



Maryland

Department of Economic & Employment Development

William Donald Schaefer
Governor
Mark L. Wasserman
Secretary
Board of Appeals
1100 North Eutaw Street
Baltimore, Maryland 21201
Telephone: (410) 333-5032

- DECISION -

Claimant:	Decision No.:	01760-BR-94
PAMELA W. BURTON	Date:	May 19, 1994
	Appeal No. :	9404333
	S.S. No.:	
Employer:	L.O. No.:	15
	Appellant:	Claimant

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

- NOTICE OF RIGHT OF APPEAL TO COURT -

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 file the appeal can be found in many public libraries, in the Maryland Rules of Procedure, Title 7, Chapter 200.

The period for filing an appeal expires: June 18, 1994

REVIEW ON THE RECORD

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

The claimant's certification of claims for the weeks ending January 29 and February 5, 1994 were received by the agency on February 22, 1994. The last day of the 14 day grace period provided by the regulations was Saturday, February 19, 1994. However, the Board has held that where the last day falls on a Saturday -- which is a day on which the agency is neither open nor receives mail -- the fourteen day grace period extends until the end of the next day during which the agency is open to receive mail. Powell, 442-BR-91.


February 19th was a Saturday and February 20th was a Sunday. February 21, 1994 was a federal and state holiday. State offices were closed and not receiving mail. Therefore, under the reasoning in Powell, the claimant had until February 22, 1994 to file the claim certification. The certification was received by the agency on February 22, 1994; therefore it was timely.

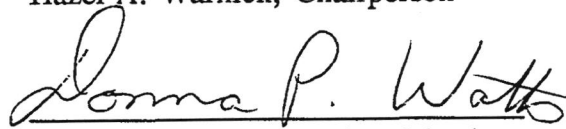
Since the claim certification for those two weeks was timely, the claimant's claim should not have been closed. Therefore, the denial of eligibility for the next two weeks will also be reversed. See Dombroski, 177-BR-91.

DECISION

The claimant did not fail to meet the requirements of LE, §8-901 and COMAR, 24.02.02.04. The claimant filed a timely claim certification for the weeks ending January 29, 1994 through the week ending February 26, 1994.

The decision of the Hearing Examiner is reversed.


Hazel A. Warnick, Chairperson


Donna P. Watts, Associate Member

km
Copies mailed to:

PAMELA W. BURTON
Local Office - #15

UNEMPLOYMENT INSURANCE APPEALS DECISION

PAMELA W. BURTON

Before the:

SSN # _____

Claimant

vs.

**Maryland Department of Economic and
Employment Development
Appeals Division**
1100 North Eutaw Street
Room 511
Baltimore, MD 21201
(410) 333-5040

Appeal Number: 9404333
Appellant: Claimant
Local Office: 15 / Westminster

March 25, 1994

Employer/Agency

For the Claimant: PRESENT

For the Employer:

For the Agency: JOHN GRAY

ISSUE(S)

Whether the claimant has filed proper claims for Unemployment Insurance benefits within the meaning of MD Code Annotated, Labor and Employment Article, Title 8, Section 901.

FINDINGS OF FACT

The claimant filed for unemployment insurance benefits establishing a benefit year, effective January 2, 1994 and a weekly benefit amount of \$212.00.

For the first three weeks of her claim, she timely filed claim certifications and was issued three unemployment checks. For the first hi-weekly period for the time period in issue, claim weeks ending January 29 and February 5, 1994, the claimant mailed the claim certification late so that it was received by the Agency on February 22, 1994 which was past the 14-day grace period allowed. The claimant reported to the local office on February 28, 1994 to explain that she could not keep the Fact Finding Interview scheduled for her on the following day, March 1, 1994, because she was working. This information was accepted and noted by the local office where she had established her claim.

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."

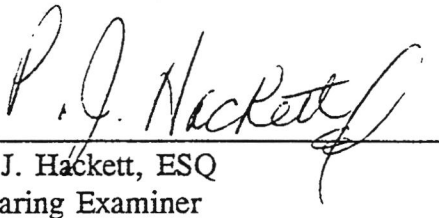
EVALUATION OF EVIDENCE

In the present case, the claimant failed to meet the requirements of Section 901 of the Maryland Code from January 23, 1994 until she reported to the local office on February 28, 1994. She will be disqualified accordingly.

DECISION

The claimant has not met reporting requirements of Maryland Code, Title 8, Section 901. Benefits are denied for the week beginning January 23, 1994 through February 26, 1994. Thereafter, she is entitled to benefits if otherwise eligible.

The determination of the Claims Examiner is, hereby, modified.



P. J. Hackett, ESQ
Hearing Examiner

Notice of Right of Further Appeal

Any party may request a further appeal either in person or by mail which may be filed in any local office of the Department of Economic and Employment Development, or with the Board of Appeals, Room 515, 1100 North Eutaw Street, Baltimore, MD 21201. Your appeal must be filed by April 11, 1994.

Note: Appeals filed by mail are considered timely on the date of the U.S. Postal Service postmark.

Date of hearing: March 22, 1994
CMD/Specialist ID: 15778
Seq. No.: 001

Copies mailed on March 25, 1994 to:

PAMELA W. BURTON
LOCAL OFFICE #15