

 **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.:	832-BR-89
	Date:	Sept. 25, 1989
Claimant: Robin Lane	Appeal No.:	8908288
	S. S. No.:	
Employer:	L.O. No.:	10
	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.

October 25, 1989

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

— 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.

The Board adopts the findings of fact of the Hearing Examiner. Since the claimant was engaged in self-employment for approximately two hours per day but was simultaneously searching for full-time employment, this case should be adjudicated under the same standards as those cases in which a claimant accepts a part-time job but continues a search for full-time employment. The Board has ruled in the past that the Unemployment Insurance Law did not intend to punish people who accept part-time work rather than remain idle. Helmstetter v. U.S. Postal Service (1507-BR-82), as long as they continue to seek and are available for full-time work. Moyer (206-BR-82), Bigger v. Xerox Corporation (590-BR-82) and Verdier v. Kelly Services (2246-BR-83).

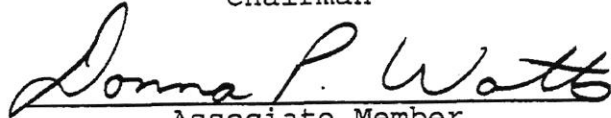
Under the standards set by these cases, this claimant met the requirements of Section 4(c) of the law.

DECISION

The claimant was able to work, available for work and actively seeking work within the meaning of Section 4(c) of the Law. No disqualification is imposed under this section of the law.

The decision of the Hearing Examiner is reversed.


Chairman


Associate Member

K:DW
kbm
COPIES MAILED TO:

CLAIMANT

UNEMPLOYMENT INSURANCE - CAMBRIDGE

 **Maryland**
Department of Economic &
Employment Development

William Donald Schaefer
Governor
J. Randall Evans
Secretary

1100 North Eutaw Street
Baltimore, Maryland
21201

(301) 333-5040

- DECISION -

Claimant: Robin A. Lane Date: Mailed: 8/2/89
Appeal No.: 8908288
S.S. No.:
Employer: L.O. No.: 10
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 515, 1100 NORTH EUTAW STREET BALTIMORE MARYLAND 21201. EITHER IN PERSON OR BY MAIL

8/17/89

THE PERIOD FOR FILING A PETITION FOR REVIEW EXPIRES AT MIDNIGHT ON

- APPEARANCES -

FOR THE CLAIMANT:

Claimant-Present

FOR THE EMPLOYER:

FINDINGS OF FACT

Rather than collect unemployment insurance benefits the claimant began work on a contractual basis with the Dorchester County Department of Social Services as a Home Helper, at the pay rate of \$5 per hour, on a specific job where she earned \$15 per day by working three hours per day, six days a week and two hours on Sunday morning. She started at 9:00 a.m. and worked until she had completed care for the client which could have been 10:00 a.m. or later. She then worked from 6:30 p.m. until the client's needs were met. During this time the claimant continued to look for full-time employment, but was not offered work by any local employers.

The claimant reopened her claim on May 21, 1989. She continued the home care services as above described until the client died on July 5, 1989. Since that time the claimant has continued to be physically able, actively seeking full-time employment. From that time she has been available for all hours of work.

CONCLUSIONS OF LAW

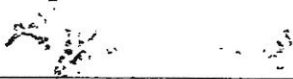
In order to be eligible for Unemployment Insurance benefits a claimant must simultaneously be able, actively seeking and available for full-time employment without undue restrictions. Failure to meet one or more of these criteria is disqualifying.

In the present case the claimant's contractual duties for the Dorchester County Department of Social Services restricted her availability for full-time employment and is disqualifying under Section 4(c) of the Law. She will be disqualified under this provision of the Statute. The determination of the Claims Examiner is warranted and will be affirmed.

DECISION

The claimant has not met the eligibility requirements of Section 4(c) of the Law. Benefits are denied from the week beginning May 21, 1989, when she reopened her claim, until she meets the requirements of the Law.

The determination of the Claims Examiner is hereby affirmed.



P.J. Hackett
Hearing Examiner

Date of hearing: 7/27/89
rc
(6446-A)-Specialist ID: 10168
Copies mailed on 8/2/89 to:

Claimant
Unemployment Insurance - Cambridge - MABS