

# Appellate Division Upholds Denial Of Unemployment Benefits

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October 11, 2018 | by Alex Lee

On September 21, 2018, the Appellate Division in the matter of *Nowakowski v. Board of Review et al.*, A-0670-17T2, confirmed a denial of unemployment compensation benefits sought by Appellant Alan K. Nowakowski after he voluntarily resigned from his position, despite the Appellant's argument that he had good cause to resign.

Nowakowski, a former salesperson employee of Global Home Improvements, Inc., argued that he had established good cause because he believed that his employer Global asked him to participate in illegal activities and practices. As a salesperson Nowakowski had previously informed the President of Global, Paul Kazlov, that he was owed \$60,000 in commission payments for past sales. However, following an investigation, Global informed Nowakowski that there was no evidence that Global owed him such compensation. Nowakowski promptly resigned his position, stating to his employer that he could not go back to work under the same circumstances.

Under these circumstances the Appellate Division rejected Appellant's characterizations of impropriety by the employer, and confirmed the Unemployment Appeals Examiner's position that Nowakowski was disqualified from receiving benefits due to his voluntary resignation. The Court in these circumstances found that regardless of the characterization of the circumstances by the Appellant, a personal dispute with the employer was insufficient to meet the standards for good cause.

This decision underlines the principle that unemployment compensation is not available for employees that leave work voluntarily without good cause, particularly when the employee cannot point to compelling facts demonstrating claimant has left work for reasons other than "purely personal reasons."