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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 29, 2025**

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 29, 2025

JANUARY 29, 2025

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A regular meeting of the Board of Review was held on Wednesday, JANUARY 29, 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 29, 2025 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the January 22, 2025, Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE JANUARY 22, 2025, BOARD MEETING.

OLD BUSINESS:

1. BOR DKT. 00348523 (G.L.)

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms and a liability for a non-fraud refund. **(This case was placed in the wrong category in the Open Public Meeting of January 15, 2025. The Board put this case back on this agenda to be placed in the correct category.)**

ACTION: BOARD VOTED TO NULLIFY THE JANUARY 15, 2025, VOTE AND ADD THE CASE TO THE NEXT AGENDA IN A DIFFERENT DISPOSITION CATEGORY.

SECTION A – HEARING MATTERS:

A-1 VACATED APPEALS BY THE BOARD OF REVIEW

1. BOR DKT. 00349023 (M.C.)

The employer'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. 00346374 (J.S.)

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for an Overpayment Waiver.

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2. BOR DKT. 00359752 (J.S.)

Claimant appealed a decision of the Appeal Tribunal holding a disqualification due to willful misrepresentation, a liability for fines, and a refund liability.

3. BOR DKT. 00283643 (J.M.)

Claimant appealed the Appeal Tribunal decision which accepted claimant's request to withdrawal appeal.

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 DENIAL OF REOPENING REQUESTS TO THE BOARD OF REVIEW

1. BOR DKT. 00316235 (E.D.V.)

Claimant is requesting a reopening of the Board of Review decision, affirming the Appeal Tribunal decision holding the claimant eligible for benefits under availability for work.

2. BOR DKT. 00325176 (L.P.)

Claimant is requesting a reopening of the Board of Review decision, affirming the Appeal Tribunal's decision 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. 00268269 (L.W.)

Claimant is requesting a reopening of the Board of Review decision, affirming the Appeal Tribunal's decision holding an eligibility for benefits under availability and ability to work.

4. BOR DKT. 00313265 (A.G.)

Claimant is requesting a reopening of the Board of Review decision, affirming the Appeal Tribunal's decision holding the unemployment claim invalid.

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5. BOR DKT. 00322951 (R.H.)

Claimant is requesting a reopening of the Board of Review's decision, affirming the Appeal Tribunal's decision holding the claimant liable for a fraud refund, liable for a fine, and a disqualification of one year from the date of discovery.

6. BOR DKT. 00321214 (Y.G.C.)

Claimant is requesting a reopening of the Board of Review decision, affirming the Appeal Tribunal's decision holding a disqualification for unemployment benefits for leaving work voluntarily without good cause attributable to the work, an ineligibility for Pandemic Unemployment Assistance (PUA) benefits, and a liability for a non-fraud refund.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS DENIALS OF REOPENING REQUESTS TO THE BOARD OF REVIEW.

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

1. BOR DKT. 00343010 (G.N.)

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

2. BOR DKT. 00347033 (N.G.)

Claimant appealed a decision of the Appeal Tribunal denying the request for an overpayment waiver under Section 2104(f) and 2107(e) of the Coronavirus Aid, Relief, and Economic Security Act (CARES) Act and Section 201 of the Continued Assistance to Unemployed Workers.

3. BOR DKT. 00306642 (T.C.)

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

4. BOR DKT. 00347954 (A.P.)

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

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5. BOR DKT. 00317408 (M.D.)

Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed and a liability for a non-fraud refund.

6. BOR DKT. 00354306 (T.K.)

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

7. BOR DKT. 00343110 (J.C.)

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.

8. BOR DKT. 00355368 (R.B.)

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

9. BOR DKT. 00353643 (B.B.)

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

10. BOR DKT. 00341352 (A.J.)

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

11. BOR DKT. 00294036 (M.H.)

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

12. BOR DKT. 00371283 (B.R.)

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

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13. BOR DKT. 00319456 (J.R.)

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

14. BOR DKT. 00345950 (W.N.)

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

15. BOR DKT. 00374418 (P.D.R.)

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

16. BOR DKT. 00301980 (D.C.)

Claimant appealed a decision of the Appeal Tribunal holding the claimant liable for a fraud refund and one year disqualification of benefits from the date of receipt of benefits.

17. BOR DKT. 00343374 (A.M.)

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

18. BOR DKT. 00323127 (K.M.)

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

19. BOR DKT. 00341305 (J.B.)

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

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

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

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

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

22. BOR DKT. 00352739 (K.I.)

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

23. BOR DKT. 00352743 (K.I.)

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

24. BOR DKT. 00356832 (N.C.)

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 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW.

A-5 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW

1. BOR DKT. 00342263 (J.D.)

Claimant appealed the decision of the Appeal Tribunal holding a disqualification for benefits for leaving work voluntarily without good cause attributable to the work and a liability for a non-fraud refund.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS A MODIFICATION OF APPEAL TRIBUNAL DECISION BY THE BOARD OF REVIEW.

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A-6 AFFIRMED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL BY THE BOARD OF REVIEW

1. BOR DKT. 00354204 (G.D.)

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS AN AFFIRMED, AND REMANDED DECISION TO THE APPEAL TRIBUNAL BY THE BOARD OF REVIEW.

A-7 REOPENED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL

1. BOR DKT. 00342775 (J.E.)

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

2. BOR DKT. 00313533 (M.K.)

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

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS REOPENED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL.

A-8 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW

1. BOR DKT. 00378175 (T.S.)

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

2. BOR DKT. 00341312 (P.P.)

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

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3. BOR DKT. 00353578 (G.F.)

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

4. BOR DKT. 00349277 (M.V.R.)

Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed and liable for a nonfraud refund.

5. BOR DKT. 00349552 (B.S.)

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

6. BOR DKT. 00340932 (S.C.)

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

7. BOR DKT. 00348466 (C.S.)

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work.

8. BOR DKT. 00359783 (S.M.)

The claimant appealed a decision of the Appeal Tribunal remanding the matter of a possible redetermination of a fraud liability to the Deputy.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS REMANDS OF THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW.

A-9 AFFIRMED AND REMANDED DECISIONS TO THE DEPUTY BY THE BOARD OF REVIEW

1. BOR DKT. 00306269 (D.Z.)

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

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ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS AN AFFIRMED AND REMANDED DECISION TO THE DEPUTY BY THE BOARD OF REVIEW.

A-10 REVERSED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL

1. BOR DKT. 00357338 (J.M.)

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits for failure to meet reporting requirements in accordance with Division regulations.

2. BOR DKT. 00332569 (S.K.)

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

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS REVERSED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL.

A-11 REVERSED DECISIONS OF THE APPEAL TRIBUNAL AND/OR THE DEPUTY BY THE BOARD OF REVIEW

1. BOR DKT. 00354276 (R.O.)

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

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-12 REQUEST FOR RECONSIDERATION FROM THE OFFICE OF THE ATTORNEY GENERAL

1. BOR DKT. 00268536 (C.T.)

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

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

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: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION DISMISSING THE APPEAL AS LATE.

B-2 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. (**Appellate Specialist Alverio**)

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

B-3 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. (**Appellate Specialist Alverio**)

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