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EXECUTIVE SECRETARY

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

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

Minutes of Board Meeting of Wednesday, June 15, 2016

Present: Geraldine A. Reilly, Chair; Michael T. Greason, James S. Alesi, Randall T. Douglas, George Friedman, Board Members; Christopher Tate, Principal Administrative Law Judge, and Senior Administrative Law Judge Christine Martindale.

Agenda:

- Welcome and Call to Order
- Reading and adoption of agenda
- Adoption of Minutes – April 20, 2016 meeting
- Director's report
- Chief ALJ report
- Report – Principal ALJ for Appeals
- Other
- Adjourn

1. Welcome and Call to Order

- At 11:02 am Board Chair Geraldine Reilly presiding from Troy, New York called the meeting to order. Chair Reilly thanked Governor Cuomo and his staff for their support and assistance in addressing the many challenges facing the Board. Chair Reilly stated that the meeting has been noticed, the public informed, and that a quorum is present. Board members are in attendance joined by video conference in four locations: Troy, Rochester, White Plains and Brooklyn. She further thanked the staff and leadership of all of our offices and of course and primarily she would like to thank her colleagues on the Board for their work, encouragement and support. This is the 3<sup>rd</sup> Quarterly Meeting of 2016. She is confident that we can continue to work towards making our Board Meeting informative, transparent and timely.
- Chair Reilly acknowledged and thanked Susan Borenstein our Executive Director for her work in assuring that the Board Meetings are a success and Chief Judge Jayson Myers for his continued wisdom and guidance. She thanked Principal Administrative Law Judge Christopher Tate for his work in today's meeting.
- She expressed her thanks to Senior Administrative Law Judge Christine Martindale who delivered the Executive Director's report for Executive Director Borenstein.
- Chair Reilly noted that Senior Administrative Law Judge Martindale has during her career at the Board performed with the highest degree of legal scholarship and

excellence and as she approaches her retirement we would like to sincerely thank her for her years of service.

- Introduction of Board Members and Executive Staff: Each member of the Board introduced him/herself, as did the Principal ALJ and Senior ALJ present.
2. Reading and adoption of agenda
    - Board Member Douglas moved to adopt the agenda.
    - Board Members Alesi and Friedman seconded the motion.
    - The motion to adopt the agenda was adopted unanimously.
  3. Reading and Adoption of Minutes- April 20, 2016 meeting
    - Board Member Alesi moved to suspend reading of the minutes and to approve the minutes of the last Board meeting held on April 20, 2016.
    - Board Member Friedman seconded the motion.
    - The motion to suspend reading and adopt the minutes of the April 20, 2016 Board Meeting minutes was adopted unanimously.
  4. Report of Executive Director Susan Borenstein as read by Senior ALJ Christine Martindale
    - ALJ Martindale noted that it was a privilege to be present at the Board meeting.
    - For the quarter the UIAB continues to exceed USDOL Lower Authority average case age, currently 27 days. Lower Authority USDOL timeliness markers are as follows: 58% and 80% of decisions scheduled, heard and decided within 30 and 45 days respectively.
    - Once again the Appeal Board has passed the first Quarter 2016 USDOL Federal Quality Review with a passing score of 97.9%; a robust demonstration of the professional standing of the ALJs at the Appeal Board. One hundred per cent of the judges passed the review.
    - In May, Chair Reilly, Chief ALJ Jayson Myers and Executive Director Susan Borenstein at the invitation of Elizabeth DeLeon Bhargava met with the UI Coalition, a coalition of Unemployment Insurance pro bono legal advocates. Members of the coalition raised a list of concerns including hearing scheduling, use of interpreters, access to case files and electronic documentation. As a result of the meeting, the UIAB has begun to schedule hearings 10 business days Notice, and will assess the impact on USDOL timeliness markers within several weeks. In addition, the UIAB has initiated a new process for answering complaints.
    - Also in May, Chief ALJ Jayson Myers and newly appointed UIAB Manager traveled to the UIAB offices in Syracuse, Rochester and Buffalo to assess the work there.
  5. Report of Chief Administrative Law Judge Jayson Myers as read by Principal Administrative Law Judge Christopher Tate
    - Part of the responsibility of Chief ALJ is to deliver farewells. Senior ALJ Andrea Addison is leaving the Board to continue her career at a Federal agency. Senior Judge Christine Martindale is retiring after more than 20 years service to the Appeal Board. We are losing two of our most experienced judges. We extend our best wishes and salute their service to the Board.

- We also are welcoming back ALJ Annette Gaul to our Rochester office. She left the Board for work at another state agency for two years.
- Senior ALJ Training Coordinator Deborah Esrick continues to send out valuable judicial tips in her weekly “*nota bene*” emails to the judicial staff, the last one regarding voluntary separation.
- Once again we scored very well on the Federal Quality Standards Review, a credit to the judicial staffs dedication to fair and impartial hearings.
- In May, I traveled upstate with UIAB Manager Janet Beaudoin. I met with each ALJ individually in our Syracuse, Rochester and Buffalo offices.

6. Report of Principal Administrative Law Judge Christopher Tate

- Principal ALJ Tate discussed two cases affirmed by the Court
  - i. *Matter of Roy*, 138 AD3d 1284, was decided on April 14, 2016
  - ii. *Matter of Labbate*, 138 AD3d 1306, was also decided on April 14, 2016

7. Adjourn

- Board Member Alesi made a motion to adjourn
- Board Member Greason seconded the motion
- Unanimous vote to adjourn at 11:17 am

Submitted by: Susan Borenstein