



STATE OF NEW YORK

UNEMPLOYMENT INSURANCE APPEAL BOARD

PO Box 15126

Albany NY 12212-5126

DECISION OF THE BOARD

Mailed and Filed: OCTOBER 25, 2021

IN THE MATTER OF:

Appeal Board No. 618833

PRESENT: JUNE F. O'NEILL, MEMBER

In Appeal Board Nos. 618831, 618832 & 618833, the claimant appeals from the September 27, 2021 decisions of the Administrative Law Judge, which sustained the initial determinations holding the claimant ineligible to receive benefits effective March 30 through November 15, 2020 on the basis that the claimant was not totally unemployed and/or earned over the statutory limit; charging the claimant with an overpayment of \$12,600 in regular benefits recoverable pursuant to Labor Law § 597 (4); charging the claimant with an overpayment of

\$3,402 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 \$10,200 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 \$1,800 in Lost Wages Assistance (LWA) benefits recoverable pursuant to 44 CFR Sec. 206.120 (f)(5); and reducing the claimant's right to receive future benefits by 264 effective days and charging a civil penalty of \$3,930.30 on the basis that the claimant made a willful misrepresentation to obtain benefits.

At the combined telephone conference hearing before the Administrative Law Judge, testimony was taken. There was an appearance by 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 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ORDERED, that the decision of the Administrative Law Judge be, and the same hereby is, rescinded; and it is further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 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.

JUNE F. O'NEILL, MEMBER