

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

Decided and Entered: April 20, 2017

523016

In the Matter of the Claim of
ALICIA DELGADO-AGUDIO,
Appellant.

MEMORANDUM AND ORDER

COMMISSIONER OF LABOR,
Respondent.

Calendar Date: February 28, 2017

Before: McCarthy, J.P., Egan Jr., Rose, Clark and Aarons, JJ.

Alicia Delgado-Agudio, Huntington Station, appellant
pro se.

Eric T. Schneiderman, Attorney General, New York City
(Bessie Bazile of counsel), for respondent.

Appeal from a decision of the Unemployment Insurance Appeal Board, filed March 17, 2016, which ruled that claimant was disqualified from receiving unemployment insurance benefits because she voluntarily left her employment without good cause.

Claimant worked full time as a social work assistant at a psychiatric center for approximately 2½ years. She enrolled in a graduate program while she was working and requested the employer to modify her work schedule to enable her to complete an internship that was part of the program. When the employer denied her request, she resigned from her position. Thereafter, the Department of Labor issued an initial determination disqualifying claimant from receiving unemployment insurance benefits on the ground that she voluntarily left her employment without good cause. This determination was upheld by an Administrative Law Judge following a hearing, and that decision

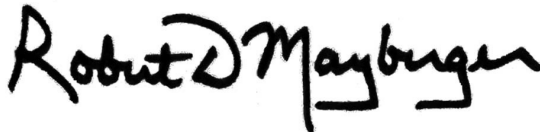
was later affirmed by the Unemployment Insurance Appeal Board. Claimant now appeals.

We affirm. Resigning from a position in order to pursue educational opportunities constitutes a personal and noncompelling reason for leaving employment disqualifying a claimant from receiving unemployment insurance benefits (see Matter of Gordon [Commissioner of Labor], 46 AD3d 1002 [2007]; Matter of Silberman [Memorial Sloan-Kettering Cancer Ctr.-Commissioner of Labor], 17 AD3d 815, 815-816 [2005], lv denied 5 NY3d 713 [2005]). Here, it is undisputed that claimant resigned from her job because she desired to complete the internship that was part of her graduate program following the employer's failure to modify her work hours. In view of this, substantial evidence supports the Board's decision and we find no reason to disturb it.

McCarthy, J.P., Egan Jr., Rose, Clark and Aarons, JJ.,
concur.

ORDERED that the decision is affirmed, without costs.

ENTER:

A handwritten signature in black ink that reads "Robert D. Mayberger". The signature is written in a cursive, slightly slanted style.

Robert D. Mayberger
Clerk of the Court