

# Judge rules against Maryland's threat to end extended pandemic benefits

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On Tuesday, July 13, a Baltimore Circuit Court judge issued a preliminary injunction preventing Maryland Republican Governor Larry Hogan from cutting off supplemental enhanced federal unemployment benefits under the CARES Act, with the program allowed to continue until September 6, when the national program is terminated.

Hogan's original order, issued June 1, announced that benefits would be cut off effective July 3. Hogan cited the state's achievement of the 70 percent vaccination benchmark set by Democratic President Joe Biden as well as an abundance of vaccines and job openings in the state. In addition, the governor cited 12 consecutive months of job growth.

The court ruling was the result of over two weeks of court battles and appeals by Hogan's administration after two lawsuits filed June 30 opposed the order cutting off enhanced benefits.

The six plaintiffs in the *D.A. v. Hogan* suit alleged that each of them had received some combination of pandemic assistance. All six had lost work due to the pandemic and had been unable to find new work. The suit also claimed that, for five of the six plaintiffs, their benefits would terminate if an injunction was not issued.

Six more plaintiffs in *Harp v. Hogan* asserted claims for themselves and on behalf of other similarly-situated claimants. Two of the six plaintiffs were receiving enhanced unemployment benefits. Two others alleged that they lost work because of the pandemic and had never received their benefits due to errors in the administration of the benefit programs. The other two received benefits at one point, but were cut off due to those same errors.

Baltimore City Circuit Court Associate Judge Lawrence Fletcher-Hill issued a temporary restraining

order on July 3 and set up the hearing that took place on July 12, citing the "cruelly uneven" impact of the pandemic. Hogan's appeals to both the Court of Special Appeals and the Maryland Court of Appeals were denied.

Even if the Circuit Court had ruled in favor of Hogan, the state would have had to extend benefits into mid-August due to a US Department of Labor ruling that a state must give 30 days' notice before it can end federal benefits. "Hogan is going to all this trouble just to try to cut people off from their benefits a few weeks early," Maryland House of Representatives Majority Leader Eric Luedtke (D-Montgomery County) told the *Washington Post* last week.

Michael Ricci, Director of Communications for Hogan's office, said in a statement to television station WTTG that they disagreed with the decision, claiming the lawsuit was hurting "small businesses, jeopardizing our economy, and will cause significant job loss." Ricci pointed to declarations by the Biden administration that states have every right to end enhanced benefits and to the influx of available jobs in the state.

Unemployment levels have been slow to return to pre-pandemic levels. According to the Bureau of Labor Statistics, the total number of employed in the state of Maryland dropped sharply during the first few months of the pandemic, from 3.18 million in March 2020 to a low of 2.8 million that September. Over a year into the pandemic, the number of employed at the end of June was still only 2.93 million, with an unemployment rate of 6.2 percent, compared to 3.5 percent in early March 2020.

Although benefits will continue for the time being, a work-search requirement, initially issued by Hogan on May 12 and originally set to be enforced on July 4, was set into motion Sunday, requiring people applying for

unemployment to demonstrate that they are actively seeking work in order to be eligible.

Hogan's attempt to cut off benefits is part of a nationwide onslaught against American workers, in which 25 Republican-led states and Democratic-led Louisiana have decided to end pandemic benefits early as part of a general drive to reopen the economy even as COVID-19 continues to kill an average of 250 Americans every day. This has left many workers to choose between being forced back into jobs in which they are at risk of being infected by COVID-19 or facing impoverishment.

Based on statistics from the Maryland Department of Health, new coronavirus cases have gone up 64 percent from July 8–14, compared to the week before, as new variants, especially the now-common Delta variant, become prolific worldwide.

Throughout the course of the pandemic, Governor Hogan has thoroughly shed his posture as a supposedly “moderate” or even “liberal” Republican. He has fully embraced the most right-wing, anti-scientific policies of his Republican peers in federal and state office.

Last August, Hogan issued an emergency executive order barring blanket closures of schools, overruling Montgomery County Health Officer Dr. Travis Gayles’ order barring private schools in the county from opening before October 1. Although the county initially defied the order, they eventually gave in a week later, lifting the order and putting children and their families at great risk of infection and transmission.

In March of this year, Hogan issued an executive order dropping most of the statewide restrictions put in place with regard to business capacity and out-of-state travel, thus rendering the state reopened for business. On June 15, Hogan announced the dropping of more restrictions, especially the expiration of the mandate effective July 1—although businesses and city and county governments were free to set their own restrictions.

Hogan made the allegation on June 21 that over 500,000 unemployment claims made since the beginning of May were fraudulent. The allegation was based on a report put together by LexisNexis, the Department of Labor’s vendor for identity verification and fraud detection. However, the press release does not indicate what criteria are required to flag an unemployment claim as potentially fraudulent and the

numbers cannot be corroborated independently. The stark increase of weekly alleged fraud claims coincided with the state government’s work-search announcement and the initial order cutting off benefits.

Throughout the pandemic, the ruling class, regardless of their capitalist party affiliation, has intensified the push to reopen schools and businesses and force workers back to pumping out profits for the corporations, whatever the risks and dangers that remain. President Biden’s push to reopen schools with the help of the teachers’ unions, for instance, has resulted in a sharp surge in cases, especially among children, in cities and states that have reopened.

The working class must strive for a stringent containment plan for the virus. More than half of the American population is vulnerable to the full effects of the deadly virus—only 48.6 percent are fully vaccinated as of July 16, according to the Mayo Clinic’s Vaccine Tracker website. New variants, especially the more-infectious Delta variant, are wreaking havoc on the world’s population. The continued closure of non-essential businesses with full income for affected workers is an essential aspect of any effort to stop the pandemic and save lives.



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