

Basic Guide to Maryland Unemployment Hearings

If you have lost your job through no fault of your own, especially in the current difficult economy, unemployment benefits can be the difference between eviction or foreclosure and keeping your owned or rented home. In the U.S., unemployment benefits are significantly less generous than in most of our industrialized allied countries and trading partners; we Americans generally receive lower benefits and for a shorter period than do most Europeans, for example. Yet our modest, limited benefits can be crucial to surviving in a terrible economy.

Unemployment hearings in Maryland occur in three stages:

- the telephone or “claims specialist” stage
- the Lower Appeals or “Hearing Examiner” stage, and
- the Board of Appeals in some cases.

Generally, the claims specialist conducts a mere telephone interview with the worker or “claimant” and with the employer, and renders a preliminary decision as to eligibility. If either party disagrees with the decision, either may file for an appeal of the decision to a hearing examiner for a “de novo” (all new, “do-over”) hearing before the hearing examiner in an unemployment office location or other State office complex. That Lower Appeals hearing is recorded live, usually conducted in a small room and is generally limited to 45 minutes in length.

If the Lower Appeals decision reverses the telephone hearing, a dissatisfied party may appeal to the UI Board of Appeals; in most other cases, the appeals go to the Circuit Court for a judicial appeal that is based on the Lower Appeals record, i.e. NOT a “do-over from the top” but a review to determine legal errors and very gross factual errors only. Accordingly, it’s important to take the Lowe Appeals hearing seriously; it’s worth it in most cases to hire an attorney or at least to consult with one.

Any Circuit Court in Maryland may conduct a judicial review of any unemployment decision pursuant to Rule 7-202. Please find a sample form for securing such review at <http://brucegodfrey.com/7-202form.pdf>.

Most attorneys do not do unemployment hearings; there’s a reason why you see advertisements for car accident lawyers and medical malpractice lawyers and DWI/DUI lawyers, but almost none for unemployment insurance lawyers. One might think that in this economy, the demand for unemployment attorneys would be very high – and demand is so high that at least one Bar Association Lawyer Referral Service in Maryland has been soliciting lawyers to take more of these cases. Legal fees in unemployment cases are capped by state regulation and a somewhat burdensome review of the bills by the Unemployment Insurance office. Accordingly, most attorneys shy away from these cases for those reasons.

The [Law Office of Bruce Godfrey](#) considers the practice of law to be a public trust. We attorneys receive a very large privilege – the ability to represent others in court and before other tribunals for hire. This privilege comes with certain duties, including the duty to give back to the community at large, particularly to persons of limited means (which certainly includes most recently-fired or -laid-off workers.) Accordingly, we do not shy away

from representing unemployed workers in benefits claims, and indeed we embrace the opportunity to help unemployed workers at reduced rates. We would be honored to receive referrals or inquiries from workers, attorneys, unions and the community at large at 410-561-6061. Thank you!