



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.:	860-BR-89
	Date:	October 4, 1989
Claimant: Bryant Vallie	Appeal No.:	8908869
	S. S. No.:	
Employer:	L.O. No.:	50
	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.

November 3, 1989

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

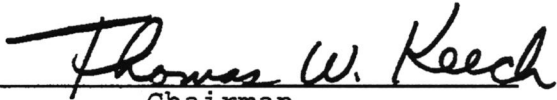
Upon review of the record in this case, and upon a review also of the medical evidence supplied by the claimant along with his letter of appeal, the Board reverses the decision of the

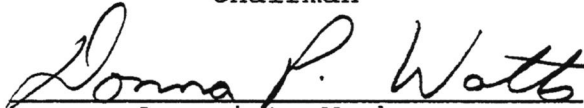
Hearing Examiner. The Board now finds as a fact that the claimant was able to work, and he thus met the requirements of Section 4(c) of the law. Although the claimant suffered physical symptoms as a result of the stress of one particular job, he remained able to work at most positions.

DECISION

The claimant was able to work within the meaning of Section 4(c) of the Maryland Unemployment Insurance Law, from the week beginning May 28, 1989. 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

OUT-OF-STATE CLAIMS

 **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: Bryant B. Vallie
Date: Mailed: August 18, 1989
Appeal No.: 8908869
S. S. No.:
Employer: L.O. No.: 50
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

THE PERIOD FOR FILING A PETITION FOR REVIEW EXPIRES AT MIDNIGHT ON 9/5/89

— APPEARANCES —

FOR THE CLAIMANT:

Bryant B. Vallie - Present
(via telephone)

FOR THE EMPLOYER:

OTHER: Lavern Maddox
Claims Specialist

FINDINGS OF FACT

The claimant was employed until May 26, 1989 as a Plant Manager, according to Agency records.

The claimant was disqualified by the Claims Examiner for the week beginning May 28, 1989 until meeting the requirements of the Law

because he presented evidence in the form of three statements from physicians, including a psychiatrist that he had been suffering severe stress problems.

The Claims Specialist wrote the claimant requesting a status of his medical conditions on July 7, 1989. The claimant did not answer this request and as a result of that the claimant was disqualified. He left his last job because of a problem with the employer and also because of stress.

The claimant denied that he was unable to work as of the inception of date of the claim. He claimed that he could not work at stressful situations at a certain type of employer.

The claimant has sought work and expects to go to work in the near future.

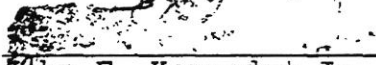
CONCLUSIONS OF LAW

Section 4(c) of the Law requires that for an unemployed individual to be eligible for benefits, he must be able to work, available for work, provided that no claimant shall be considered ineligible in any week of unemployment for failure to comply with the provisions of this subsection if such failure is due to illness or disability which occurs after his registration for work and no work which would have been considered suitable at the time of his initial registration has been offered him after the beginning of such illness or disability.

It is clear that the claimant was suffering from stress problems as clarified by his physicians before he was disqualified. Therefore, since he has not presented medical evidence that he is able to work, it is concluded that he is not meeting the eligibility requirements Section 4(c) of the Law, the determination of the Claims Examiner will be affirmed.

DECISION

The determination of the Claims Examiner that the claimant was not eligible for benefits within the meaning of Section 4(c) of the Law is affirmed. Benefits are denied from the week beginning May 28, 1989 until meeting the requirements of the Law.



John F. Kennedy, Jr.
Hearing Examiner

Date of hearing: 8/7/89
kac/Specialist ID: 50510/6876
Copies mailed on August 18, 1989 to:

Claimant
Out-Of-State Claims - (MABS)