



STATE OF NEW YORK

UNEMPLOYMENT INSURANCE APPEAL BOARD

PO Box 15126

Albany NY 12212-5126

DECISION OF THE BOARD

Mailed and Filed: SEPTEMBER 14, 2021

IN THE MATTER OF:

Appeal Board No. 617853

PRESENT: MICHAEL T. GREASON, MEMBER

In Appeal Board Nos. 617851, 617852 & 617853, the claimant appeals from the combined decisions of the Administrative Law Judge filed August 17, 2021, which sustained the Commissioner of Labor's timeliness objection and continued in effect the initial determinations, disqualifying the claimant from receiving benefits effective February 15, 2020 on the basis that the claimant voluntarily separated from employment without good cause; charging the claimant with an overpayment of \$11,700.00 in Federal Pandemic Unemployment Compensation (FPUC) benefits repayable pursuant to § 2104 (f) (2) of the

Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020; charging the claimant with an overpayment of \$3,653.00 in Pandemic Emergency Unemployment Compensation (PEUC) benefits repayable pursuant to § 2107 (e) (2)

of the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020; charging the claimant with an overpayment of \$1,500.00 in Lost Wages Assistance (LWA) benefits recoverable pursuant to 44 CFR Sec. 206.120 (f)(5); charging the claimant with an overpayment of \$7,306.00 in regular benefits and \$1,967.00 in extended benefits recoverable pursuant to Labor Law § 597 (4);

and reducing the claimant's right to receive future benefits by 8-effective days and charging a civil penalty of \$1,390.95 on the basis that the claimant made willful a misrepresentation 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 by the claimant and on behalf of the

employer.

The Board is unable to render an informed decision because the cassette tape of the hearing is lost and, therefore, a transcript of the proceedings cannot be made.

Now, based on 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ORDERED, that the decision of the Administrative Law Judge be, and the same hereby is, rescinded; and it is further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 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 issues, containing appropriate findings of fact and conclusions of law.

MICHAEL T. GREASON, MEMBER