



**DEPARTMENT OF EMPLOYMENT AND TRAINING**

**STATE OF MARYLAND**  
HARRY HUGHES  
Governor

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

(301) 383-5032

**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.:	835 -BR-86
	Date:	October 17 , 1986
Claimant: Alexander Saeed	Appeal No.:	8608215
	S. S. No.:	
Employer:	L.O. No.:	43
	Appellant:	CLAIMANT

Issue: Whether the claimant filed proper claims for benefits within the meaning of Section 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.

November 16 , 1986

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

**— APPEARANCES —**

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals adopts the findings of fact but disagrees with his conclusions of law.

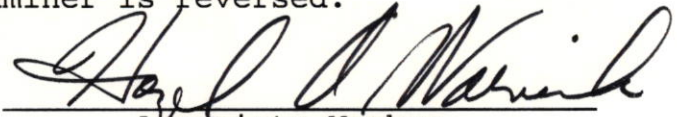
Although the agency's filing requirements authorized by Section 4(b) and set out in COMAR 24.02.02.03 are usually strictly adhered to (see, Bennett, 66-BH-79), there are circumstances where the actions and/or statements of Agency personnel resulted in an agency waiver of these strict requirements. Nelson, 205-BH-82.

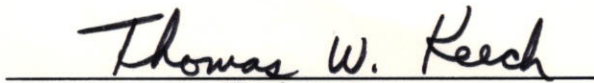
Based on the findings of fact, the Board concludes that the agency's repeated statements to the claimant that he should "wait", before he filed, because they had no record of his earnings, coupled with his repeated inquiries, showing that he made every reasonable attempt to file, resulted in a waiver of the usual filing requirements, and the claimant should not now be deterred from filing claims for the weeks in question. See also, Reed, 156-BR-86.

#### DECISION

The claimant filed proper claims for benefits within the meaning of Section 4(b) of the Maryland Unemployment Insurance Law. He is entitled to benefits from the week beginning April 27, 1986 to June 28, 1986.

The decision of the Hearing Examiner is reversed.

  
Associate Member

  
Chairman

W:K

kmb

COPIES MAILED TO:

CLAIMANT

UNEMPLOYMENT INSURANCE - WHEATON



**DEPARTMENT OF EMPLOYMENT AND TRAINING**

STATE OF MARYLAND  
1100 NORTH EUTAW STREET  
BALTIMORE, MARYLAND 21201

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**BOARD OF APPEALS**

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Associate Members

SEVERN E. LANIER  
Appeals Counsel

MARK R. WOLF  
Chief Hearing Examiner

**— DECISION —**

Mailed: August 25, 1986

Claimant: Alexander Saeed

Date: 8608215

Appeal No.:

S. S. No.:

Employer:

43

L.O. No.:

Claimant

Appellant:

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.

September 9, 1986

THE PERIOD FOR FILING A PETITION FOR REVIEW EXPIRES AT MIDNIGHT ON

**— APPEARANCES —**

FOR THE CLAIMANT:  
Alexander Saeed - Claimant

FOR THE EMPLOYER:

OTHER: DEPARTMENT OF EMPLOYMENT AND TRAINING  
Claire Jones - Claims Specialist

**FINDINGS OF FACT**

The claimant filed a claim for unemployment insurance benefits, establishing a benefit year beginning April 6, 1986. The Agency was unable to determine the claimant's wages which indicated that he had no benefits forthcoming. On April 28, 1986, the claimant was given cards for the weeks ending May 3, 10 and 17, 1986, which he did not return.

After it was determined that the claimant was monetarily eligible, the claimant filed to reopen his claim on July 2, 1986. He has filed timely claims for the weeks ending July 5 through August 2, 1986. Additionally, the Agency mailed the claimant his benefits for the weeks ending April 12, April 19 and April 26, 1986 on July 25, 1986.

During the interim, the claimant called three times and each time was told to wait because the Agency had no record of his earnings. In fact, the claimant talked to the Unemployment Insurance Supervisor.

On July 2, 1986, the claimant requested that his claim be backdated to allow payment for earlier weeks of total unemployment. This was denied under Section 4(b) and the claimant filed a timely appeal to that determination.

CONCLUSIONS OF LAW

Section 4(b) of the Law 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 benefits with respect to such week in order accordance with such Regulations as the Secretary may provide. The claimant is solely responsible for filing weekly claims whether he is eligible for benefits or not, and this includes during the period awaiting decision from an appeal, etc. The fact that the claimant was told to wait does not alleviate the fact that he has sole responsibility for filing claim cards. Since all information furnished by the Agency indicates that no backdated claims will be accepted, it must be concluded that the claimant's request to backdate his claims must be denied and the determination of the Claims Examiner affirmed.

DECISION

The claimant is disqualified under Section 4(b) of the Maryland Unemployment Insurance Law. Benefits are denied for the week beginning April 27, 1986 through June 28, 1986.

The determination of the Claims Examiner is affirmed.

*Seth Clark, PC*

Seth Clark  
Hearing Examiner

Date of hearing: August 12, 1986  
ras  
(5339 --- Bruning)

Copies mailed on August 25, 1986 to:

Claimant  
Unemployment Insurance - Wheaton