



STATE OF NEW YORK

**UNEMPLOYMENT INSURANCE APPEAL BOARD**

PO Box 15126

Albany NY 12212-5126

**DECISION OF THE BOARD**

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Mailed and Filed: OCTOBER 20, 2021

IN THE MATTER OF:

Appeal Board No. 618648

PRESENT: MICHAEL T. GREASON, MEMBER

In Appeal Board Nos. 618648, 618649 & 618650, the claimant appeals from the decisions of the Administrative Law Judge filed September 13, 2021, which overruled the Commissioner of Labor's timeliness objection and sustained the initial determinations

holding the claimant ineligible to receive benefits effective August 3 through August 23, 2020 on the basis that the claimant was not totally unemployed; charging the claimant with an overpayment of \$273 in regular benefits recoverable pursuant to Labor Law § 597 (4); and reducing the claimant's right

to receive future benefits by 24 effective days on the basis that the claimant made willful misrepresentations to obtain benefits.

At the combined telephone conference hearing before the Administrative Law Judge, all parties were accorded a full opportunity to be heard and testimony was taken. There were appearances on behalf of the claimant.

The Board is unable to render an informed decision because the audio recording of the hearing is inaudible and, therefore, a transcript of the proceedings cannot be made.

Now, based on all of the foregoing, it is

ORDERED, that the decision of the Administrative Law Judge be, and the same hereby is, rescinded; and it is further

ORDERED, that the case shall be, and the same hereby is, remanded to the Hearing Section to hold a hearing de novo on all the issues, upon due notice to all of the parties and their representatives; and it is further

ORDERED, that an Administrative Law Judge shall render a new decision, on the all the issues, containing appropriate findings of fact and conclusions of law.

MICHAEL T. GREASON, MEMBER