



**DEPARTMENT OF HUMAN RESOURCES
EMPLOYMENT SECURITY ADMINISTRATION**

1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

383-5032

— DECISION —

CORRECTED COPY

BOARD OF APPEALS

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STATE OF MARYLAND

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Governor

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Secretary

DECISION NO.: 1486-BR-82

DATE: October 21, 1992

APPEAL NO; 07655

S. S. NO.:

L. O. NO.: 9

APPELLANT: CLAIMANT

CLAIMANT: Thomas A. Tosches

EMPLOYER: Baltimore City Department
of Public Works

ISSUE: Whether the Claimant is receiving or has received, a governmental or other pension, retirement or retired pay, annuity or other similar periodic payment, based on any previous work, which is equal to or in excess of his weekly benefit amount, within the meaning of Section 6(g) of the Maryland Unemployment Insurance 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.

November 20, 1982

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

INTRODUCTION

The Board is issuing a Corrected Decision in this case because the first decision contained a mathematical error. The Board would like to note for the record that nobody's perfect.

REVIEW ON THE RECORD

After having reviewed the record in this case, the Board of Appeals modifies the decision of the Appeals Referee. Where the Claimant receives a hi-weekly pension check, the calculation of the deductions from his unemployment checks should be simple.

The Claimant receives \$580.45 every two weeks, or \$290.23 per week. Since the pension is one to which the Employer contributed only part of the amount, Section 6(G) (1)(ii) provides that only one half of the pension amount should be deducted from benefits. One half of the weekly pension amount is \$145.00. Since the Claimant's weekly benefit amount (for unemployment insurance benefit purposes) is \$140.00, the Claimant is ineligible for benefits, as his weekly pension amount exceeds his weekly benefit amount.

The Appeals Referee has correctly pointed out that, since pensions are deducted from unemployment benefits only where the pensions are received from base period employers, the Claimant's pension amount will not be deductible from benefits due forever, since he may in future years file a claim for which the City of Baltimore is not a base period employer.

DECISION

The Claimant is disqualified from the receipt of benefits because of the deductions mandated by Section 6(g)(1) of the Maryland Unemployment Insurance Law.

The decision of the Appeals Referee is affirmed. The Board's decision of October 15, 1982 is corrected.


Chairman


Associate Member

K:W
gm

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CLAIMANT

EMPLOYER

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