

MAINE STATE LEGISLATURE

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June 1, 1960

Adrian T. Cloutier, Chairman

Milton L. Bradford, Assistant Attorney General
Frank A. Farrington, Assistant Attorney General

Your Memorandum re Commission Action of May 18, 1960, Concerning
Appeal Tribunal Decision No. 60-A-54

You request an opinion as to whether or not there was a break in the claims status in the case covered by Appeal Tribunal Decision No. 60-A-54.

In that case, a claimant during a continued claim series left Maine on a Monday for Florida, filing by mail for the previous week as instructed. While on route, on Friday, claimant had a heart attack and was hospitalized. His (interstate) claim filed for the week during which he was en route to Florida was denied on the basis that he was not available for work while in transit. Appeal Tribunal Decision No. 60-A-54 held that the claimant was not entitled to the illness or disability exception for subsequent weeks claimed, as the "in-transit" denial for non availability interrupted his claim status and he was not able to work when first applying in Florida.

Section 14, III of the Maine Employment Security Law, which provides that an unemployed individual must be able and available for work to be eligible for benefits, reads in part as follows:

"...but no claimant shall be considered ineligible in any week of unemployment for failure to comply with this subsection if such failure is due to an illness or disability which occurs after he has registered for work and no work which would have been considered suitable at the time of his registration has been offered to him after the beginning of such illness or disability...."

The above quotation does not contain the words "claims status" nor does any other section of the law. It should be noted, however, that the reference is to a claimant. To be a claimant, an individual must have filed a claim.

The Commission recognized this when it promulgated Regulation 9,I,8, which reads in part as follows:

"An individual who has actually registered for work and is in claim status and subsequently becomes ill or disabled may continue to file claims..." (underlining supplied), and goes on to set forth the manner of filing.

June 1, 1960

It is our opinion that the statute contemplates that a claimant shall be in valid claim status for the sickness and disability provision of the Maine Employment Security Law to apply - that is, entitled to benefits or waiting period credit when he becomes ill or disabled.

We conclude, therefore, that there was a break in claims status of the individual involved in Appeal Tribunal Decision No. 60-A-54.

cc - Mr. Cote
Mr. George