

DECISION DIGEST

Actual cases and rulings from Princeton Claims Management

JULY 2022

A NON-APPEARANCE RESULTS IN AN UNFAVORABLE UI DECISION

Background

A hospital licensed boiler engineer (employee) walked off the job due to a personal emergency. The employer's policy required the engineer obtain coverage prior to leaving his post in accordance with State regulations. The engineer's supervisor reminded him to secure coverage before leaving or wait for a replacement. The claimant did not provide any details of his alleged emergency and instead threw his badge and keys at his supervisor with an expletive and verbally resigned. The employer accepted the engineer's resignation, and the director covered the engineer's post for the remainder of the shift. The engineer called the employer a week later to inquire about the status of his position and was told he resigned without notice and therefore was no longer an employee.

Process

The employee (claimant) filed an unemployment claim and was eligible for benefits because the examiner determined that he tried to protect his job by returning to complete his shift and therefore did not intend to leave. The employer disagreed with the determination and filed an appeal for voluntary leaving without good cause, as their records indicated the claimant did not return to the job and therefore did not try to protect the job.

The appellant employer with three witnesses and its employer agent (Princeton Claims Management) participated in a hearing before an Appeal Tribunal examiner. The claimant did not register for the hearing, nor did he request a postponement. Without testimony from the claimant, the examiner had only the employer's testimony to consider when rendering the decision. All of the witnesses maintained that the engineer walked off the job without notice and failed to secure coverage in accordance with their policy and state regulations. Although they were sympathetic to the claimant's situation, they all agreed he made no effort to find a replacement, nor did he return to finish his shift. Absent the claimant's participation in the hearing, the examiner held the employer's testimony credible and relied on it to support the UI decision.

Judgment

In the Appeal Tribunal's Decision, the examiner opined that, while the claimant may have had a legitimate emergency, he was told to find coverage before leaving in accordance with policy. When he failed to do so and walked off the job throwing his badge and keys at his supervisor, his actions constituted a voluntary leaving of employment. "Since there is no evidence to justify the claimant's leaving of gainful employment to join the ranks of the unemployed" he is disqualified under N.J.S.A. 43:21-5(a) for voluntarily leaving work without good cause attributable to the work. Because the claimant was initially held eligible, and a voluntary leaving disqualification is indefinite, he will likely be subject to a refund of any benefits he received on the claim.

This case illustrates the importance of testifying in an Appeal Tribunal hearing to support one's position. Without testimony from an opposing party, the examiner must rely on the testimony of the party who participates. It is important for both parties to weigh the implications of not participating when deciding what is in their best interests.

For more information about Princeton Claims Management or unemployment insurance eligibility please contact LuAnne Rooney Frascella at 609.936.2207 or lfrascella@njha.com.