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This opinion shall not "constitute precedent or be binding upon any court."
Although it is posted on the internet, this opinion is binding only on the
parties in the case and its use in other cases is limited. R. 1:36-3.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-2286-16T3

SHARON J. BOONE,

Claimant-Appellant,

v.

BOARD OF REVIEW, DEPARTMENT
OF LABOR and LSA VENTURES,
LLC,

Respondents-Respondents.

Submitted March 21, 2018 – Decided April 9, 2018

Before Judges Alvarez and Currier.

On appeal from the Board of Review, Department
of Labor, Docket No. 101,401.

Sharon J. Boone, appellant pro se.

Gurbir S. Grewal, Attorney General, attorney
for respondent Board of Review (Jason W.
Rockwell, Assistant Attorney General, of
counsel; Marolhin D. Mendez, Deputy Attorney
General, on the brief).

Respondent LSA Ventures, LLC, has not filed a
brief.

PER CURIAM

Claimant Sharon Boone appeals from the January 6, 2017 decision of the Board of Review (Board) dismissing her appeal after she failed to appear for a scheduled telephonic hearing. The Board found that claimant had not shown good cause for her nonappearance. We affirm.

In September 2016, claimant filed an application for unemployment benefits. Claimant was found disqualified for benefits by the Deputy Director of Unemployment Insurance. He determined that she had left her job voluntarily because she was dissatisfied with her working conditions. Because claimant's reasons for leaving her employment did not constitute good cause attributable to the work, she was not eligible for benefits.

Following claimant's appeal of the determination, she received a notice dated October 26, 2016, scheduling a telephonic hearing before the Appeal Tribunal. The notice indicated a hearing date of November 14, 2016, at 10:30 a.m. It further stated: "IMPORTANT: YOU MUST CALL THE OFFICE OF APPEALS ON THE DATE OF HEARING (SHOWN BELOW) 15 TO 30 MINUTES BEFORE THE SCHEDULED HEARING TIME. YOU WILL BE ASKED TO PROVIDE YOUR NAME, AREA CODE AND TELEPHONE NUMBER." The notice also advised: "Your appeal may be dismissed or you may be denied participation in the hearing if you fail, without good cause, to follow these instructions."

Claimant did not call the Appeals office, and therefore no hearing occurred. On November 14, 2016, the Tribunal found that claimant "failed to participate in a telephone appeal hearing and pursue the appeal." The appeal was dismissed.

On November 15, claimant faxed a letter advising that she had "looked at the wrong date on the paper and thought it was for today."¹ She requested a new hearing date. The Tribunal denied claimant's request to reopen the decision, finding that she had not shown good cause for her failure to participate in the hearing. The Board affirmed the Tribunal's decision, concluding that claimant had not shown good cause for the non-appearance and there was no abuse of discretion in denying the request to reopen the matter.

On appeal, claimant asserts that she "confused the dates on the notice" and asks that her case be re-opened despite her "oversight." We note that our review is narrow. In an appeal from an order of the Board denying unemployment compensation, our review "is limited to determining whether the agency acted arbitrarily, capriciously, or unreasonably." Lourdes Med. Ctr. of Burlington Cty. v. Bd. of Review, 197 N.J. 339, 360 (2009).


¹ In her brief, claimant states that she called in for the appeal on the correct date, but in the afternoon instead of the morning as indicated on the notice.

We cannot say that the Board acted arbitrarily, capriciously, or unreasonably in affirming the Tribunal's dismissal of claimant's appeal. The governing regulation provides that "[i]f the appellant fails to appear for a hearing before an appeal tribunal, the appeal tribunal may proceed to make its decision on the record or may dismiss the appeal on the ground of nonappearance unless it appears that there is good cause for adjournment." N.J.A.C. 1:12-14.4(a).

In her letter appealing the Tribunal, claimant admitted she had received the notice, but failed to call on the right day and time. Given the letter's clear instruction, the Board could conclude that claimant's "oversight" did not constitute good cause for adjournment. Thus, the Board could properly determine that claimant failed to show good cause for her nonappearance before the Tribunal. Therefore, the Tribunal properly dismissed her claim.

Affirmed.

I hereby certify that the foregoing
is a true copy of the original on
file in my office.


CLERK OF THE APPELLATE DIVISION