

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

Decided and Entered: December 7, 2023

CV-23-0825

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In the Matter of the Claim of  
MALCOM E. MARTINEZ,  
Appellant.

MEMORANDUM AND ORDER

COMMISSIONER OF LABOR,  
Respondent.

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Calendar Date: November 9, 2023

Before: Egan Jr., J.P., Lynch, Pritzker, Reynolds Fitzgerald and Fisher, JJ.

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*Malcom E. Martinez*, Brooklyn, appellant pro se.

*Letitia James*, Attorney General, New York City (*Camille J. Hart* of counsel), for respondent.

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Appeal from a decision of the Unemployment Insurance Appeal Board, filed February 24, 2023, which ruled that claimant was disqualified from receiving unemployment insurance benefits because he voluntarily left his employment without good cause.

Claimant worked as a teacher's aide for the employer until August 2022, when he quit his position in order to become a full-time student and earn his bachelor's degree. He thereafter filed a claim for unemployment insurance benefits. The Department of Labor issued an initial determination finding that claimant was disqualified from receiving unemployment insurance benefits because he had voluntarily separated from his employment without good cause. Following a hearing, an Administrative Law Judge affirmed the denial of benefits. The Unemployment Insurance Appeal Board affirmed, prompting claimant's appeal.

We affirm. It is well established that resigning from a position in order to pursue academic studies, while commendable, constitutes a personal and noncompelling reason for separating from one's employment, disqualifying a claimant from receiving unemployment insurance benefits (*see Matter of Lee [Commissioner of Labor]*, 190 AD3d 1170, 1172 [3d Dept 2021]; *Matter of Delgado-Agudio [Commissioner of Labor]*, 149 AD3d 1377, 1378 [3d Dept 2017]; *Matter of Silberman [Memorial Sloan-Kettering Cancer Ctr.-Commissioner of Labor]*, 17 AD3d 815, 815 [3d Dept 2005], *lv denied* 5 NY3d 713 [2005]). It is undisputed that claimant left his employment in order to complete an undergraduate degree program. Accordingly, substantial evidence supports the Board's finding that claimant was disqualified from receiving unemployment insurance benefits because he voluntarily left his employment without good cause (*see Labor Law § 593 [1]*).

Egan Jr., J.P., Lynch, Pritzker, Reynolds Fitzgerald and Fisher, 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