

 **Maryland**
Department of Economic &
Employment Development

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.:	593 -BH-91
	Date:	May 21, 1991
Claimant: Beverly Pryor	Appeal No.:	9100017
	S. S. No.:	
Employer: Samuel A. Kurland	L. O. No.:	1
	Appellant:	CLAIMANT

Issue Whether the claimant failed, without good cause, to accept an offer of available, suitable work within the meaning of Section 6(d) 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

June 20, 1991

— APPEARANCES —

FOR THE CLAIMANT:

Beverly Pryor, Claimant

FOR THE EMPLOYER:

Employer not
represented

EVALUATION OF THE EVIDENCE

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

FINDINGS OF FACT

The claimant had a full-time job with Direct Marketing Associates. At times, however, the work would slow down, sometimes she worked as little as one to three days per week.

In order to supplement her income, the claimant obtained employment with Samuel A. Kurland, t/a Speedway Launderette, beginning in August of 1990. The claimant worked from 4:00 to 7:00 p.m. five days a week, from 1:00 to 7:00 p.m. on Saturday, and on Sunday from 10:00 a.m. to 4:00 p.m. This was in addition to her regular job.

The claimant was a laundry attendant earning \$4.00 per hour. In October of 1990, the laundry establishment at which the claimant worked was being closed. At the same time, the claimant's work for Direct Marketing Associates was slowing down, and she applied for unemployment insurance benefits on approximately November 20, 1990. During the same period of time, the employer offered the claimant part-time work at another location. The offer was for six hours of work on one day a week at a rate of \$4.00 per hour. The new location was on Liberty Road, in Baltimore County. The claimant refused because she believed it would not be worth her while to travel on a bus, paying extra zone fares, to obtain the six hours of work per week.

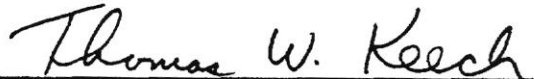
CONCLUSIONS OF LAW

The Board concludes that the job was not suitable work within the meaning of Section 6(d) of the law. It is true that the claimant's previous job was part-time for this employer. However, this part-time work consisted of seven days of work per week, at a single location. The part-time work offered to the claimant later was six hours of work per week at a fairly distant location. This type of work was not the claimant's primary work anyway. Altogether, the Board concludes that the work offered was not suitable within the meaning of Section 6(d) of the law.

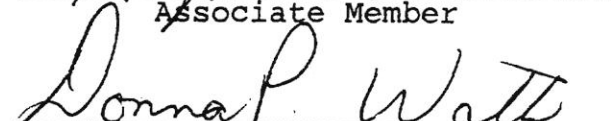
DECISION

The claimant did not refuse suitable work within the meaning of Section 6(d) of the Maryland Unemployment Insurance Law. No disqualification from benefits is imposed for the refusal of work with Samuel Kurland t/a Speedway Launderette. The claimant may contact her local office concerning the other eligibility requirements of the law.

The decision of the Hearing Examiner is reversed.


Chairman


Associate Member


Associate Member

K:W:W

kbm

Date of Hearing: May 7, 1991

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - BALTIMORE

 **Maryland**
Department of Economic &
Employment Development

William Donald Schaefer, Governor
J. Randall Evans, Secretary

William R. Merriman, Chief Hearing Examiner
Louis Wm. Steinwedel, Deputy Hearing Examiner

1100 North Eutaw Street
Baltimore, Maryland 21201

Telephone: 333-5040

— DECISION —

Claimant:	Beverly A. Pryor	Date:	Mailed: 1/28/91
		Appeal No.:	9100017
		S. S. No.:	
Employer:	Samuel A. Kurland	L.O.No.:	1
		Appellant:	Claimant

Issue Whether the claimant failed, without good cause to apply for or to accept available, suitable work, within the meaning of Section 6(d) of the Law.

— NOTICE OF RIGHT OF FURTHER APPEAL —

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A FURTHER APPEAL AND SUCH APPEAL MAY BE FILED IN ANY OFFICE OF THE DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT, 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 FURTHER APPEAL EXPIRES AT MIDNIGHT ON 2/12/91

— APPEARANCES —

FOR THE CLAIMANT:

Claimant-Not Present

FOR THE EMPLOYER:

Samuel A. Kurland,
Employer

FINDINGS OF FACT

The record in this case shows that the claimant had always worked on a part-time basis as a Laundry Attendant. The claimant ceased employment and subsequently applied for unemployment insurance benefits with a benefit year beginning November 18, 1990.

On November 24, 1990, the employer recalled the claimant to her original employment under the same terms of employment. The claimant declined to accept the recall to employment.

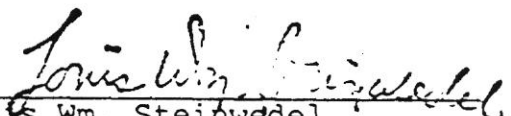
CONCLUSIONS OF LAW

The record in this case shows that at the time of the offer of recall, the claimant was in claim status, and therefore, subject to a determination being made under Section 6(d). In this case, the available evidence at the appeal hearing demonstrates that the claimant was recalled to her exact Position under the same terms of employment. In the absence of evidence to the contrary, it must be held that this was an offer of available, suitable employment made to the claimant while in claim status. Accordingly, it must be held that the claimant is subject to a disqualification under Section 6(d) of the Law. The claimant failed to appear at the appeals hearing and no evidence is offered in the record in mitigation of the disqualification provided for under Law.

DECISION

The claimant failed, without good cause, to accept available, suitable work, within the meaning of Section 6(d) of the Maryland Unemployment Insurance Law. She is disqualified from receiving benefits from the week beginning November 25, 1990 and until such time that she becomes re-employed, and earns at least ten times her weekly benefit amount (\$1,100) and thereafter becomes unemployed through no fault of her own.

The determination of the Claims Examiner made under Section 6(d) is reversed.


Louis Wm. Steinwedel
Deputy Hearing Examiner

Date of hearing: 1/25/91
rc/Specialist ID: 01039
Cassette Number (10497)
Copies mailed on 1/28/91 to:

Claimant
Employer
Unemployment Insurance - Baltimore - MABS