



# Maryland

## Department of Economic & Employment Development

*William Donald Schaefer*  
Governor  
*Mark L. Wasserman*  
Secretary

*Board of Appeals*  
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Baltimore, Maryland 21201

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

**- D E C I S I O N -**

Decision No.:	1113-BR-93
Date:	June 23, 1993
Claimant: Donald Van Prooien	Appeal No.: 9302989
	S.S. No.:
Employer:	L. O. No.: 43
	Appellant: CLAIMANT
Issue:	Whether the claimant filed proper claims for benefits within the meaning of Section 8-901 of the Labor and Employment Article.

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**- N O T I C E O F R I G H T O F A P P E A L T O C O U R T -**

You may file an appeal from this decision in the Circuit Court for Baltimore City or one of the Circuit Courts in a county in Maryland. The court rules about how to appeal can be found in many public libraries, in the *Annotated Code of Maryland, Maryland Rules*, Volume 2, B rules.

The period for filing an appeal expires July 23, 1993

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**- A P P E A R A N C E S -**

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

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

Since the claimant did visit his local office in person on January 11, 1993, the claimant should have been informed at that time of the necessity of reopening his claim. He cannot, therefore, be disqualified for the weeks ending January 16 and January 23, 1993 for a failure to file claims.

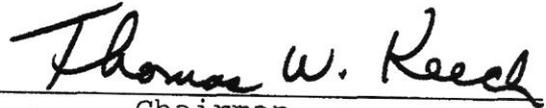
The Board adopts the findings of fact and conclusions of law of the Hearing Examiner with respect to the weeks ending December 19 and December 26, 1992, and January 2nd and 9th, 1993.

#### DECISION

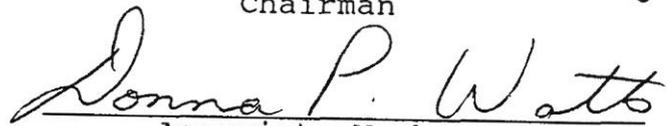
The claimant failed to file proper claims for benefits, within the meaning of Section 8-901 of the Labor and Employment Article. He is disqualified from receiving benefits for the weeks ending December 19 and 26, 1992 and January 2 and January 9, 1993.

The claimant cannot be disqualified for benefits based upon the timeliness of the claims for the weeks ending January 16 and January 23, 1993. No disqualification is imposed under §j8-901 for these weeks.

The decision of the Haring Examiner is modified.



Chairman



Associate Member

K:D

kmb

COPIES MAILED TO:

CLAIMANT

UNEMPLOYMENT INSURANCE - WHEATON



# Maryland

## Department of Economic & Employment Development

*William Donald Schaefer, Governor*

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*Louis Wm. Steinwedel, Chief Hearing Examiner*

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*1100 North Eutaw Street*

*Baltimore, Maryland 21201*

*Telephone: (410) 333-5040*

### — D E C I S I O N —

	Date:	Mailed:	3/30/93
Claimant:	Donald Van Prooten	Appeal No.:	9302989
	S. S. No.:		
Employer:	L.O. No.:		043
	Appellant:		Claimant

Issue: Whether the claimant failed to file proper claims for benefits, within the meaning of MD Code, Labor and Employment Article, Title 8, Section 901.

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### — 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 OFFICE OF THE DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT, OR WITH THE BOARD OF APPEALS, ROOM 515, 1100 NORTH EUTAW STREET, BALTIMORE, MARYLAND 21201, EITHER IN PERSON OR BY MAIL

THE PERIOD FOR FILING A PETITION FOR REVIEW EXPIRES ON

April 14, 1993

NOTE: 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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### — A P P E A R A N C E S —

FOR THE CLAIMANT:

Claimant - Present

FOR THE EMPLOYER:

### FINDINGS OF FACT

The claimant filed an original claim for unemployment insurance benefits establishing a benefit year, effective December 6, 1992. He is entitled to \$223 weekly in unemployment insurance benefits. The Wheaton local office denied the claimant's benefits for the week beginning December 13, 1992 through the week ending January 23, 1993, because the claimant failed to file timely claim

certification cards. On or about December 19, 1992, the claimant left the state of Maryland in order to assist his ailing father in-law who lived in the state of Minnesota. He did not return to Maryland until January 9, 1993. While out of town, the claimant did not file claim certification cards because his claim cards had not been forwarded to his Minnesota address.

When the claimant returned to Maryland, he received a claim certification card and a unemployment insurance benefit check for week, the week ending December 11, 1992. Thereafter, the claimant used the claim certification cards that had been mailed to his Maryland address while he was out of town, to verify a job search conducted after he returned to Maryland, on January 9, 1993. As a result, the claimant submitted claim certification cards to the Agency which did not reflect the actual week the job search had been conducted. On February 3, 1993, the claimants visit to the Wheaton local office resulting in the Agency reopening his request for unemployment insurance benefits. Upon filing for unemployment benefits, the claimant received the Agency's pamphlet and viewed the video informing him of "What You Should Know About Unemployment Insurance Benefits In Maryland."

#### CONCLUSIONS OF LAW

The Code of Maryland, Labor and Employment Article, Title 8, Section 901 provides that a claimant must file timely claims in order to be eligible for benefits.

The Code of Maryland Regulations at Title 24.02.02.04B(4) provides that "claims shall be filed and received within 14 days of the week for which benefits are claimed in order to be timely, provided that the claimant is currently filing continued claims. Claims filed more than 2 weeks late shall be considered timely only if the Department's error caused the claimant not to receive the claim forms."

Further, "a claimant who fails to file a timely continuing claim shall report, in person, to the local office to file an initial or reopened claim to reactivate the claim."

Since the claimant was out of state from December 19, 1992 through January 9, 1993, and failed to submit claim certification cards to the Agency, his request for unemployment insurance benefits was not received by the Agency within a timely manner. Although the Agency issued the claimant an unemployment insurance benefit check for the week ending December 11, 1992, the claimant did not receive the unemployment check and the claim certification to verify his job search for the following week until after January 9, 1993. Therefore, the claimant's successive claim cards submitted to the Agency were considered untimely.

## DECISION

It is held that the claimant filed untimely claims certification cards from the week beginning December 13, 1992 through January 23, 1993, within the meaning of MD Code, Labor and Employment Article, Title 8, Section 901.

The determination of the Claims Examiner is affirmed.

  
Marsha Thompson  
Hearing Examiner

Date of Hearing: 3/1/93  
ps/Specialist ID: 43751  
Cassette Attached to File  
SEQ 02  
Copies mailed on 3/30/93 to:

Claimant  
Unemployment Insurance - Wheaton ( MABS )