



STATE OF MARYLAND
HARRY HUGHES
Governor

RUTH MASSINGA
Secretary

DEPARTMENT OF HUMAN RESOURCES

EMPLOYMENT SECURITY ADMINISTRATION
1100 North Eutaw Street
Baltimore, Maryland 21201
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BOARD OF APPEALS
THOMAS W. KEECH
Chairman
HAZEL A. WARNICK
MAURICE E. DILL
Associate Members
SEVERN E. LANIER
Appeals Counsel

—DECISION—

	DECISION NO:	901-BR-83
	DATE:	July 21, 1983
CLAIMANT: Ronnie Williams	APPEAL NO.:	05137
	S.S.NO.:	
EMPLOYER:	LO.NO.:	1
	APPELLANT:	CLAIMANT

ISSUE Whether the Claimant was able for work, available for work, and actively seeking work, within 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 August 20, 1983

—APPEARANCE—

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

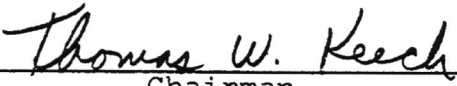
After having reviewed the record in this case, the Board of Appeals reverses the decision of the Appeals Referee.

In appeal no. 05136, the Claimant has already been given the maximum penalty under § 6(b) of the Law based on his refusal to be available for work seven days a week and his decision to attend a truck driving school on weekends. Since the Claimant has already been given the maximum penalty under § 6(b) for this decision, the Board deems it inappropriate to also penalize the Claimant under § 4(c) for his same decision, i.e., his decision to change his occupational classification. Since the Claimant is available for work during the normal work week and was unavailable for work on the weekends only because he was attending a training program to upgrade his job skills, a disqualification under § 4(c) of the Law is inappropriate.

DECISION

The Claimant was able to work, available for work and actively seeking work, within the meaning of § 4(c) of the Law. He eligible for unemployment insurance benefits if he is otherwise eligible under the Law.

The decision of the Appeals Referee is affirmed.


Chairman


Associate Member

K:D
dp

COPIES MAILED TO:

CLAIMANT

UNEMPLOYMENT INSURANCE - BALTIMORE



DEPARTMENT OF HUMAN RESOURCES
 EMPLOYMENT SECURITY ADMINISTRATION
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 SEVERN E. LANIER
 Appeals Counsel
 MARK R. WOLF
 Administrative
 Hearings Examiner

- DECISION -

CLAIMANT: Ronnie Williams

DATE: June 6, 1983

APPEAL NO.: 05137

S.S.NO.:

EMPLOYER:

LO.NO.: 1

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 June 21, 1983

- APPEARANCES -

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Present

FINDINGS OF FACT

The claimant was attending truck driver's school on weekends while filing for unemployment insurance benefits. The claimant attended this school for eight consecutive weekends. He stopped, according to his testimony, attending two weeks ago. The hearing in this case was held on May 25, 1983, if the claimant had been not attending school for two weekends then his last weekend of attendance at school was the weekend of May 7 and 8.

The claimant's previous employment had been as a food worker in a hospital. Hospital food departments must function seven days a week and weekend work is required. The claimant's unavailability for work on weekends in his particular job category means that he has a serious restriction on his employability.

CONCLUSIONS OF LAW

The claimant was not available for work and actively seeking work without restriction until May 9, 1983. The claimant's benefit year is effective April 10, 1983. He is, therefore, not eligible for unemployment insurance benefits under Section 4(c) of the Law from April 10 until May 9, 1983.

DECISION

The claimant was not available for work and actively seeking work without restrictions as required by Section 4(c) of the Law. He is disqualified from receiving unemployment insurance benefits from April 10, 1983 until May 9, 1983.

The determination of the Claims Examiner is affirmed but modified as to ending date of the disqualification.


Martin A. Ferris
Appeals Referee

Date of hearing: May 25, 1983
jlt
(3079-Schuman)

Copies mailed to:
Claimant
Unemployment Insurance - Baltimore