



DEPARTMENT OF EMPLOYMENT AND TRAINING

BOARD OF APPEALS

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

383-5032

—DECISION—

THOMAS W. KEECH
Chairman

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

SEVERN E. LANIER
Appeals Counsel

**STATE OF MARYLAND
HARRY HUGHES**
Governor

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|-----------------------------|---------------|-------------------|
| | DECISION NO.: | 211-BR-84 |
| | DATE: | February 24, 1984 |
| CLAIMANT: Ida F. Golabieski | APPEAL NO.: | 11128 |
| | S.S. NO.: | |
| EMPLOYER: | L.O. NO: | 40 |
| | APPELLANT: | CLAIMANT |

ISSUE: Whether the Claimant filed proper claims for benefits within the meaning of §4(b) 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 March 25, 1984

- APPEARANCE -

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon a review of the record in this case, the Board of Appeals affirms the decision of the Appeals Referee.

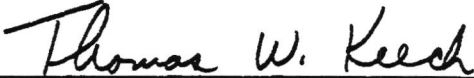
The Claimant reported to her local office for the first time on September 7, 1983, attempting to file claims for the weeks ending August 13, August 20, and August 27, 1983.

Under §4(b) of the law, claims for benefits must be filed in accordance with the Secretary's regulations. The regulations, at COMAR 07.04.02.03 B(2), state that a claim series does not begin until the first day of the calendar week in which an unemployed individual reports and registers for work.

The Claimant, therefore, cannot file backdated claims for the three weeks in question.

DECISION

The Claimant is disqualified from receiving benefits for the weeks ending August 13, August 20 and August 27, 1983, under §4(b) of the Law.



Chairman



Associate Member

K:D
dp

COPIES MAILED TO:

CLAIMANT

UNEMPLOYMENT INSURANCE - EASTPOINT



DEPARTMENT OF HUMAN RESOURCES
 EMPLOYMENT SECURITY ADMINISTRATION
 1100 NORTH EUTAW STREET
 BALTIMORE, MARYLAND 21201
 383 - 3040

STATE OF MARYLAND
 HARRY HUGHES
 Governor
 KALMAN R. HETTLEMAN
 Secretary

BOARD OF APPEALS
 THOMAS W. KEECH
 Chairman
 MAURICE E. DILL
 HAZEL A. WARNICK
 Associate Members
 SEVERN E. LANIER
 Appeals Counsel
 MARK R. WOLF
 Administrative
 Hearings Examiner

- DECISION -

CLAIMANT: Ida F. Golabieski
 DATE: October 28, 1983
 APPEAL NO.: 11128
 S. S. NO.:
 EMPLOYER:
 L.O.NO.: 40
 APPELLANT: Claimant

ISSUE: Whether the claimant filed proper claims for benefits within the meaning of Section 4 (b) 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 November 14, 1983

- APPEARANCES -

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Present

FINDINGS OF FACT

The claimant began employment in July, 1949 as an operator at a salary of \$290.00 weekly. The claimant's last day of employment was August 7, 1983.

The claimant was out on strike, between August 7, and 28, 1983. The claimant did not file her claims in a timely fashion for the weeks ending August 13, 20, and 27, 1983. The claimant came in on September 7, 1983, filing claims for the above mentioned

weeks. It was the claimant's testimony that she did not know she was to come and file for benefits, and was told by a union representative later on to apply for benefits.

CONCLUSIONS OF LAW

Section 4 (b) provides that an unemployed individual is eligible to receive benefits with respect to any week only if it is determined that he has made a claim for benefit with respect to such week, in accordance with such regulations as the Executive Director may prescribe. The Code of Maryland Regulations (COMAR), Rule .07.04.02.03 d provides that: "In order to claim benefit rights, all individuals, following an initial claim, shall report in person to file their first continued claim on the day and time assigned to them, and thereafter by mail on the prescribed forms issued to them. These forms are to be mailed each week on the Sunday immediately following the close of the claim week for which benefits are claimed."

The above cited portion of the Law is specific in its provision, and proper claims must be filed for a particular benefit week in accordance with the Law, if benefits are to be paid for that week. There are no exceptions provided for under the Law.

In the instant case, it is found that the claimant did not file her claims in accordance with the proper mandates of Article 95 A Section 4 (b) in that she did not report in person to file as she was required to do.

The Law is explicit in as much no exceptions are provided for under this rule.

DECISION

The unemployment payments denied the claimant were proper, because she did not file her claim in accordance with the dictates of Article 95 A Section 4 (b) as she was obligated to do.

The determination of the Claims Examiner, under Section 4 (b) of the Law, is affirmed.

Willie E. Walker
APPEALS REFEREE

Date of Hearing - 10/10/83
cd/3115
(7145/Hardin)

COPIES MAILED TO:

Claimant

Unemployment Insurance - Eastpoint