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This opinion shall not "constitute precedent or be binding upon any court."
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-1419-16T1

ANN M. EDMONDS,

Claimant-Appellant,

v.

BOARD OF REVIEW, DEPARTMENT
OF LABOR, ROWAN COLLEGE OF
GLOUCESTER COUNTY¹ AND ROWAN
UNIVERSITY/RUTGERS-CAMDEN,

Respondents-Respondents.

Submitted January 18, 2018 – Decided February 23, 2018

Before Judges Nugent and Currier.

On appeal from the Board of Review, Department
of Labor, Docket No. 095,349.

Ronald B. Weisenberg, attorney for appellant.

Brown & Connery, LLP, attorney for respondent
Rowan College (Michael J. DiPiero, on the
brief).

Gurbir S. Grewal, Attorney General, attorney
for respondent Board of Review (Melissa Dutton
Schaffer, Assistant Attorney General, of

¹ The entity was incorrectly designated as Gloucester County College.

counsel; Rimma Razhba, Deputy Attorney General, on the brief).

PER CURIAM

Claimant Ann Edmonds appeals from the October 17, 2016 decision of the Board of Review (Board) finding her ineligible for unemployment benefits pursuant to N.J.S.A. 43:21-5(a). After a review of the contentions in light of the record and applicable principles of law, we affirm.

Claimant left her employment at Rowan College of Gloucester County on April 29, 2016, to start a new job at Rowan University. Although she initially intended to start on May 2, 2016, she postponed her start date until May 16 so that she could undergo a planned surgery. Claimant was terminated by Rowan on June 6, 2016.

Claimant was found disqualified for benefits by the Deputy Director of Unemployment Insurance. He determined that she had left her job voluntarily to pursue other employment. Because she began her subsequent employment more than seven days after her resignation, she was not eligible for benefits.

Following claimant's appeal of the determination, a telephonic hearing was conducted before the Appeal Tribunal. Claimant confirmed the end and start dates of the jobs, and that she had left her first employment voluntarily. The Appeal Tribunal

affirmed the Deputy's determination, finding that claimant was disqualified from benefits under N.J.S.A. 43:21-5(a) "as she left [her first] job voluntarily . . . without good cause attributable to the work" and did not start the new job within seven days of leaving the prior employment. The Board affirmed the Tribunal's decision.

On appeal, claimant contends that the Board's decision should be reversed because it penalizes her for being honest with her new employer and it is inconsistent with N.J.S.A. 43:21-5(a). We are mindful that our review of administrative agency decisions is limited. We will not disturb an agency's action unless it was clearly "arbitrary, capricious, or unreasonable." Brady v. Bd. of Review, 152 N.J. 197, 210 (1997).

N.J.S.A. 43:21-5(a) provides, in pertinent part, that an individual is disqualified for benefits


[f]or the week in which the individual has left work voluntarily without good cause attributable to such work, and for each week thereafter until the individual becomes reemployed and works eight weeks in employment. . . . This subsection shall not apply to an individual who voluntarily leaves work with one employer to accept from another employer employment which commences not more than seven days after the individual leaves employment with the first employer.

Claimant did not start work until more than two weeks after she voluntarily left her former job. Although she now argues she

should not be "penalized" for being honest with her new employer that she intended to take off some time for a preplanned medical procedure, it remains undisputed that she chose to begin the new job more than two weeks after leaving the old employment. It is also undisputed that she had not worked eight weeks in her new position prior to her discharge. The substantial credible evidence in the record supports the Board's determination that claimant was disqualified from benefits.

Affirmed.

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


CLERK OF THE APPELLATE DIVISION