

NEW YORK COURT OF APPEALS

Mike H. Carmody v. Commissioner of Labor

Matter of Carmody (Commissioner of Labor), 2025 NY Slip Op 06963 · No. No. 129 SSM 5 · Decided
December 16, 2025

SUMMARY

The New York Court of Appeals affirmed an order concerning the claimant’s eligibility for pandemic unemployment assistance and related benefits. The court held that substantial evidence supported the determination that the claimant was not totally unemployed and had willfully made false statements regarding hours worked, warranting penalties.

CASE DETAILS

COURT	New York Court of Appeals
WRITING FOR THE COURT	Chief Judge Wilson; Judge Rivera; Judge Garcia; Judge Singas; Judge Cannataro; Judge Troutman; Judge Halligan
JURISDICTION	New York Court of Appeals
DECIDED	December 16, 2025
DOCKET	No. 129 SSM 5
DISPOSITION	affirmed
PROCEDURAL POSTURE	Claimant appealed an Unemployment Insurance Appeal Board determination concerning eligibility for pandemic unemployment assistance and related benefits, including assessed penalties. The Appellate Division affirmed, and the New York Court of Appeals affirmed the Appellate Division's order on review of submissions under New York Court of Appeals Rule 500.11.
STANDARD OF REVIEW	Whether substantial evidence supports the Unemployment Insurance Appeal Board's determinations.
PRECEDENTIAL VALUE	Published New York Court of Appeals memorandum decision
PARTIES	Mike H. Carmody v. Commissioner of Labor

TOPICS

- unemployment benefits
- administrative law
- statutory interpretation
- standard of review
- appellate procedure

PRACTICE AREAS

Unemployment benefits

Administrative law

Employment law

Statutory interpretation

QUESTIONS PRESENTED

1. Whether the Unemployment Insurance Appeal Board properly applied the former Labor Law total-unemployment standard in determining Carmody's eligibility for pandemic unemployment assistance and related benefits under the CARES Act.
2. Whether substantial evidence supported the Board's determination that Carmody was not totally unemployed.
3. Whether substantial evidence supported the Board's finding that Carmody willfully made a false statement or representation to obtain benefits and was therefore subject to penalties.

HOLDINGS

1. The Board did not err in applying former Labor Law §§ 522 and 591(1)'s total-unemployment standard to determine Carmody's eligibility for pandemic unemployment assistance and related benefits under the CARES Act.
2. Substantial evidence supported the Board's determination that Carmody was not totally unemployed.
3. Substantial evidence supported the Board's finding that Carmody willfully made a false statement or representation by reporting that he worked zero hours while knowing that he had engaged in business-related activities constituting work.

KEY QUOTATIONS

"Because claimant was assessed penalties, the Board's determination must also be supported by substantial evidence that claimant willfully—i.e., knowingly, intentionally, and deliberately—made a "false statement or representation" to obtain these benefits"

FACTUAL BACKGROUND

Carmody sought pandemic unemployment assistance and related benefits under the CARES Act. The Board found that he was not totally unemployed because he engaged in business-related activities that constituted work during the relevant period. The Board also found that he willfully misrepresented that he had worked zero hours, despite knowing that he had performed those activities, and assessed penalties.

PROCEDURAL HISTORY

The Unemployment Insurance Appeal Board determined that Carmody was not totally unemployed and had willfully made a false statement by reporting zero hours worked, and assessed penalties. The Appellate Division affirmed the Board's determination. The Court of Appeals affirmed the Appellate Division order, with costs.

DISPOSITION

affirmed

CASES CITED

- Matter of Klosterman [New York State Dept. of Corr. & Community Supervision—Commissioner of Labor], — N.Y.3d — (2025)
- Matter of Valvo [Ross], 57 N.Y.2d 116, 126-128 (1982)
- 83 A.D.2d 344, 346 (3d Dep't 1981)

OPINION

PER CURIAM.

Matter of Carmody (Commissioner of Labor) (2025 NY Slip Op 06963) Matter of Carmody (Commissioner of Labor) 2025 NY Slip Op 06963 Decided on December 16, 2025 Court of Appeals Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports. Decided on December 16, 2025 No. 129 SSM 5 [*1]In the Matter of the Claim of Mike H. Carmody, Appellant.

Commissioner of Labor, Respondent. Submitted by Jonathan I. Edelstein, for appellant. Submitted by Laura Etlinger, for respondent. MEMORANDUM: The order of the Appellate Division should be affirmed, with costs. The Unemployment Insurance Appeal Board (Board) did not err in applying former Labor Law §§ 522 and 591 (1)'s "total unemployment" standard to determine whether claimant was eligible for pandemic unemployment assistance and related benefits under the Coronavirus Aid, Relief, and Economic Security (CARES) Act (see 15 USC § 9021; Matter of Klosterman [New York State Dept. of Corr. & Community Supervision—Commissioner of Labor], — NY3d &mdash, — [2025] [decided today]).

Substantial evidence supports the Board's determination that claimant was not totally unemployed (see former Labor Law § 591 [1]). Because claimant was assessed penalties, the Board's determination must also be supported by substantial evidence that claimant willfully—i.e., knowingly, intentionally, and deliberately—made a "false statement or representation" to obtain these benefits (see Labor Law §§ 594 [1], [4]; Matter of Valvo [Ross], 57 NY2d 116, 126-128 [1982], affg 83 AD2d 344, 346 [3d Dept 1981]).

Substantial evidence supports the Board's finding that claimant willfully misrepresented that he worked zero hours, despite knowing that he had engaged in business-related activities that constituted work during the relevant period (see Matter of Valvo, 57 NY2d at 126).

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs, in a memorandum. Chief Judge Wilson and Judges Rivera, Garcia, Singas, Cannataro, Troutman and

Halligan concur. Decided December 16, 2025

PER CURIAM.

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