

**DEPARTMENT OF EMPLOYMENT AND TRAINING**

**BOARD OF APPEALS  
1100 NORTH EUTAW STREET  
BALTIMORE, MARYLAND 21201**

**(301) 383-5032**

**STATE OF MARYLAND**

**HARRY HUGHES  
Governor**

**BOARD OF APPEALS**

**THOMAS W. KEECH  
Chairman**

**HAZEL A. WARNICK  
MAURICE E. DILL  
Associate Members**

**SEVERN E. LANIER  
Appeals Counsel**

**MARK R. WOLF  
Chief Hearing Examiner**

**— DECISION —**

Decision No.: 87-BH-87

Date: Feb. 6 , 1987

Claimant: Rosalind Drew-Winfield

Appeal No.: 8513809

S. S. No.:

Employer: Patuxent Medical Group

L.O. No.: 45

Appellant: REMAND FROM COURT

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, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON March 8 , 1987

**— APPEARANCES —**

FOR THE CLAIMANT:

Rosalind Drew-Winfield

FOR THE EMPLOYER:

John Roberts, Legal Counsel  
Department of Employment & Training

## INTRODUCTION

This case was remanded to the Board of Appeals by the Circuit Court of Howard County because the taped cassette of the original hearing before the Hearing Examiner could not be located. Therefore, the Board of Appeals held a hearing in this case on January 27, 1987.

## EVALUATION OF THE EVIDENCE

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

## FINDINGS OF FACT

The claimant has been employed in the health field for several years in various positions, including health assistant, secretary, and various clerical positions. She worked for the Patuxent Medical Group, from October, 1984 to October, 1985, and then she worked there again after December, 1985. This was part-time, temporary work. She was working every other weekend, and averaged about 16 hours a week. When she first started with Patuxent, she had other part-time jobs.

In October of 1985, she joined a "float pool" for Patuxent Medical Group in order to get more hours of work per week, but was not called to perform more work. At the same time she enrolled part time at both Howard Community College and a modeling school in the Towson area. She enrolled in classes from 8:00 a.m. to 2:00 p.m. two days a week, 6:00-9:00 p.m. one night a week, and on Mondays from 7:00-9:00 p.m. However, at all times she would have given up attending school if she could have secured a full-time, permanent job.

When she contacted Patuxent Medical Group to find out why she couldn't get more hours, she was told that none were available. Therefore, she made the decision to continue with her school schedule, at least through the end of the semester, which ended in December of 1985. However, during this entire period of time, including the period from October, 20, 1985 through December 5, 1985, she was looking for full-time work and would have given up her schooling if she had found full-time, permanent work. She was seeking work primarily in the health medical field, but was considering a variety of possible positions in keeping with her prior experience.

CONCLUSIONS OF LAW

The Board of Appeals concludes that the claimant has been meeting the requirements of Section 4(c) of the law and was able and available and actively seeking work, including the period beginning October 20, 1985 until December 5, 1985 (the period for which she was previously disqualified) and thereafter as well. Although the claimant was attending school, her unrefuted testimony, which the Board found to be credible, is that she was looking for full-time work and would have adjusted her school schedule or given it up altogether had she found a permanent full-time job. Therefore, the decision of the Hearing Examiner and the prior decision of the Board is reversed.

DECISION

The claimant was able, available and actively seeking work within the meaning of Section 4(c) of the Maryland Unemployment Insurance Law. She is not disqualified from October 20, 1985 through December 5, 1985 and thereafter.

The decision of the Hearing Examiner is reversed.

  
Associate Member

  
Chairman

W:K

kbm

Date of Hearing: January 27, 1987

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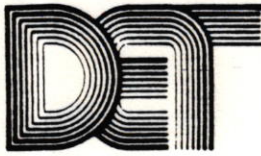
CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - NORTHWEST

John Roberts, Legal Counsel





DEPARTMENT OF EMPLOYMENT AND TRAINING

BOARD OF APPEALS  
1100 NORTH EUTAW STREET  
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Appeals Counsel

STATE OF MARYLAND  
HARRY HUGHES  
Governor

(301) 383-5032

DECISION

DATE: April 18, 1986

DECISION NO.: 202-DR-86

CLAIMANT: Rosalind Drew-Winfield

APPEAL NO.: 8513809

S. S. NO.:

EMPLOYER: Patuxent Medical Group

L. O. NO.: 045

APPELLANT: Claimant

After receipt of your Petition for Review of the decision of the Hearing Examiner, the Board of Appeals has considered all of the facts and records in your case.

