

State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: December 22, 2011

512388

In the Matter of ROXANNE M.
CARCATERRA,
Appellant.

ASSOCIATION FOR COMPUTING
MACHINERY, INC.,
Respondent.

MEMORANDUM AND ORDER

COMMISSIONER OF LABOR,
Respondent.

Calendar Date: November 2, 2011

Before: Peters, J.P., Lahtinen, Malone Jr., McCarthy and
Egan Jr., JJ.

Ranni Law Firm, Florida (Joseph J. Ranni of counsel), for
appellant.

Paul, Weiss, Rifkind, Wharton & Garrison, L.L.P., New York
City (Aaron H. Crowell of counsel), for Association for Computing
Machinery, Inc., respondent.

Eric T. Schneiderman, Attorney General, New York City (Dawn
A. Foshee of counsel), for Commissioner of Labor, respondent.

Appeal from a decision of the Unemployment Insurance Appeal
Board, filed August 12, 2010, which ruled, among other things,
that claimant was disqualified from receiving unemployment
insurance benefits because she voluntarily left her employment
without good cause.

Claimant worked as a publications manager for a nonprofit association that provides educational resources to computer professionals. When her duties were changed due to restructuring, she became dissatisfied with her position and feared that it would eventually be eliminated or that she would be terminated. As a result, she decided to leave her job under a severance agreement. She filed a claim for unemployment insurance benefits, but the Unemployment Insurance Appeal Board ruled, among other things, that she was disqualified from receiving them because she voluntarily left her employment without good cause. Claimant appeals.

We affirm. Dissatisfaction with one's job duties (see Matter of Harris [Commissioner of Labor], 71 AD3d 1223, 1224 [2010]; Matter of Paino [Commissioner of Labor], 27 AD3d 820, 820 [2006]) or quitting a job in anticipation of discharge (see Matter of Dixon-Weaver [Commissioner of Labor], 67 AD3d 1243, 1244 [2009]; Matter of Ruggerio [Commissioner of Labor], 63 AD3d 1477, 1478 [2009]) have been held not to constitute good cause for leaving one's employment. Here, claimant's unhappiness with her new job duties and concern over possibly losing her job were the factors motivating her to enter into the severance agreement. Although she stated that she had no choice but to sign the agreement as the employer refused to address her complaints, this presented a credibility issue for the Board to resolve (see Matter of Doyle [Commissioner of Labor], 78 AD3d 1417, 1418 [2010]; Matter of DeGennaro [Commissioner of Labor], 68 AD3d 1274, 1275 [2009]). Therefore, we find no reason to disturb the Board's decision.

Peters, J.P., Lahtinen, Malone Jr., McCarthy and Egan Jr., JJ., concur.

ORDERED that the decision is affirmed, without costs.

ENTER:



Robert D. Mayberger
Clerk of the Court