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DECISION AND NOTICE OF DECISION
DECISIÓN Y AVISO DE LA DECISIÓN TOMADA

A.L.J. Case No. 010-07364

Mailed and Filed: April 6, 2010

IN THE MATTER OF:

NICHOLAS S DUBROWSKY
42 SATTERIE AVENUE
VALLEY STREAM NY 11580

THE CITY OF NEW YORK
DEPT OF DCAS
1 CENTRE STREET RM 2170
NEW YORK NY 10007-1602

Department of Labor Office: 801

Hearing Requested: March 04, 2010

PLEASE TAKE NOTICE that this decision has been duly mailed on the date listed above. If you appeared at the hearing and are not satisfied with this decision, you may appeal within **TWENTY DAYS** from the date this decision was mailed. Any party who failed to appear at the hearing has the right to apply to reopen the case. For the application to be granted, the party must apply within a reasonable time and must establish good cause for its failure to appear. **READ IMPORTANT INFORMATION ON REVERSE SIDE.**

POR FAVOR TOMENOTA que esta decisión ha sido debidamente enviada por correo en la fecha que aparece arriba. Si usted asistió a la audiencia y no está satisfecho con la decisión, usted puede apelar dentro de los **VEINTE DIAS** a partir de la fecha en que esta decisión fue enviada por correo. Cualquiera de las partes que falle en comparecer a la audiencia, tiene derecho de aplicar para que reabran su caso. Para que la apelación sea aceptada, la parte interesada debe aplicar dentro de un periodo de tiempo razonable y debe establecer buena causa por no haber comparecido a la audiencia. **LEA INFORMACIÓN IMPORTANTE AL REVERSO.**

DOCUMENTO IMPORTANTE. PUEDE OBTENER UNA TRADUCCIÓN DEL MISMO LLAMANDO AL 1-888-209-8124 (FUERA DEL ESTADO DE NUEVA YORK 1-877-358-5306)

ISSUES:

Voluntary leaving of employment without good cause.

The Department of Labor issued the initial determination disqualifying the claimant from receiving benefits, effective October 24, 2009, on the basis that the claimant voluntarily separated from employment without good cause. The claimant requested a hearing.

A hearing was held at which testimony was taken. There was an appearance by the claimant.

FINDINGS OF FACT: Claimant was employed as an attorney for a municipal agency until October 23, 2009. Two members of management at the agency had a personal relationship with an appearance of impropriety. Claimant felt that he had an obligation as an attorney to report the matter. He did not do so because he feared retaliation which had occurred in the past. Claimant resigned from his employment on October 23, 2009, because he felt that his license could be jeopardized if he did not report the matter and continued working

there.

OPINION: Pursuant to Labor Law § 593 (1) (a), a claimant is disqualified from receiving benefits after a voluntary separation from employment without good cause.

The un rebutted credible evidence establishes that claimant resigned because he feared retaliation if he reported an appearance of impropriety and felt that his license could be jeopardized if he did not report it and continued working for the employer. On the record before me, I find such reasons for resigning to be compelling. Accordingly, I conclude that claimant is not subject to the disqualification imposed.

DECISION: The initial determination is overruled.

* The claimant is allowed benefits with respect to the issues decided herein.

/s/ Diane Dubiac

Administrative Law Judge