

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

Decided and Entered: March 12, 2026

CV-25-0351

In the Matter of the Claim of
MARIA E. CRUZ,

Appellant.

MEMORANDUM AND ORDER

COMMISSIONER OF LABOR,
Respondent.

Calendar Date: February 6, 2026

Before: Garry, P.J., Reynolds Fitzgerald, Ceresia, Powers and Corcoran, JJ.

Maria E. Cruz, Babylon, appellant pro se.

Letitia James, Attorney General, New York City (*Dennis A. Rambaud* of counsel),
for respondent.

Appeal from a decision of the Unemployment Insurance Appeal Board, filed August 29, 2024, which dismissed claimant's appeal from a decision of the Administrative Law Judge as untimely.

By decision dated November 16, 2023, an Administrative Law Judge (hereinafter ALJ) ruled that claimant was ineligible to receive benefits from November 30, 2020 through June 7, 2021, charged her with recoverable overpayments of benefits and imposed a civil penalty. Claimant submitted a hearing request on July 16, 2024 in which she, among other things, sought to appeal from the ALJ's decision. The Unemployment Insurance Appeal Board responded on July 29, 2024 and advised claimant that, although her appeal was untimely, the Board would review her "appeal request to determine if good cause had been shown for the delay." The Board ultimately determined that it had not and dismissed the appeal as untimely. Claimant appeals.

We affirm. "Labor Law § 621 (1) provides that an appeal to the Board from a decision of an ALJ must be made within 20 days of the mailing or personal delivery of the decision, and this time requirement is strictly construed" (*Matter of Cromwell [Commissioner of Labor]*, 204 AD3d 1207, 1208 [3d Dept 2022] [internal quotation marks and citations omitted]; accord *Matter of Chin [Commissioner of Labor]*, 214 AD3d 1286, 1287 [3d Dept 2023]). As the Board noted, claimant did not take an appeal from the ALJ's decision within that time frame and offered no explanation for her failure to do so. Thus, "the merits of the ALJ's decision are not properly before this Court, and the Board's decision dismissing claimant's appeal as untimely will not be disturbed" (*Matter of Chin [Commissioner of Labor]*, 214 AD3d at 1287; see *Matter of Tracy [Commissioner of Labor]*, 224 AD3d 1058, 1059 [3d Dept 2024]).

Garry, P.J., Reynolds Fitzgerald, Ceresia, Powers and Corcoran, 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