



DEPARTMENT OF HUMAN RESOURCES
EMPLOYMENT SECURITY ADMINISTRATION

1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

BOARD OF APPEALS

STATE OF MARYLAND

383 - 5032
- DECISION -

JOHN J. KENT
Chairman

HARRY HUGHES
Governor

HENRY G. SPECTOR
HAZEL A. WARNICK
Associate Members

KALMAN R. HETTLEMAN
Secretary

DECISION NO.: 13-BR-82

SEVERN E. LANIER
Appeals Counsel

DATE: Jan. 8, 1982

APPEAL NO.: 22737

S. S. NO.:

CLAIMANT: Kathy Stevens

EMPLOYER: Harford County Schools

L. O NO.: 22

APPELLANT: EMPLOYER

ISSUE Whether the Claimant was discharged for misconduct connected with the work within the meaning of Section 6(c) 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 SUPERIOR COURT OF BALTIMORE CITY, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT

February 7, 1982

- APPEARANCES -

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

FINDINGS OF FACT

The Claimant was employed from September 1, 1970 until June 10, 1981 as a teacher. At the time of separation, her pay rate was \$209.00 per week.

On November 13, 1980, the Employer advised the Claimant that she needed to complete seventeen hours of additional course work in order to qualify for professional certification. She was informed at that time that she must complete at least twelve additional hours of schooling by September of 1981 in order for her contract to be renewed.

On May 12, 1980, the Claimant was laid off due to a "sizable reduction in staffing due to declining enrollments and fiscal constraints." Her last day of work was June 10, 1981.

CONCLUSIONS OF LAW

After a review of the entire record in this case, the Board concludes that the Claimant was laid off for lack of work. This is a non-disqualifying reason within the meaning of Section 6 of the Maryland Unemployment Insurance Law.

The Claimant was laid off in May of 1981, effective in June of 1981. The fact that the Employer may possibly have been able to fire the Claimant in September of 1981 is irrelevant. (Even this fact is speculative, because the Claimant, had she not been laid off, could possibly had been able to complete the required courses by September.) In any case, the Board concludes that an employee who has been genuinely laid off cannot be disqualified on the basis of speculations as to whether she would have been fired anyway in the future. The primary reason for separation from employment in this case was clearly a reduction in staff due to declining enrollments and financial constraints.

DECISION

The Claimant was separated from employment for a non-disqualifying reason within the meaning of Section 6 of the Maryland Unemployment Insurance Law. She is eligible for benefits for the week beginning June 7, 1981 and thereafter, if she is otherwise eligible.

The decision of the Appeals Referee is reversed.

Thomas W. Keech
Chairman

Harold A. Warrick
Associate Member

K:W
zvs
(Westervelt)

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CLAIMANT

EMPLOYER

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