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**SUSAN BORENSTEIN**  
EXECUTIVE SECRETARY

**JAYSON S. MYERS**  
CHIEF ADMINISTRATIVE LAW JUDGE

**TERESA A. DeMEO**  
**CHRISTOPHER M. TATE**  
**MATTHEW J. TIERNEY**  
PRINCIPAL ADMINISTRATIVE LAW JUDGES

Draft Minutes of Board Meeting of Wednesday, March 22, 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. In Brooklyn: Michael T. Greason, Board Member Susan Borenstein, Executive Secretary. Absent: George Friedman, Board Member.

Agenda:

- Welcome and Call to Order
  - Reading and adoption of agenda
  - Adoption of Minutes – January 18, 2017 meeting
  - Director's report
  - Chief ALJ report
  - Court Decision Update – Principal ALJ for Appeals
  - Other
  - Adjourn
1. Welcome and Call to Order
    - At 11:05 pm Chair Reilly presiding from Troy, New York at 49<sup>th</sup> Fourth Street called the meeting to order. She reported that the public had been noticed and invited. The draft agenda published.
    - Chair Reilly stated that there the required quorum was met. Board Member Greason was present in Brooklyn, and Members Alesi and Douglas in Troy. She acknowledged Board Members and staff who were present and asked each to introduce her/himself including Executive Secretary Susan Borenstein, Chief Administrative Law Judge Jayson Myers, and Principal Law Judge Christopher Tate.
    - Chair Reilly thanked Governor Cuomo and his staff for their support and assistance for the work of the Board. She further noted that 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.
    - Chair Reilly acknowledged the work of Administrative Law Judge Justin Denton for his contributions to the Board and for the short discussion and training he had prepared for Board members regarding combined case procedures.
    - Chair Reilly called the meeting to order.
  2. Reading and adoption of the agenda

- Member Alesi moved to adopt the agenda
  - Member Douglas 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
- Secretary noted that since the beginning of 2017 6,199 Lower Authority decisions and 1,494 Higher Authority decisions have been mailed
  - With regard to USDOL timeliness markers she noted that the Lower Authority average case age as of March 17 was 34 days and the average case age of Higher Authority cases was 79.41 days – the elevated numbers due primarily to the large volume of Department of Education reasonable assurance cases. The UIAB is complying with the percentage of hearing decisions mailed within 30 and 45 days at 61% and 84% respectively.
  - Borenstein reported on several technology upgrades including the deployment of MS 2016 in all UIAB locations as well as the installation of an internet voice over phone (VOIP) system. Three UIAB locations – Buffalo, Rochester and White Plains still do not have the VOIP phone system.
  - Finally, Borenstein noted that the UIAB is currently working on a unique Language Access Plan required to be updated every two years by Executive Order.
  - Chair Reilly asked for questions and a motion to adopt the report.
  - Member Douglas thanked Borenstein for her assistance in preparing for a Board hearing which he conducted in the Brooklyn office and moved to accept her report.
  - Member Greason seconded the motion which was unanimous.
5. Report of Chief Administrative Law Judge (ALJ) Jayson Myers
- Chief ALJ reported on the quarterly Federal Quality Review scores for the Fourth Quarter 2016 in which the ALJs average score was 96.2% based. The marks are based upon 40 randomly selected cases scored according to a 31-point quality criteria. He noted that 14 of 40 cases had perfect scores and that this was the 11<sup>th</sup> consecutive quarter where at least 39 of 40 cases scored received a passing score of 85% or better.
  - He thanked the ALJs and noted their high degree of professional achievement.
  - The Chief ALJ reported on the resumption in April of a USDOL, Region 1 conference call of appeal boards which Chair Reilly, Secretary Borenstein and the Chief ALJ will join. He also reported on an invitation he received to appear on a panel at the National Center of Collective Bargaining in late March where he will report on the latest precedential Board decisions. He also noted that both he and Secretary Borenstein will attend an event at the Association of the Bar of NY regarding language access which coincides with a planned judicial training on how to work effectively with interpreters.
  - Chief Myers noted that the UIAB nomination of Senior ALJ Nicole Beason to attend the 2017 National Annual Review has been approved.
  - Finally, Chief Myers reported that ALJ Kathleen Mannix currently represents the UIAB on a LEAN workgroup to improve the quality and efficiency of handling hearing requests at the Telephone Call Center. He also noted that work is

progressing on a first-ever Bench manual for ALJs containing both procedural and substantive law sections.

- Chair Reilly expressed her gratitude for the work of the Chief Myers and the entire judicial staff and then asked for questions. Hearing none she asked for a motion to adopt the report. Member 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 two cases affirmed by the Court, decided on February 2, 2017
    - *Matter of Denes*, 2017 N.Y. App. Div. Lexis 712
    - *Matter of Guidbord*, 46 NYS3d 294
7. New Business: Chair Reilly asked for new business and commented that the date of the Fall Board meeting may be changed to mid-October. Hearing no new business she asked for a motion to adjourn.
- Member Douglas moved to adjourn. The motion was seconded by Michael Greason. The motion to adjourn was unanimous.

Submitted by: Susan Borenstein