

GERALDINE A. REILLY
CHAIRMAN

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GEORGE FRIEDMAN
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CHRISTOPHER M. TATE
MATTHEW J. TIERNEY
PRINCIPAL ADMINISTRATIVE LAW JUDGES

Minutes of Board Meeting of Wednesday, January 18, 2017

Present (in-person and by videoconference): In Troy: Geraldine A. Reilly, Chair; James S. Alesi, Randall T. Douglas, Board Members; Jayson Myers, Chief Administrative Law Judge (ALJ), Christopher Tate, Principal Administrative Law Judge and Susan Borenstein, Executive Secretary. In Brooklyn: Michael T. Greason, Board Member. In White Plains: George Friedman, Board Member.

Agenda:

- Welcome and Call to Order
 - Reading and adoption of agenda
 - Adoption of Minutes – September 14, 2016 meeting
 - Director's report
 - Chief ALJ report
 - Court Decision Update – Principal ALJ for Appeals
 - Executive Session
 - Return to Public Session
 - Other
 - Adjourn
1. Welcome and Call to Order
 - At 12:05 pm Chair Reilly presiding from Troy, New York at 49th Fourth Street called the meeting to order. She extended her best wishes for a happy, healthy and productive New Year. She reported that the public had been noticed and that the draft agenda published.
 - Chair Reilly noted that there was full attendance by Board Members and so a quorum was met. She acknowledged Board Members and staff who were present and asked each to introduce her/himself.
 - Chair Reilly thanked Governor Cuomo and his staff for their support and assistance for the work of the Board. She further noted that the meeting was the first of the New Year and that the Board was committed to fairness and transparency in its work.
 - She thanked Board Members for their collegiality and for their work in rendering decisions. She also thanked Executive Secretary Susan Borenstein for her work in assisting Board Members and in organizing Board meetings, as well as Chief Administrative Law Judge Jayson Myers for his advice and wisdom. Finally, Chair Reilly thanked Principal Law Judge Christopher Tate for his contributions to the Board and for his reports of Court decisions.
 2. Reading and adoption of the agenda
 - Member Randall Douglas moved to adopt the agenda
 - Member James Alesi seconded the motion
 - Motion to adopt agenda adopted unanimously

3. Reading and Adoption of the minutes, September 14, 2016 Board Meeting
 - Member Michael Greason moved to dispense with the reading and to adopt the minutes
 - Member James Alesi seconded the motion
 - Motion to suspend reading and adoption of the minutes unanimously approved
4. Report of Secretary Susan Borenstein
 - The Director reported on two Stipulations, October 3 and December 17, 2017 signed by Judge Loretta Preska which ended federal monitoring and vacated the 1983 Consent Decree respectively.
 - The Director reported on the number of Higher (4,945) and Lower Authority Appeal (32,404) decisions mailed in 2017 and on USDOL timeliness markers and average case age.
 - Board initiatives such as regular quarterly Board meetings, Director's Updates to Board members, meetings with stakeholders were summarized.
 - The Director thanked the Chair, Chief Judge and the support received from Deputy Secretary Elizabeth DeLeon Bhargava and her Deputy.
 - Lastly, the Director reviewed some of the new technological upgrades that will be introduced in calendar year 2017 including MS 2016, and the issuance of an RFP for an entirely new case management system.
 - Chair Reilly asked for questions and hearing none asked for a motion to accept the report. Member George Friedman moved to adopt the report, which was seconded by Member Randall Douglas and adopted unanimously.
5. Report of Chief Administrative Law Judge (ALJ) Jayson Myers
 - Chief ALJ focused his report on the new tools which will become available to the judicial staff including the production of a Bench manual for Administrative Law Judges. Senior Training Coordinator Deborah Esrick, Senior ALJ Carol Johnson, and ALLs Justin Denton, Alison Ferrara, Michelle Burrows, and Jennifer Snyder-Haas are all contributing to the writing.
 - Chief ALJ reported on the high scores achieved by hearing ALJs in the Third Quarter Federal Quality Review. The average score was 97.89% based on 40 randomly selected cases scored according to 31 quality criteria. All 40 passed with a score of 85% or higher and 21 had perfect scores of 100. He remarked on his admiration and appreciation for their efforts.
 - Finally, the Chief ALJ reported on his appearance on panels sponsored by the Albany Country Bard Association and the Association of the Bar of the City of New York, as indication of the esteem that these bodies have for the work of the Appeal Board,
 - Chair Reilly expressed her gratitude for the work of the judicial staff and then asked for questions and hearing none asked for a motion to adopt the report. Randall Douglas moved to adopt the report, James Alesi, seconded. The report was adopted unanimously.
6. Report of Principal Administrative Law Judge Christopher Tate
 - Principal ALJ Tate discussed four cases affirmed by the Court
7. Executive Session: Chair Reilly asked for a motion to enter into Executive Session in order to discuss a matter of litigation.
 - Member George Friedman moved to enter into Executive Session. The motion was seconded by Member Michael Greason.
 - The Board moved into Executive Session at 12.25PM.
8. The Board returned to the Public meeting at 12.40PM.

9. New Business: Chair Reilly asked for new business and hearing none asked for a motion to adjourn.

- James Alesi moved to adjourn. The motion was seconded by Michael Greason. The motion to adjourn was unanimous.

Submitted March 22, 2017 by: Susan Borenstein
Unanimously adopted