

# Maryland

DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT

1100 North Eutaw Street  
Baltimore, Maryland 21201  
(301) 333-5033



William Donald Schaefer, Governor  
J. Randall Evans, Secretary

**BOARD OF APPEALS**

Thomas W. Keech, Chairman  
Hazel A. Warnick, Associate Member  
Donna P. Watts, Associate Member

**— DECISION —**

Decision No.: 143-BR-89  
Date: Feb. 24, 1989  
Appeal No.: 88-UCF-314  
S. S. No.:

Claimant: Bobbie Thomas

Employer: Dept. of the Army

L.O. No.: 50

Appellant: CLAIMANT

Issue: Whether the claimant is receiving or has received a governmental or other pension, retirement or retired pay, annuity or other similar periodic payment which is based on any previous work of such individual, which is equal to or in excess of his weekly benefit amount, within the meaning of Section 6(g) 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 MAYBE 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

March 26, 1989

**— APPEARANCES —**

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals affirms the decision of the Hearing Examiner.

The Hearing Examiner's decision was deficient in both findings of fact and conclusions of law. The claimant's appeal of this issue, the pension issue under Section 6(g) of the law, is based on a misunderstanding of the Hearing Examiner's decision; but this misunderstanding was inevitable, given the insufficiency of the decision.

The Board finds as a fact that the claimant was receiving \$807 a month in pension from a base period employer. This was a contributory pension. This means that the claimant also contributed to the plan which provided the pension amount. Under Section 6(g) (1) (ii), only half of such a pension amount should be deducted from benefits. Thus, only half of the \$807, or \$403.50 per month, should be deducted from the claimant's benefits. This amount should be divided by 4.3 to arrive at the weekly deduction. Thus, \$93 should be deducted per week from any benefits otherwise payable.

#### DECISION

The claimant is in receipt of a pension from his base period employer. Under Section 6(g) of the law, any benefits otherwise payable shall be reduced by \$93 per week. This reduction will remain in effect as long as this pension is received in this amount and the Department of the Army remains a base period employer.

The decision in this case has no effect on the claimant's other cases arising out of Sections 6(a) or 4(c) of the the law.

  
Chairman

  
Associate Member

K:DW

kbm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

OUT-OF-STATE CLAIMS

STATE OF MARYLAND  
APPEALS DIVISION  
1100 NORTH EUTAW STREET  
BALTIMORE, MARYLAND 21201  
(301) 383-3040

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STATE OF MARYLAND  
William Donald Schafer  
Governor

-DECISION-

Date: Mailed: 1/11/89  
Appeal No: 88-UCF-314  
S.S. No.:  
Claimant: Bobbie G. Thomas  
Employer: Dept. of The Army-422  
L.O. No.: 50  
Appellant: Claimant

Issue: Whether the claimant is receiving or has received a governmental or other pension, retirement or retired pay, annuity or other similar periodic payment which is based on any previous work of such individual, which is equal to or in excess of his/her weekly benefit amount, within the meaning of Section 6(g) of the Law.

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-NOTICE OF RIGHT TO PETITION FOR REVIEW -

ANY INTERESTED PARTY TO THE DECISION MAY REQUEST A REVIEW AND SUCH PETITION FOR REVIEW MAY BE FILED IN ANY EMPLOYMENT SECURITY OFFICE OR WITH THE APPEALS DIVISION, ROOM 818, 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 1/26/89  
NOTICE: APPEALS FILED BY MAIL, INCLUDING SELF-METERED MAIL, ARE CONSIDERED FILED ON THE DATE OF THE U.S. POSTAL SERVICE POSTMARK.

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- APPEARANCES -

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Bobbie G. Thomas - Present

Elizabeth Swarm

FINDINGS OF FACT

From May 13, 1974 to September 12, 1988, the claimant worked as a Logistics Management Specialist and was earning \$35,000 per year when he retired due to disability.

He filed for disability retirement on May 4, 1988.

He receives a pension in the amount of \$807.00 per month.

CONCLUSIONS OF LAW

Under Section 6(g) of the Maryland Unemployment Insurance Law: "An individual shall be disqualified for benefits (1) for any week with respect to which he is receiving or has received an amount, calculated pursuant to paragraphs (i) (ii), equal to or or in excess of his weekly benefit amount in the form of a pension, annuity or retirement or retired pay, or any other similar periodic payment which is based on any previous insured work for a base period employer under a plan paid for or in whole or in part by the base period employer."

The claimant is in receipt of such a pension; consequently, his weekly benefit amount is reduced accordingly.

DECISION

The determination of the Claims Examiner is affirmed.

The claimant is in receipt of a pension from a base period employer within the meaning of Section 6(g) of the Maryland Unemployment Insurance Law. Consequently, his weekly benefit amount is reduced by \$93.00 per week.

Van Caldwell  
Van Caldwell  
Hearing Examiner

Date of hearing: 12/20/88  
kac/Specialist ID: 50503/8459  
Copies mailed on January 11, 1989 to:

Claimant  
Employer  
Out-Of-State Claims - (MABS)