



STATE OF NEW YORK

UNEMPLOYMENT INSURANCE APPEAL BOARD

PO Box 15126

Albany NY 12212-5126

DECISION OF THE BOARD

Mailed and Filed: NOVEMBER 01, 2021

IN THE MATTER OF:

Appeal Board No. 617646

PRESENT: MICHAEL T. GREASON, MEMBER

In Appeal Board Nos. 617646 and 617647, the claimant appeals from the decisions of the Administrative Law Judge filed July 30, 2021, which sustained the initial determinations holding the claimant ineligible to receive Pandemic Unemployment Assistance (PUA) benefits; and charging the claimant with overpayments of \$1,800 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 and \$1,274 in benefits recoverable pursuant to Labor Law § 597 (4); \$6,188 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).

The Administrative Law Judge held a telephone conference hearing at which testimony was taken. There was an appearance by the claimant.

Our review of the record reveals that the case should be remanded to hold a hearing. More testimony and evidence should be taken with respect to the question of whether the claimant is eligible for Pandemic Unemployment Assistance.

At the remand hearing, the claimant is directed to produce documentation of the following: the dates upon which she participated in the Estee Lauder clinical trials in 2019 and 2020; what she was paid for each; the date upon which she was next scheduled to participate in a clinical trial prior to the Covid-19 pandemic shutdown; and how she was notified that the particular trial

would not take place. She should also produce her 2019 and 2020 federal income tax returns to show how the income she received for these particular services was reported. With respect to the claimant's additional contention that she could not work because she became the caregiver to her two children on July 29, 2020, she should be asked to clarify their ages on that date and whether they were in school at that particular time.

Now, based on all of the foregoing, it is

ORDERED, that the decisions of the Administrative Law Judge are rescinded; and it is further

ORDERED, that the case shall be remanded to the Hearing Section to hold a hearing, upon due notice to all parties and their representatives; and it is further

ORDERED, that the hearing shall be conducted so that there has been an opportunity for the above action 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 new decisions, 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.

MICHAEL T. GREASON, MEMBER