

 **Maryland**  
Department of Economic &  
Employment Development

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

*Board of Appeals*  
*1100 North Eutaw Street*  
*Baltimore, Maryland 21201*  
*Telephone: (301) 333-5032*

*Board of Appeals*  
*Thomas W. Keech, Chairman*  
*Hazel A. Warnick, Associate Member*  
*Donna P. Watts, Associate Member*

— DECISION —

	Decision No.:	827-BR-91
	Date:	July 15, 1991
Claimant: Mark Powell, Sr.	Appeal No.:	9106511
	S. S. No.:	
Employer:	L.O. No.:	34
	Appellant:	CLAIMANT
Issue:	Whether the claimant filed proper claims for benefits within the meaning of Section 4(b) of the law.	

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— 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 August 14, 1991

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— APPEARANCES —

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 Hearing Examiner with regard to the weeks ending March 2, 1991 and March 9, 1991.

Under COMAR 24.02.02.04B(4), a claim for a continued claim "shall be filed and received within 14 days of the week for which benefits are claimed in order to be timely". The claim form in question was for the weeks ending March 2, 1991 and March 9, 1991. Therefore, the last date for it to be timely received was March 23, 1991. The claimant's form was received on March 25, 1991; at first glance it appears to be untimely.

However, March 23, 1991 was a Saturday. The Board has been informed by the agency that all agency offices are closed on Saturdays (as well as Sundays) and do not receive any mail deliveries on Saturdays. Therefore, it was not possible for the claimant's claim form to have been received on the 14th day, March 23, 1991. Any form normally deliverable on the 23rd could not have been received until the 25th. The agency witness testified that the claimant's form was in fact received on the 25th.

Therefore, the Board concludes that the claimant's claim form was timely filed and received, as required by COMAR.


Since the claimant did not file any claims at all after the week ending March 9, 1991, the Board cannot find the claimant eligible for the weeks ending March 16 and March 23, 1991.

#### DECISION

The claimant did file proper claims for benefits, in accordance with Section 4(b) of the Maryland Unemployment Insurance Law, for the weeks ending March 2, 1991 and March 9, 1991. The decision of the Hearing Examiner is reversed with regard to those two weeks.

The claimant did not file proper claims for benefits for the weeks ending March 16 and March 23, 1991. The decision of the Hearing Examiner is affirmed with regard to those two weeks, for the reasons set out above.

  
\_\_\_\_\_  
Associate Member

  
\_\_\_\_\_  
Associate Member

HW:W  
kbm

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<sup>1</sup>This is analogous to a legal holiday or Sunday. Under Article 94, Section 2 of the Annotated Code of Maryland, when the last day of a period of time prescribed by any statute falls on a Sunday or legal holiday, the period of time runs until the end of the next day, which is neither a Sunday or a holiday.

COPIES MAILED TO:

CLAIMANT

UNEMPLOYMENT INSURANCE - GRASONVILLE

 **Maryland**  
Department of Economic &  
Employment Development

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

*William R. Merriman, Chief Hearing Examiner*  
*Louis Wm. Steinwedel, Deputy Hearing Examiner*

*1100 North Eutaw Street*  
*Baltimore, Maryland 21201*

**— DECISION —**

Date:	Mailed: 5/15/91
Claimant: Mark F. Powell, Sr.	Appeal No.: 9106511
	S. S. No.:
Employer:	L.O.No.: 34
	Appellant: CLAIMANT

Issue: Whether the claimant filed proper claims for benefits within the meaning of Section 4(b) of the Law.

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**— 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 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

May 30, 1991

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**— APPEARANCES —**

FOR THE CLAIMANT:

Claimant Present

FOR THE EMPLOYER:

DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT  
Debbie Hill - Claims Specialist

FINDINGS OF FACT

The claimant filed for benefits effective February 3, 1991. The claimant received the booklet "What You Should Know About Unemployment Insurance in Maryland" which explains that the claim certifications must be mailed within seven days of the second week ending date.

The claimant mailed his claim certification for the weeks ending March 2 and March 9, 1991 on March 19, and forgot to put a stamp on it. His father got the form from the post office on March 22, 1991 and mailed it for the claimant.

The agency received the certification on March 25, 1991.

The claimant was not in claim status after March 23. He reported to his local office on April 22, 1991.

The agency now allows fourteen days due to the computerized system for the receipt of certification for the weekly benefits.

#### CONCLUSIONS OF LAW

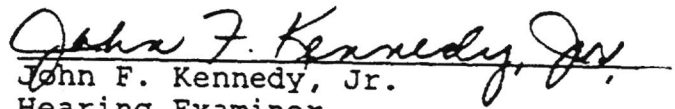
It is clear that the claimant did not file proper and timely claims for the claim weeks ending March 2 and March 9, 1991 as his certification was not received in the Agency until March 25, 1991. This is over the fourteen days allowed.

In addition, the claimant was not in claim status for the subsequent two weeks. Therefore, the determination of the Claims Examiner will be affirmed.

#### DECISION

The claimant was not eligible for benefits, within the meaning of Section 4(b) of the Maryland Unemployment Insurance Law is affirmed. Benefits will be denied from February 24, 1991 until March 23, 1991.

The determination of the Claims Examiner is affirmed.

  
John F. Kennedy, Jr.  
Hearing Examiner

Date of Hearing: May 8, 1991  
kmb/Hill/4309

Copies mailed on May 15, 1991 to:

Claimant  
Unemployment Insurance - Grasonville (MABS)