION
1100 North Eutaw Street
Baltimore, Maryland 21201
Telephone: 383-5032

BOARD OF APPEALS
THOMAS W. KEECH
Chairman
HAZEL A. WARNICK
MAURICE E. DILL
Associate Members
SEVERN E. LANIER
Appeals Counsel

—DECISION—

	DECISION NO.:	684-ER-83
	DATE:	May 24, 1983
CLAIMANT: Walter Smith	APPEAL NO.:	15847
	J. NO.:	
EMPLOYER:	L.O. NO.:	50
	APPELLANT:	CLAIMANT

ISSUE Whether the Claimant was actively seeking work with 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 June 23, 1983

— APPEARANCE —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon a review of the record in this case, the Board of Appeals reverses the decision of the Appeals Referee and concludes that, under the specific circumstances of this case, the Claimant was actively seeking work within the meaning of §4(c) of the Law.

Section 4(c) does not specifically require that a Claimant make personal contacts, although that is the usual standard that the Employment Security Administration and this Board apply. However, the standard set forth in the statute is:

Whether the efforts he has made to obtain work have been reasonable and are such efforts as an unemployed individual is expected to make if he is honestly looking for work.

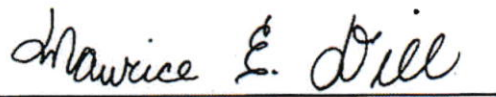
Here, the unrebutted, sworn testimony of the Claimant is that using the telephone to make his job contacts is the most practical and reasonable method, given the nature of his job, the facilities offered by the union and the diverse geographic locations in which he is seeking work. Therefore, the Board concludes that under these circumstances, the Claimant is meeting the requirements of §4(c) of the Maryland Unemployment Insurance Law.

DECISION

The Claimant is actively seeking work, within the meaning of §4(c) of the Maryland Unemployment Insurance Law. He is entitled to benefits from from November 21, 1982 if he is otherwise eligible under the law.

The decision of the Appeals Referee is reversed.


Associate Member


Associate Member

W:D
gm

COPIES MAILED TO:

CLAIMANT

OUT-OF-STATE CLAIM (folder not available)



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 MARK R. WOLF
 Administrative
 Hearings Examiner

- DECISION -

CLAIMANT: Walter Smith
 DATE: February 8, 1983
 APPEAL NO.: 15847
 S. S. NO.:
 EMPLOYER:
 L. O. NO.: 50 (Pa)
 APPELLANT: Claimant

ISSUE: Whether the claimant was 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 February 23, 1983

- APPEARANCES -

FOR THE CLAIMANT: Present Telephonic Hearing
 January 25, 1983
 FOR THE EMPLOYER:

FINDINGS OF FACT

The claimant filed an original claim for unemployment insurance benefits, effective September 12, 1982.

The claimant was employed by Fire Protection Industry, for approximately five weeks, his last job classification as a sprinkler fitter, on an hourly wage rate of \$16.17. He last worked for this employer on or about September 24, 1982.

The claimant sent in a continued out-of-state claim for the week ending November 27, 1982 listing telephone contacts only.

The claimant is in the sprinkler union, and does specialized work for the Fire Protection Industries. His past job seeking efforts consisted of sending in resumes and making telephone contacts to any employer who would need his services in the Fire Protection Industries. The claimant's entire work search effort has been limited to these types of communications. The claimant was informed of the fact that in order to meet the provisions of the Maryland Unemployment Insurance Law, and to be eligible, he must demonstrate in person contacts. The claimant refuses to make this type of contact.

CONCLUSIONS OF LAW

As the claimant has failed to make personal contacts to demonstrate that he is meeting the able, available, and actively seeking provisions of Section 4 (c) of the Maryland Unemployment Insurance Law. after instructed to do so, he does not meet the able, available, nor actively seeking provisions of Section 4 (c) of the Maryland Unemployment Insurance Law.

DECISION

The claimant is disqualified from receiving benefits from November 21, 1982 and indefinitely until he demonstrates he can meet the eligibility requirements of Section 4 (c) of the Maryland Unemployment Insurance Law.

The determination of the Claims Examiner is affirmed.


Selig A. Wolfe
APPEALS REFEREE

Date of Hearing - 1/25/83
cd/9093
(ITH-128/Barnard)

COPIES MAILED TO:

Claimant

Out of State Claim - Folder attached