



STATE OF NEW YORK

UNEMPLOYMENT INSURANCE APPEAL BOARD

PO Box 15126

Albany NY 12212-5126

DECISION OF THE BOARD

Mailed and Filed: JANUARY 06, 2021

IN THE MATTER OF:

Appeal Board No. 612824

PRESENT: MARILYN P. O'MARA, MEMBER

In Appeal Board Nos. 612823 and 612824, the claimant appeals from the decisions of the Administrative Law Judge filed October 26, 2020, which sustained the initial determinations holding the claimant ineligible to receive Pandemic Unemployment Assistance (PUA) benefits, effective June 22, 2020 through August 23, 2020; charging the claimant with an overpayment of \$1,456 in Pandemic Unemployment Assistance (PUA) recoverable pursuant to Section 2102 (h) of the Coronavirus Aid, Relief and Economic Security (CARES) Act of 2020 and 20 CFR Section 625.14 (a); and charging the claimant with an overpayment of \$2,400 in Federal Pandemic Unemployment Compensation (FPUC) repayable pursuant to § 2104 (f) (2) of the Coronavirus Aid, Relief, and

Economic Security (CARES) Act of 2020.

At the combined telephone conference hearing before the Administrative Law Judge, testimony was taken. There was an appearance by the claimant.

Our review of the record reveals that the cases should be remanded to hold a further combined hearing on the issues. Specifically, further testimony and evidence is needed from the parties to establish the claimant's responses when she applied for PUA benefits, and the date that the 2019-2020 school year ended for the claimant's stepson.

The Commissioner of Labor shall be represented and should produce a copy of the claimant's application for Pandemic Unemployment Assistance (PUA) benefits. The Commissioner should state its position on the reason for the claimant's ineligibility for benefits under the CARES Act.

The Judge shall receive into the record further testimony and evidence necessary to decide the issues.

Now, based on all of the foregoing, it is

ORDERED, that the decisions of the Administrative Law Judge be, and the same hereby are, rescinded; and it is further

ORDERED, that the cases shall be, and the same hereby are, remanded to the Hearing Section to hold further combined hearings on the issues, upon due notice to all parties and their representatives; and it is further

ORDERED, that the hearings shall be conducted so that there has been an opportunity for the above actions to be taken, and, so that at the end of the hearing, all parties will have had a full and fair opportunity to be heard; and it is further

ORDERED, that an Administrative Law Judge shall render a new decision on the issues, which shall be based on the entire record in this case, including the testimony and other evidence from the original and the remand hearings, and which shall contain appropriate findings of fact and conclusions of law.

MARILYN P. O'MARA, MEMBER