

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

Decided and Entered: January 21, 2021

530655

In the Matter of the Claim of
EMILIO BONILLA JR.,
Appellant.

MEMORANDUM AND ORDER

COMMISSIONER OF LABOR,
Respondent.

Calendar Date: January 4, 2021

Before: Garry, P.J., Egan Jr., Clark, Aarons and Reynolds
Fitzgerald, JJ.

Emilio Bonilla Jr., New York City, appellant pro se.

Letitia James, Attorney General, New York City (Linda D.
Joseph of counsel), for respondent.

Appeal from a decision of the Unemployment Insurance
Appeal Board, filed July 23, 2019, which, upon reopening and
reconsideration, ruled that claimant was disqualified from
receiving unemployment insurance benefits because he voluntarily
left his employment without good cause.

Claimant, a postal worker, was hospitalized for an alleged
suicide attempt. Before returning to work, the employer,
pursuant to the collective bargaining agreement, required
claimant to submit to a psychiatric evaluation to determine
whether he was fit to return to duty. Claimant refused to
authorize the release of his medical records to the psychiatrist
performing the evaluation and, therefore, did not return to
work. Substantial evidence supports the decision of the

Unemployment Insurance Appeal Board that claimant voluntarily separated from his employment without good cause. Where, as here, a claimant "fail[s] to take reasonable steps to protect his [or her] employment," the claimant can be held to have voluntarily left employment without good cause (Matter of Gaines [New York City Tr. Auth.-Commissioner of Labor], 37 AD3d 962, 963 [2007]; see Matter of Carrasco [Commissioner of Labor], 271 AD2d 788, 788-789 [2000]; Matter of Joyce [Commissioner of Labor], 250 AD2d 901, 902 [1998]). Claimant's remaining contentions are either not properly before us or are without merit.

Garry, P.J., Egan Jr., Clark, Aarons and Reynolds
Fitzgerald, 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