

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
THIRD DEPARTMENT

Matter of Samuels (Commissioner of Labor)

118 A.D.3d 1206 (N.Y. App. Div. 2014) · Decided June 19, 2014

SUMMARY

The court affirmed a decision of the Unemployment Insurance Appeal Board disqualifying the claimant from benefits after his employment was terminated for misconduct. The court held that the arbitrator's factual findings were entitled to collateral estoppel effect because the claimant had a full and fair opportunity to litigate, and that substantial evidence supported the Board's finding that his conduct constituted disqualifying misconduct.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Third Department
WRITING FOR THE COURT	Egan Jr., J.; Stein, J.E.; McCarthy, J.; Rose, J.
JURISDICTION	New York
DECIDED	June 19, 2014
DISPOSITION	affirmed
PROCEDURAL POSTURE	Claimant appealed the Unemployment Insurance Appeal Board's determination disqualifying him from receiving unemployment insurance benefits because he was terminated for misconduct.
STANDARD OF REVIEW	Whether the Board's determination was supported by substantial evidence; the court also reviewed whether collateral estoppel properly applied to the arbitrator's factual findings.
PRECEDENTIAL VALUE	Published appellate decision
PARTIES	Claimant Samuels v. Commissioner of Labor

TOPICS

- unemployment benefits
- labor law
- administrative law
- judicial review of agency action
- collective bargaining

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Unemployment Insurance Appeal Board properly gave collateral-estoppel effect to the arbitrator's factual findings after a full and fair arbitration hearing.
2. Whether substantial evidence supported the Board's determination that claimant's conduct constituted disqualifying misconduct warranting denial of unemployment insurance benefits.

HOLDINGS

1. When the record establishes that a claimant had a full and fair opportunity to litigate the conduct precipitating termination in an arbitration proceeding, the arbitrator's factual findings must be accorded collateral-estoppel effect in the unemployment-benefits proceeding.
2. Substantial evidence supported the Board's determination that claimant was disqualified from receiving unemployment insurance benefits because his conduct toward the supervisor constituted disqualifying misconduct.

KEY QUOTATIONS

“Where the record establishes that there was “a full and fair opportunity to litigate the issue of the conduct precipitating termination in an arbitration proceeding, the arbitrator’s factual findings must be accorded collateral estoppel effect”” (1207)

FACTUAL BACKGROUND

Claimant worked as a track specialist for a municipal transportation authority. He was discharged after allegedly refusing to comply with a work order and pushing a supervisor onto a live, elevated train track. In a collective-bargaining arbitration, claimant was represented by counsel and had a full evidentiary hearing; the arbitrator found that claimant pushed the supervisor and that just cause supported termination.

PROCEDURAL HISTORY

Claimant was discharged from his position as a track specialist with a municipal transportation authority after allegedly refusing to comply with a work order and pushing a supervisor onto a live, elevated train track. Following a full evidentiary arbitration hearing at which claimant was represented by counsel, the arbitrator found that claimant pushed the supervisor and that just cause existed for discharge. The Unemployment Insurance Appeal Board adopted the arbitrator's factual findings, independently determined that the conduct constituted disqualifying misconduct, and denied benefits. The Appellate Division affirmed.

DISPOSITION

affirmed

CASES CITED

- Matter of Mordukhayev (Commissioner of Labor), 104 A.D.3d 1005, 1006 (2013)
- Matter of Chohan (Commissioner of Labor), 108 A.D.3d 920, 921 (2013)
- Matter of Redd (Commissioner of Labor), 98 A.D.3d 791, 791 (2012), lv denied 20 N.Y.3d 857 (2013)
- Matter of Jones (Commissioner of Labor), 100 A.D.3d 1134, 1134 (2012)
- Matter of Hernandez (Commissioner of Labor), 98 A.D.3d 1185, 1185 (2012)

OPINION

EGAN, J.

Egan Jr., J. Appeal from a decision of the Unemployment Insurance Appeal Board, filed December 11, 2012, which ruled that claimant was disqualified from receiving unemployment insurance benefits because his employment was terminated due to misconduct. Claimant was discharged from his employment as a track specialist with a municipal transportation authority for allegedly refusing to comply with a work order and pushing a supervisor onto a live, elevated train track.

Claimant contested his discharge under the collective bargaining agreement and, following a full evidentiary arbitration hearing at which claimant was represented by counsel, the arbitrator determined, among other things, that claimant did in fact push his supervisor and that just cause existed for claimant's discharge. Thereafter, the Unemployment Insurance Appeal Board, adopting the arbitrator's findings of fact, denied claimant's application for unemployment insurance benefits upon the basis that he lost his employment due to disqualifying misconduct.

Claimant appeals, contending that the Board erred in according collateral estoppel effect to the arbitrator's factual findings and that the Board's decision was not supported by substantial evidence. We affirm. Where the record establishes that there was "a *1207full and fair opportunity to litigate the issue of the conduct precipitating termination in an arbitration proceeding, the arbitrator's factual findings must be accorded collateral estoppel effect" (Matter of Mordukhayev [Commissioner of Labor], 104 AD3d 1005, 1006 [2013]).

Here, a review of the record confirms that the Board properly took into account the arbitrator's factual findings regarding claimant's conduct toward the supervisor and made an independent evaluation as to whether claimant's behavior constituted disqualifying misconduct for the purposes of unemployment insurance (see Matter of Chohan [Commissioner of Labor], 108 AD3d 920, 921 [2013]; Matter of Redd [Commissioner of Labor], 98 AD3d 791, 791 [2012], lv denied 20 NY3d 857 [2013]).

Furthermore, inasmuch as fighting with a coworker has been held to constitute disqualifying misconduct (see Matter of Jones [Commissioner of Labor], 100 AD3d 1134, 1134 [2012]; Matter of Hernandez [Commissioner of Labor], 98 AD3d 1185, 1185 [2012]), substantial evidence supports the Board's finding that claimant was disqualified from receiving unemployment insurance benefits under the circumstances herein.

Accordingly, the decision will not be disturbed. Claimant's remaining contentions have been reviewed and found to be unpersuasive. Stein, J.E, McCarthy and Rose, JJ., concur. Ordered that the decision is affirmed, without costs.

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