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JAMES S. ALESI
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MEMBERS



**Unemployment Insurance
Appeal Board**

P.O Box 29002
Brooklyn, NY 11202-9002
TEL: (718) 613-3500
FAX: (718) 613-3566
www.uiab.ny.gov

SUSAN BORENSTEIN
EXECUTIVE SECRETARY

JAYSON S. MYERS
CHIEF ADMINISTRATIVE LAW JUDGE

TERESA A. DeMEO
CHRISTOPHER M. TATE
MATTHEW J. TIERNEY
PRINCIPAL ADMINISTRATIVE LAW JUDGES

Minutes of Board Meeting of Wednesday, April 20, 2016

Present: Geraldine A. Reilly, Chair; Michael T. Greason, James S. Alesi, Randall T. Douglas, Board Members; Jayson S. Myers, Chief Administrative Law Judge, Christopher Tate, Principal Administrative Law Judge, Susan Borenstein, Executive Secretary, Deborah Esrick, Senior Administrative Judge/Training Coordinator and Senior Administrative Law Judge Nicole Beason

Absent: Board Member George Friedman was absent-excused.

Members of the Public: In Brooklyn: Julia Rosner, Manhattan Legal Services and Cindy Katz, Queens Legal Services – In Troy: Sheila Hurley, who contracts with various employer representation companies to represent employers at hearings

Agenda:

- Welcome and Call to Order
 - Reading and adoption of agenda
 - Adoption of Minutes – January 13, 2016 meeting
 - Director's report
 - Chief ALJ report
 - Report – Principal ALJ for Appeals
 - Report – Senior ALJs' Summary of Upcoming Seminar with Claimant Advocate's Office
 - Executive Session
 - Return to Public Session
 - Other
 - Adjourn
1. Welcome and Call to Order
 - At 11:15 am Board Chair Geraldine Reilly presiding from Troy, New York called the meeting to order. Chair Reilly thanked Governor Cuomo and his staff for their leadership and support for the work of the Board. She further thanked her Board colleagues as well as Executive Director Susan Borenstein and Chief Administrative Law Judge (ALJ) Jayson Myers for their efforts in supporting the work of the Board. She also thanked Principal ALJ Christopher Tate and Senior ALJs Deborah Esrick and Nicole Beason who were also present.
 - Introduction of Board Members and Executive Staff: Each member of the Board introduced him/herself, as did the Chief Judge and Executive Director, and Principal ALJ and Senior ALJs present.
 2. Reading and Approval of the Minutes of the last Board Meeting:
 - Board Member Alesi moved to suspend reading of the minutes and to approve the minutes of the last Board meeting held on January 13, 2016.

- Board Member Douglas seconded the motion.
- Board Member Greason moved to amend the minutes to reflect his excused absence at the January meeting because of the death of a family member.
- Member Alesi moved to amend the minutes and Member Douglas seconded.
- The motion to approve the minutes as amended and to suspend the reading was adopted unanimously.

3. Report of Executive Director Susan Borenstein:

- The UIAB continues to exceed all Lower Authority timeliness markers for the first quarter as follows: the average case age is 26 days; 62% and 82 % of decisions have been scheduled, heard and mailed within 30 and 45 days, respectively. The average case age in Higher Authority Appeals has been slightly elevated.
- Current projects and recent developments were summarized including: the Governor's two LEAN initiatives of which the UIAB is a participant; the UIAB's score of 97.9% in the Fourth Quarter 2015 Federal Quality Review; greater use of technology including sending case file to parties by encrypted email; and, lastly, in compliance with the Governor's Language Access initiative the introduction of subtitles in Haitian Creole and Russian (as well as Spanish and English) to the video preparing parties for a hearing that is available on the UIAB website
- Director Borenstein announced the appointment of Janet Beaudoin to the position of UIAB Manager and Amy Higby to the position of UIAB Supervisor in Troy, both positions to assist the Director in managing the administrative staff statewide.
- Chair Reilly asked for comments and questions and thanked Director for her work. There were no questions or comments.

4. Report of Chief Administrative Law Judge Jayson Myers:

- Recognized the judicial staff for their high level of public service and the rendering of fair decisions as illustrated by the high Federal Quality Review scores;
- Chief Judge summarized training initiatives including the use of time off calendar to address individualized training the issuance of "Noteworthy Decisions" as well as "NB's" (*nota bene*) which are short legal tips for the judicial staff. The shifting of judges from hearing to appeals review for purposes of workload was discussed.
- Note was made of the seriousness with which complaints by parties are handled and the procedure for investigating them. In addition, the UIAB's objective to be informative to all parties – employers and claimants--was mentioned. The expectation that the judicial hearing staff is engaged and empathetic with the public and that supervisors among the judicial staff conduct partial hearing calendars in order to understand the challenges of those they supervise was discussed. Finally, Chief Judge Myers reiterated the mission to provide the parties with a full and fair opportunity to be heard including adjournments for cases that cannot be completed in one session.

- Chair Reilly asked for questions or comments and thanked the Chief Judge for his work. There were no questions or comments.
5. Report by Principal Administrative Law Judge Christopher Tate
 - Principal ALJ Christopher Tate summarized five Board cases – three affirmed by the Appellate Division and two that were reversed.
 - The cases summarized were:
 - i. Matter of Exotic Island Enterprises: 135AD3d 1087. Affirmed. Decided January 14, 2016
 - ii. Matter of Jean, 135 AD3d 1281. Reversed, decided January 28, 2016.
 - iii. Matter of Chirico, 24 NYS3d 800. Affirmed. Decided February 11, 2016.
 - iv. Matter of Cohen, 136 AD3d 1179. Reversed. Decided February 18, 2016.
 - v. Matter of Rosseychuk, 2016 N.Y. App.Div. Lexis 1877. Affirmed. Decided March 17, 2016.
 - Chair Reilly thanked Principal Judge Christopher Tate for the summary and his work.
 6. Summary Report of Upcoming Seminar with Claimant Advocate's Office by Senior Administrative Law Judge/Training Coordinator Deborah Esrick and Senior Administrative Law Judge Nicole Beason
 - Senior Administrative Law Judges Deborah Esrick and Nicole Beason summarized the reason for and the content of an upcoming training/seminar with the judicial staff and the UI Division's Claimant Advocate's Office. The seminar will take place via videoconference in a panel format where the Claimant Advocate's Office will share data about the concerns, fears, apprehensions and misapprehensions that claimants experience prior to, during and after a UIAB hearing. Wendy Prudencio, Director of the Claimant Advocate's office will be asked a series of prepared questions about those issues which she and her staff find most confusing to claimants and coincidentally questions that many employers also find confusing. During the seminar, Ms. Prudencio's staff will ask a series of questions of the UIAB staff. The seminar will build on themes of empathy and engagement that were emphasized in the UIAB's 2014 training conference.
 7. Board Member Alesi made a motion to move into Executive Session at 11:50AM
 - Member Douglas seconded the motion
 - Unanimous vote to move into Executive Session
 8. Return to Public Session at 12:04PM
 9. Adjourn
 - Board Member Alesi made a motion to adjourn
 - Board Member Douglas seconded the motion
 - Unanimous vote to adjourn at 12:10 pm

Submitted by: Susan Borenstein, May 2, 2016