

Denial of Unemployment Benefits Reversed And Remanded Due To Incomplete Findings Of Fact

May 20, 2019 | by Thomas F. Dorn, Jr

In *Eilertson v. Board of Review, Department of Labor* (A-1130-17T1), the Appellate Division, in an unpublished opinion on May 13, 2019, reviewed a denial of unemployment benefits from the Unemployment Board of Review in the Department of Labor. Appellant Charlotte Eilertson applied for unemployment after she left her job as a front-end office coordinator in a dental office. Appellant claimed that when her employer, a dentist, installed a camera in her work area that was the “final straw” that caused to leave her job that she had held for almost thirty years.

The Appeal Tribunal and then the Board of Review below only focused on the installation of the camera and concluded that was not a sufficient reason to leave her job. They held that “the claimant left work voluntarily without good cause”. The Appeal Tribunal and Board of Review did not address or discuss any of appellant’s other claims of harassment or verbal abuse from the dentist.

The Appellate Division noted that appellant had testified that the dentist harassed and verbally abused her almost every day. He allegedly constantly degraded her, questioned her work ethic to the extent that patients told her it was unfair how she was being treated, and even once told her that she could not have a very good marriage because she could never shut up and listen. She testified that the installation of the camera made her feel like the victim of years of verbal abuse and harassment and bullying and, as a result, she had to leave her job. The dentist disputed some of these claims. However, the Appeal Tribunal and Board of Review did not address appellant’s claims other than the installation of the camera; there was no acceptance or rejection of these other claims. The other claims were not mentioned in the decisions. As a result, the Appellate Division reversed and remanded the case so the Board of Review could render complete Findings of Facts. Addressing only the last act of the camera installation denied appellant a fair hearing on her claim. On remand the Appellate Division directed the Board to consider the totality of the dentist’s comments it finds to be credible and supported in making that determination.

On remand the Board will have to address appellant's detailed allegations of harassment and verbal abuse and will have to consider why she stayed at her job for almost thirty years if the harassment/abuse occurred daily. The final decision will come down to credibility. Findings of Fact in every case have to be discussed and decided.