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DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
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ROBERT ASARO-ANGELO
Commissioner

BOARD OF REVIEW

**MINUTES OF THE REGULAR MEETING OF
THE BOARD OF REVIEW
JANUARY 22, 2024**

WILLIAM SCAGLIONE, CHAIRMAN

LISA HART, VICE CHAIRPERSON

ERIC OLSEN, BOARD MEMBER

MARYANN MORAN-SMYTH, EXECUTIVE SECRETARY



**BOARD OF
REVIEW**

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BOARD OF REVIEW MEETING OF JANUARY 22, 2025

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A regular meeting of the Board of Review was held on Wednesday, JANUARY 22, 2025, at 10:00 a.m., via conference call, in Trenton, New Jersey

PRESENT: William Scaglione, Chairperson, Lisa Hart, Vice-Chairperson, Eric Olsen, Board Member, Maryann Moran-Smyth, Executive Secretary,

In accordance with L1975, c.231, the Chairperson to the Board of Review opened the meeting with the following statement:

Notice of this meeting was filed with the Secretary of State and sent to the Trenton Times, Newark Star Ledger and Courier Post and posted in the Lobby of the Department of Labor, 1 John Fitch Plaza, Trenton, New Jersey.

All actions were by unanimous vote unless otherwise specified.

BOARD OF REVIEW MINUTES – JANUARY 22, 2025 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the January 15, 2025 Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE JANUARY 15, 2025 BOARD MEETING.

SECTION A – HEARING MATTERS:

A-1 VACATED APPEALS BY THE BOARD OF REVIEW

1. BOR DKT. 00343107 (J.C.)

Employer appealed a decision of the Appeal Tribunal holding the claimant eligible for benefits under availability for work.

2. BOR DKT. 00258777 (C.G.)

The claimant's correspondence was erroneously processed as an appeal to the Board of Review.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS VACATED APPEALS BY THE BOARD OF REVIEW.

A-2 DISMISSED APPEALS BY THE BOARD OF REVIEW DUE TO UNTIMELY FILING OR FOR NON-JUSTICIABLE APPEAL ISSUE

1. BOR DKT. 00345548 (O.S.)

Claimant appealed the decision of the Appeal Tribunal holding a disqualification for benefits for misconduct connected with the work.

2. BOR DKT. 00353426 (R.R.)

Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for leaving work voluntarily without good cause attributable to the work.

3. BOR DKT. 00352918 (H.S.J.)

Claimant appealed the decision of the Appeal Tribunal holding a disqualification for benefits for misconduct connected with the work.

BOARD OF REVIEW MINUTES – JANUARY 22, 2025 MEETING

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS DISMISSED APPEALS BY THE BOARD OF REVIEW DUE TO UNTIMELY FILING OR FOR NON-JUSTICIABLE APPEAL ISSUES.

A-3 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW

1. BOR DKT. 00349548 (M.C.)

Claimant appealed the decision of the Appeal Tribunal holding a disqualification for benefits for misconduct connected with the work.

2. BOR DKT. 00348332 (K.M.)

Claimant appealed the decision of the Appeal Tribunal holding a disqualification for benefits for leaving work voluntarily without good cause attributable to the work.

3. BOR DKT. 00337987 (R.W.)

Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for misconduct connected with the work.

4. BOR DKT. 00325282 (A.C.)

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause.

5. BOR DKT. 00353966 (M.B.)

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant did not meet reporting requirements.

6. BOR DKT. 00350002 (C.P.)

Claimant appealed the Appeal Tribunal decision holding the unemployment claim invalid.

7. BOR DKT. 00321577 (A.A.)

Claimant appealed the Appeal Tribunal decision holding the unemployment claim invalid and a liability for a non-fraud refund.

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8. BOR DKT. 00353344 (E.G.)

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms.

9. BOR DKT. 00345540 (K.S.)

Claimant appealed the decision of the Appeal Tribunal denying the request to reopen the matter due to non-registration for the hearing.

10. BOR DKT. 00321874 (A.L.)

Claimant appealed the decision of the Appeal Tribunal denying the request to reopen the matter due to non-registration for the hearing.

11. BOR DKT. 00357577 (G.S.)

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant did not meet reporting requirements.

12. BOR DKT. 00302088 (A.E.)

Claimant appealed a decision of the Appeal Tribunal holding the claimant liable for a fraud refund.

13. BOR DKT. 00356837 (R.P.)

Claimant appealed the decision of the Appeal Tribunal holding a disqualification for benefits for leaving work voluntarily without good cause attributable to the work.

