



**640 Bloomfield Avenue, LLC,
Bella Gente,
Petitioner,**

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

v.

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

**FINAL ADMINISTRATIVE ACTION
OF THE
COMMISSIONER**

**OAL DKT. NO LID 05915-17
AGENCY DKT. NO. DOL 17-005**

Issued: September 4, 2018

The appeal of 640 Bloomfield Avenue, LLC, Bella Gente ("Bella Gente" or "Petitioner") concerning an unemployment and temporary disability assessment by the New Jersey Department of Labor and Workforce Development ("DLWD" or "Respondent") was heard by Administrative Law Judge Julio C. Moreno ("ALJ"). The DLWD had assessed Petitioner \$11,872.11 for unpaid contributions, plus interest and penalties for the years 2009 to 2012. It should be noted that the ALJ states that \$11,872.11 is due for unreported wages and/or under-reported wages totaling this amount; however, to clarify these amounts are for unpaid unemployment and disability contributions, not wages.

The appeal was transmitted to the Office of Administrative Law, where it was filed on April 28, 2017 as a contested case. A hearing was held on April 9, 2018, and the DLWD filed its written summation on May 11, 2018 and Bella Gente submitted its written summation on May 17, 2018.

The sole issue on appeal was whether the cooks, servers and helpers at petitioner's restaurant were employees or independent contractors under N.J.S.A. 43:21-

19(i)(6)(A)-(C). The ALJ concluded that the workers were employees and thus, the petitioner was liable for the Department's assessment in the amount of \$11,872.11, plus interest and applicable penalties.

No exceptions were filed.

Having considered the record and the ALJ's initial decision, and having made an independent evaluation of the record, I have accepted and adopted the findings of fact, conclusion, and recommendation contained in the ALJ's initial decision.

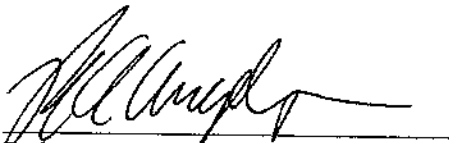
ORDER

Therefore, the initial decision of the ALJ is affirmed and Petitioner's appeal is hereby dismissed.

Petitioner is hereby ordered to immediately remit its unpaid unemployment and disability contributions for the years 2009 to 2012, plus interest and penalties, to the Department.

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

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