



Jersey Shore Reporting, LLC,
Petitioner,

**STATE OF NEW JERSEY
DEPARTMENT OF LABOR
AND WORKFORCE DEVELOPMENT**

v.

**New Jersey Department of Labor and
Workforce Development,**
Respondent.

REQUEST FOR STAY

**OAL DKT. NO LID 07013-2014
AGENCY DKT. NO. DOL 14-003**

Issued: March 8, 2022

Jersey Shore Reporting, LLC (Jersey Shore or petitioner) seeks a stay of my December 31, 2021 final administrative determination pending the appeal of that determination to the Superior Court, Appellate Division. Within the December 31, 2021 determination, I found that petitioner had failed to establish that the court reporters whose services it had engaged during the period from 2008 through 2010 (the audit period) were exempt from coverage under the New Jersey Unemployment Compensation Law, N.J.S.A. 43:21-1 et seq., either pursuant to N.J.S.A. 43:21-19(i)(10) or as independent contractors under N.J.S.A. 43:21-19(i)(6)(A), (B) and (C), commonly referred to as “the ABC test.” Consequently, I ordered with regard to all court reporters engaged by Jersey Shore during the audit period, that petitioner immediately remit to the Department of Labor and Workforce Development (the Department) \$39,236.06 in unpaid contributions to the State Unemployment Compensation and State Disability Benefits funds, along with applicable interest and penalties.

Jersey Shore states in its petition for a stay that the factors to be considered by the Commissioner should be, (1) clear likelihood of success on the merits, (2) danger of immediate or irreparable harm if the request is not granted, (3) absence of substantial injury to other parties of the request is granted, and (4) the public interest would not be harmed. Regarding the first factor, Jersey Shore states, “[a]s the ALJ concluded that the court reporters were independent

contractors, Jersey Shore has shown it has a likelihood of success on the merits warranting the requested stay be issued.” Regarding the second factor, Jersey Shore states that “[t]he issue in this application for a stay is not merely the payment of a sum of money from one party to another,” but rather, “[i]t is the denial to one party of a fair and impartial hearing.” Thus, Jersey Shore concludes that if not granted a stay in this matter it “will incur [the] immeasurable harm of being denied due process, in that its right to have its case heard on appeal in the impartial forum of the Appellate Court will be denied.” Regarding the third factor, Jersey Shore asserts that “[n]o harm results from delaying the [Department’s] receipt of a remedy that it will likely be later required to repay to Jersey Shore.”

Petitioner has failed to establish a legitimate basis for staying the December 31, 2021 order. That is, petitioner’s assertion that it believes it will prevail on appeal because it received a favorable initial decision from the Administrative Law Judge does not suffice to establish a likelihood of success on the merits of the appeal. Equally unpersuasive are petitioner’s unsupported assertions that it will suffer irreparable harm if it is not granted the stay and that the Department will suffer no harm in the event that the stay is granted because “it will likely be later required to repay Jersey Shore.” Finally, regarding the public interest, petitioner makes no argument.

ORDER

Therefore, I hereby order that petitioner’s request for a stay of the December 31, 2021 order is denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY
THE COMMISSIONER, DEPARTMENT
OF LABOR AND WORKFORCE DEVELOPMENT



Robert Asaro-Angelo, Commissioner
Department of Labor and Workforce Development

Inquiries & Correspondence:

David Fish, Executive Director
Legal and Regulatory Services
Department of Labor and Workforce Development
PO Box 110 – 13th Floor
Trenton, New Jersey 08625-0110

