

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.:	684-BH-88	
	Date:	August 8, 1988	
Claimant:	William Harvey	Appeal No.:	8800712
		S. S. No.:	
Employer:	University of Maryland College Park	L O. No.:	1
		Appellant:	CLAIMANT

Issue:

Whether the claimant performed services in covered employment, within the meaning of Section 20(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 MAY BE 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.

September 7, 1988

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

— APPEARANCES —

FOR THE CLAIMANT:

William Harvey, Claimant

FOR THE EMPLOYER:

Michael Gallagher,
Chief, U. I. Unit
John T. McGucken, Legal Counsel, DEED"

EVALUATION OF 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 was employed as a research assistant for the University of Maryland, Baltimore Campus, from September 1, 1986 to August 31, 1987. The claimant was separated from employment due to lack of work. During the time the claimant was employed as a research assistant, he was not a student at the University of Maryland.

CONCLUSIONS OF LAW

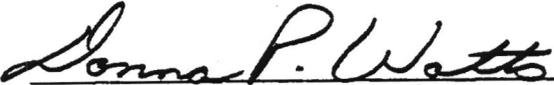
Section 20(g)(8)(x) of the Maryland Unemployment Insurance Law provides that service performed in the employment of a school, college or university, if that service is performed by a student who is enrolled and is regularly attending classes at that school, college or university, will not be covered employment under any program of the Maryland Unemployment Insurance.

This section of the law does not disqualify the claimant from receiving unemployment insurance benefits due to the fact that he was not a student at the University of Maryland during the time that he worked as a research assistant.

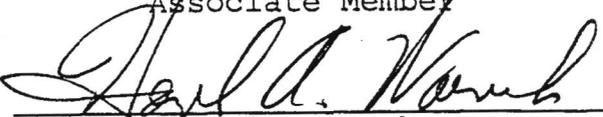
DECISION

The claimant's earnings were from covered employment as defined in Section 20(g) of the Maryland Unemployment Insurance Law. No disqualification is imposed under this section of the law.

The decision of the Hearing Examiner is reversed.



Associate Member



Associate Member

DW:W
kbm

Date of Hearing: July 12, 1988

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - BALTIMORE

STATE OF MARYLAND
APPEALS DIVISION
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201
(301) 383-5040

STATE OF MARYLAND
William Donald Schaefer
Governor

— DECISION —

Date: Mailed March 15, 1988
Appeal No: 8800712
S.S. No.:
Claimant: William E. Harvey
Employer: University of Maryland
L.O. No.: 01
Appellant: Claimant
510
Issue:
Whether the Claimant performed services in employment within the meaning of Section 20(g) 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 March 30, 1988
NOTICE: APPEALS FILED BY MAIL INCLUDING SELF-METERED MAIL, CONSIDERED ON THE DAY OF THE U.S. POSTAL SERVICE POSTMARK.

— APPEARANCES —

FOR THE CLAIMANT:

Present

FOR THE EMPLOYER:

Not Represented

FINDINGS OF FACT

The Claimant filed an original claim for benefits effective November 22, 1987. The Claimant had last worked August 31, 1987 for the education department of the University of Maryland, Baltimore Campus, as a research assistant earning \$8.72 per hour. This appointment began September 1, 1986 and ended August 31, 1987 and the Claimant was separated from the employment for lack of work. The Claimant had

a base period from July 1, 1986 and until June 30, 1987. Most Of the Claimant's earnings were during that base period.

The Hearing Examiner finds as fact that the Claimant's employment as a research assistant was not covered employment.

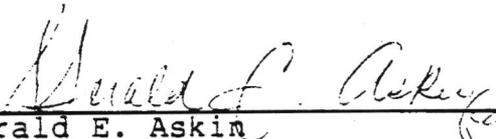
CONCLUSIONS OF LAW

Within the meaning of Section 20(g)10 of the Maryland Unemployment Insurance Law, service performed in the employment of a school, college, or university, if that service is performed by a student who is enrolled and is regularly attending classes at that school, college, or university will not be covered by any program of unemployment insurance. In the instant appeal, the wages earned by the Claimant during his base period were not covered wages and therefore cannot be computed in establishing monetary eligibility. It is for this reason the determination of the Claims Examiner shall be affirmed.

DECISION

The Claimant's earnings were not from covered employment as defined by Section 20(g) of the Maryland Unemployment Insurance Law. Benefits are denied from the week beginning November 22, 1987 and until the Claimant is meeting the requirements of the Law.

The determination of the Claims Examiner is affirmed.


Gerald E. Askin
Hearing Examiner

Date of Hearing: February 16, 1988
Cassette: 922
Specialist ID: 01036
Copies Mailed on March 15, 1988 to:
Claimant
Employer
Unemployment Insurance - Baltimore (MABS)