The Board of Appeals has concluded that the decision of the Hearing Examiner is in conformity with the Maryland Unemployment Insurance Law and, accordingly, your Petition for Review is denied.

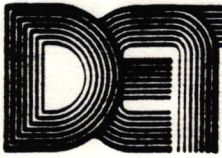
YOU may file an appeal on or before the date below stated. The appeal may be taken in person or through an attorney to the Circuit Court of Baltimore City, if you reside in Baltimore City, or to the Circuit Court of the County in Maryland in which you reside.

The period for filing an appeal to court expires at midnight, May 18, 1986.

*Thomas W. Keech*  
\_\_\_\_\_  
Chairman  
*Hazel A. Warnick*  
\_\_\_\_\_  
Associate Member

dpw  
COPIES MAILED TO:  
Claimant  
Employer  
Unemployment Insurance - Northwest

HEARING EXAMINER'S DECISION FILE



**DEPARTMENT OF EMPLOYMENT AND TRAINING**

**STATE OF MARYLAND  
1100 NORTH EUTAW STREET  
BALTIMORE, MARYLAND 21201**

**STATE OF MARYLAND  
HARRY HUGHES  
Governor**

**(301) 383-5040**

**BOARD OF APPEALS**

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MAURICE E. DILL  
Associate Members**

**SEVERN E. LANIER  
Appeals Counsel**

**MARK R. WOLF  
Chief Hearing Examiner**

**— DECISION —**

**Claimant:** Roslind Drew-Winfield

**Date Mailed:** 3-3-86

**Appeal No.:** 8513809

**S. S. No.:**

**Employer:** Patuxent Medical Group

**L.O. No.:** 45

**Appellant:** Claimant

**Issue:** Whether the claimant is able to work, available for work, and actively seeking work under 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 **March 18, 1986**

**— APPEARANCES —**

**FOR THE CLAIMANT:**

Roslind Drew-Winfield, Claimant

**FOR THE EMPLOYER:**

Not Represented

**FINDINGS OF FACT**

The claimant is employed as a part-time employee with the Patuxent Medical Group. She has worked there since October 2, 1985. Her rate of pay when she works is \$7.37 an hour. The claimant called this employer on October 5, 1985 and told the employer that she would not be available during the day because she was attending classes. At that time, the claimant was attending school on Monday from 8:00 in the morning until 2:30 in the afternoon and again from 7:00



until 9:00 in the evening. On Wednesday, she attended school from 6:00 to 9:00 and on Friday, she attended school from 8:00 until 2:00. The claimant called the employer because she was in a pool and this meant that they would call her when they had work available for her. The claimant at that time was scheduled for work every other weekend for six and a half hours. The classes that she attended were at John Cassablanca Modeling School in Towson, Maryland in the evening and during the day she attended the Howard County Community College. The claimant gave a statement to the Claims Examiner as follows: "I can only work weekends and evenings until the semester ends. It would not make any sense to change my hours because the semester is almost over." The semester ended in December. The claimant testifies that with the exception of attending modeling school from 6:00 to 9:00 p.m. every Wednesday that she is now available to work all hours and is now looking for full-time work.

#### CONCLUSIONS OF LAW

The determination of the Claims Examiner that the claimant was not able to work, available for work, and actively seeking work as required by Section 4(c) of the Law must be affirmed. The claimant, because she was attending school, was not available to work all of the usual and regular hours and so informed her employer, who was providing her with part-time work. Because the claimant was attending school for a significant number of hours during the day and evening each week and had informed the source of the only work that she was receiving that she would not be able to work during the day because she was attending school, she is not entitled to unemployment insurance benefits from the time that she became involved with the school until the end of the semester which was during the middle of December 1985.

#### DECISION

The claimant was not able to work, not available for work and not actively seeking work as required by Section 4(c) of the Law. She is disqualified from receiving unemployment benefits for the week beginning October 20, 1985 and until December 5, 1985.

The determination of the Claims Examiner is affirmed, but modified to reflect an ending date of the disqualification.



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Martin A. Ferris  
Hearings Examiner

Date of hearing: January 14, 1986  
Cassette No.: 13809  
dwr  
(Green)

Copies mailed on March 3, 1986 to:

Claimant  
Employer  
Unemployment Insurance - Northwest