14. BOR DKT. 00333772 (R.V.D.)

Claimant appealed the Appeal Tribunal decision holding the unemployment claim invalid and a liability for a non-fraud refund.

15. BOR DKT. 00349006 (J.S.)

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause.

BOARD OF REVIEW MINUTES – JANUARY 22, 2025 MEETING

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW. BOARD MEMBER ERIC OLSEN ABSTAINED FROM VOTING ON ITEM #11.

A-4 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW

1. BOR DKT. 00353681 (S.G.)

Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for leaving work voluntarily without good cause attributable to the work.

2. BOR DKT. 00333771 (R.V.D.)

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under ability for work, holding the claimant ineligible for Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons identified in the CARES Act and a liability for a non-fraud refund.

3. BOR DKT. 00328862 (E.S.)

Claimant appealed the decision of the Appeal Tribunal holding a disqualification for benefits for leaving work voluntarily without good cause attributable to the work.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW.

A-5 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW

1. BOR DKT. 00339268 (S.H.)

Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for leaving work voluntarily or for being discharged for misconduct connected with the work.

2. BOR DKT. 00372004 (A.B.)

Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for misconduct connected with the work.

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3. BOR DKT. 00338339 (K.G.)

Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for leaving work voluntarily or for being discharged for misconduct connected with the work.

4. BOR DKT. 00336379 (Y.G.)

Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for leaving work voluntarily or for being discharged for misconduct connected with the work.

5. BOR DKT. 00348962 (J.O.)

Claimant appealed the decision of the Appeal Tribunal holding a disqualification for benefits for leaving work voluntarily without good cause attributable to the work.

6. BOR DKT. 00351460 (H.S.)

Claimant appealed the decision of the Appeal Tribunal holding a disqualification for benefits for gross misconduct connected with the work.

7. BOR DKT. 00367264 (D.M.)

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as the appellant failed to file within the statutory period.

8. BOR DKT. 00366763 (D.M.)

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as the appellant failed to file within the statutory period.

9. BOR DKT. 00343276 (D.F.)

Claimant appealed the decision of the Appeal Tribunal holding an ineligibility for a waiver of overpayment.

10. BOR DKT. 00342693 (E.B.)

Claimant appealed the decision of the Appeal Tribunal holding an ineligibility for a waiver of overpayment.

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ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES 1 THROUGH 6, AND 9 AND 10 AS REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW. BOARD VOTED TO TABLE CASES 7 AND 8.

A-6 REVERSED DECISIONS OF THE APPEAL TRIBUNAL AND/OR THE DEPUTY BY THE BOARD OF REVIEW

1. BOR DKT. 00321152 (R.K.)

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS A REVERSED DECISION OF THE APPEAL TRIBUNAL AND/OR THE DEPUTY BY THE BOARD OF REVIEW.

A-7 REQUEST FOR RECONSIDERATION FROM THE OFFICE OF THE ATTORNEY GENERAL

1. BOR DKT. 00303401 (D.B.)

Claimant appealed the Appeal Tribunal decision holding the unemployment claim invalid and a liability for a non-fraud refund.

BOR DKT. 00294435 (I.M.)

Claimant appealed a decision of the Appeal Tribunal holding the claimant liable for a non-fraud refund.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES FROM THE ATTORNEY GENERAL'S OFFICE FOR RECONSIDERATION.

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SECTION B – MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 BOR DKT. 00351160 (D.U.H.)

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause. (**Appellate Specialist Arunasalam**)

ACTION: THE BOARD VOTED TO TABLE THIS DISCUSSION CASE TO A FUTURE AGENDA WHEN THE APPELATE SPECIALIST WOULD BE AVAILABLE.

B-2 BOR DKT. 00342866 (B.C.)

Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for leaving work voluntarily without good cause attributable to the work. (**Appellate Specialist Robinson**)

ACTION: BOARD VOTED TO REMAND THE ABOVE CASE TO THE APPEAL TRIBUNAL TO FURTHER DEVELOP THE RECORD. THE APPELLATE SPECIALIST WILL PREPARE THE REMAND ORDER.

B-3 BOR DKT. 00320254 (C.S.)

Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for leaving work voluntarily without good cause attributable to the work. (**Appellate Specialist Robinson**)

ACTION: BOARD VOTED TO REMAND THE ABOVE CASE TO THE APPEAL TRIBUNAL TO FURTHER DEVELOP THE RECORD. THE APPELLATE SPECIALIST WILL PREPARE THE REMAND ORDER.