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Although it is posted on the internet, this opinion is binding only on the
parties in the case and its use in other cases is limited. R.1:36-3.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-5758-14T1

ANNA CHRONIS,

Appellant,

v.

BOARD OF REVIEW,
and VIATHON CAPITAL MANAGEMENT,

Respondents.

Submitted February 8, 2017 – Decided March 2, 2017

Before Judges Simonelli and Carroll.

On appeal from the Board of Review, Department
of Labor and Workforce Development, Docket No.
035,939.

Anna Chronis, appellant pro se.

Christopher S. Porrino, Attorney General,
attorney for respondent Board of Review
(Marolhin D. Mendez, Deputy Attorney General,
on the brief).

Respondent Viathon Capital Management has not
filed a brief.

PER CURIAM

Claimant Anna Chronis appeals from a July 2, 2015 decision
of the Board of Review finding her ineligible for unemployment

benefits on the ground that she did not establish sufficient base weeks or earnings during her regular or alternate base year periods. We affirm.

Claimant admittedly has not been employed in New Jersey since February 2008. It is also undisputed that she did not file for unemployment benefits until August 31, 2014. The claim established a base year of April 1, 2013 through March 31, 2014. Because claimant had no base weeks or earnings during that period the Deputy denied her claim.

Claimant appealed, and, after a hearing, the Appeal Tribunal affirmed the Deputy's decision. The Appeal Tribunal found the claim to be invalid pursuant to N.J.A.C. 12:17-5.1, as claimant did not meet the basic eligibility requirements during her regular base year or any of the alternative base year periods. Claimant next appealed to the Board of Review, which affirmed the Appeal Tribunal's decision on July 2, 2015. This appeal followed.

To be eligible for unemployment benefits, a claimant must have sufficient wages from employment in the "base year." N.J.S.A. 43:21-4(e)(4). A base year for unemployment compensation benefit calculations is "the first four of the last five completed calendar

quarters immediately preceding an individual's benefit year."¹
N.J.S.A. 43:21-19(c)(1). If a claimant's wages are insufficient to qualify for benefits under the ordinary base year period, he or she may designate an "alternative base year," which is defined as the last four completed calendar quarters immediately preceding the individual's benefit year. Ibid. Alternatively, a claimant may designate the base year as the last three completed quarters immediately preceding the benefit year and that portion of the calendar quarter in which the benefit year commences. Ibid.

In the present case, it is uncontroverted that claimant did not meet these statutory eligibility requirements. The record clearly establishes that claimant had no qualifying wages since February 2008. Although in her brief claimant offers a host of reasons why she did not file her claim when she separated from her employment, before the Appeals Examiner she testified it was "because I wasn't looking for work. . . . I ended up hanging out for a little bit trying to start my own business which I did for a little bit and then I spent most of my time for two years in Europe."


¹ A "benefit year" is defined in N.J.S.A. 43:21-19(d) as "the 364 consecutive calendar days beginning with the day on, or as of, which [a claimant] next files a valid claim for benefits[.]"

In matters involving unemployment benefits, we accord particular deference to the expertise of the Board of Review, and its repeated construction and application of Title 43. See, e.g., Brady v. Bd. of Review, 152 N.J. 197, 210 (1997); Doering v. Bd. of Review, 203 N.J. Super. 241, 245 (App. Div. 1985). "In reviewing the factual findings made in an unemployment compensation proceeding, the test is not whether [we] would come to the same conclusion if the original determination was [ours] to make, but rather whether the factfinder could reasonably so conclude upon the proofs." Brady, supra, 152 N.J. at 210 (quoting Charatan v. Bd. of Review, 200 N.J. Super. 74, 79 (App. Div. 1985)). "If the Board's factual findings are supported 'by sufficient credible evidence, [we] are obliged to accept them.'" Ibid. (quoting Self v. Bd. of Review, 91 N.J. 453, 459 (1982); Goodman v. London Metals Exchange, Inc., 86 N.J. 19, 28-29 (1981)). We also give due regard to the agency's credibility findings. Logan v. Bd. of Review, 299 N.J. Super. 346, 348 (App. Div. 1997) (citing Jackson v. Concord Co., 54 N.J. 113, 117 (1969)). We overturn an agency determination only if it is arbitrary, capricious, unreasonable, unsupported by substantial credible evidence as a whole, or inconsistent with the enabling statute or legislative policy. Brady, supra, 152 N.J. at 210-11.

Applying these principles, we conclude the Board's determination of claimant's ineligibility for unemployment compensation benefits is supported by sufficient credible evidence in the record, and fully comports with applicable law. Accordingly, we find no basis to disturb it.

Affirmed.

I hereby certify that the foregoing
is a true copy of the original on
file in my office.


CLERK OF THE APPELLATE DIVISION