



STATE OF NEW YORK

UNEMPLOYMENT INSURANCE APPEAL BOARD

PO Box 15126

Albany NY 12212-5126

DECISION OF THE BOARD

Mailed and Filed: JULY 28, 2021

IN THE MATTER OF:

Appeal Board No. 614844

PRESENT: MICHAEL T. GREASON, MEMBER

The Department of Labor issued the initial determination disqualifying the claimant from receiving benefits, effective January 11, 2020, on the basis that the claimant voluntarily separated from employment without good cause. The claimant requested a hearing.

The Administrative Law Judge held a telephone conference hearing at which all parties were accorded a full opportunity to be heard and at which testimony was taken. There were appearances by the claimant and on behalf of the employer. By decision filed March 3, 2020 (), the Administrative Law Judge sustained the initial determination.

The claimant applied to the Appeal Board, pursuant to Labor Law § 620 (3), for a reopening and reconsideration of the Judge's decision. Due deliberation having been had, the Board has reopened and reconsidered the decision of the Administrative Law Judge.

Based on the record and testimony in this case, the Board makes the following

FINDINGS OF FACT: The claimant was employed as a full-time carpenter by a resort from August 17, 2006 through January 10, 2020. He worked in the construction department, which initially had 35 to 40 employees, but by the end of his employment, the department was reduced to just the claimant.

The claimant's direct supervisor (BG) was out of work due to medical reasons. During this time the claimant was assigned to other supervisors. In the last

months of his employment, the claimant expressed displeasure with several of the employer's policies, including filling out daily report logs. He also objected to having to report to different supervisors.

On Friday, January 10, 2020, the claimant spoke with the Human Resources director (CS). He told CS that he was quitting. The claimant informed BG that he was quitting because conditions were intolerable. The claimant told BG that he did not respect the management team; that people were avoiding him; and that he was not being assigned any work because all the work was being given to the new carpenter hired for a different department. The claimant had not complained to management, previously, about not being given assignments.

CS told the claimant to take the weekend to think about it and that they would meet on Monday, January 13th. On Monday, CS called the claimant for the meeting. The meeting was rescheduled for Wednesday, January 15th. The claimant did not report for work on January 13th, January 14th or January 15th.

On Wednesday, January 15, 2020, the claimant met with CS and the Director of Resort Operations (DW). The claimant told CS and DW that there was no one at the resort who could supervise him because they were not qualified to oversee his work. He then complained that no one had been assigning him work. DW said there was a lot of work to be done at the resort and that DW was assigning work as fairly as he could. DW reminded the claimant that he had just completed a large project and assured the claimant that other projects were upcoming. DW offered the claimant an opportunity to work on the corporate construction team. The claimant refused the offer. The claimant then stated that since nothing was resolved, they were done. The meeting ended. Continuing work was available for the claimant.

OPINION: The credible evidence establishes the claimant quit his job for a multitude of reasons including dissatisfaction with his supervisors and an alleged lack of assignments. We are not persuaded by the claimant's argument that he was constructively discharged and that his quit was the end result of the employer assigning him to various supervisors and not assigning him work. We note that the employer attempted to remedy the myriad complaints that the claimant brought forward, for the first time at the final meeting on January 15, 2020, by assuring the claimant of additional assignments that were upcoming and offering to transfer the claimant to the corporate construction team. The claimant's contention that he was emotionally upset by the changes on the job also does not provide him with good cause to quit given that he

didn't complain to the employer before he evidenced his intent to quit on January 10, 2020. Accordingly, we conclude that the claimant quit his employment without good cause.

DECISION: The decision of the Administrative Law Judge is affirmed.

The initial determination, disqualifying the claimant from receiving benefits, effective January 11, 2020, on the basis that the claimant voluntarily separated from employment without good cause, is sustained.

The claimant is denied benefits with respect to the issue decided herein.

MICHAEL T. GREASON, MEMBER