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State of New Jersey

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 FEBRUARY 26, 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 FEBRUARY 26, 2025

FEBRUARY 26, 2025

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A regular meeting of the Board of Review was held on Wednesday, FEBRUARY 26, 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 – FEBRUARY 26, 2025 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the February 19, 2025 Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE FEBRUARY 19, 2025 BOARD MEETING.

SECTION A – HEARING MATTERS:

A-1 VACATED APPEALS BY THE BOARD OF REVIEW (3 ITEMS)

1. BOR DKT. 00239966 (M.T.)

The claimant's appeal was docketed in error as an appeal to the Board of Review.

2. BOR DKT. 00346088 (V.M.)

The claimant's appeal was docketed in error as an appeal to the Board of Review.

3. BOR DKT. 00323394 (A.L.)

The claimant's counsel's letter was docketed in error as an appeal to the Board of Review.

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

A-2 DISMISSED APPEALS BY THE BOARD OF REVIEW DUE TO UNTIMELY FILING OR FOR NON-JUSTICIABLE APPEAL ISSUE (17 ITEMS)

1. BOR DKT. 00349536 (K.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.

2. BOR DKT. 00333695 (J.D.)

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

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3. BOR DKT. 00340378 (J.M.)

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

4. BOR DKT. 00358341 (N.Q.)

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

5. BOR DKT. 00352479 (L.S.)

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

6. BOR DKT. 00254244 (D.J.)

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

7. BOR DKT. 00326600 (P.T.)

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

8. BOR DKT. 00329867 (B.I.)

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

9. BOR DKT. 00265318 (M.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. 00283351 (E.C.)

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. 00362532 (C.R.)

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

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12. BOR DKT. 00315920 (L.E.)

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

13. BOR DKT. 00272929 (F.H.)

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons under 15 U.S.C. 9021(a)(3)(A)(ii)(I) (the Coronavirus Aid, Relief, and Economic Security, or "CARES" Act) and a liability for a non-fraud refund.

14. BOR DKT. 00375651 (S.B.)

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

15. BOR DKT. 00358109 (Z.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 and a liability for a non-fraud refund.

16. BOR DKT. 00323900 (J.A.)

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

17. BOR DKT. 00353272 (R.F.)

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 AS DISMISSED APPEALS BY THE BOARD OF REVIEW DUE TO UNTIMELY FILING OR FOR NON-JUSTICIABLE APPEAL ISSUES.

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A-3 REOPENED BOARD OF REVIEW APPEALS (1 ITEM)

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

Claimant is requesting a reopening of the Board of Review decision, affirming the Appeal Tribunal decision, holding the claimant disqualified for benefits for leaving work voluntarily without good cause attributable to the work.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS A REOPENED BOARD OF REVIEW APPEAL.

A-4 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW (26 ITEMS)

1. BOR DKT. 00350596 (W.K.)

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

2. BOR DKT. 00353030 (A.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.

3. BOR DKT. 00353031 (A.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.

4. BOR DKT. 00358678 (N.T.)

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

5. BOR DKT. 00346717 (L.L.)

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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6. BOR DKT. 00359479 (D.V.)

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

7. BOR DKT. 00336859 (C.M.)

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

8. BOR DKT. 00366183 (Q.J.)

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

9. BOR DKT. 00350188 (J.P.)

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. 00370411 (Q.J.)

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. 00294906 (L.P.)

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. 00332412 (C.T.)

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

13. BOR DKT. 00362676 (D.B.)

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

14. BOR DKT. 00357741 (S.M.)

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

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15. BOR DKT. 00357345 (A.W.)

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

16. BOR DKT. 00356899 (L.S.)

Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for leaving work voluntarily and no liability for a non-fraud refund.

17. BOR DKT. 00354177 (N.W.)

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

18. BOR DKT. 00357800 (M.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 with Employer #1.

19. BOR DKT. 00356567 (C.L.)

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

20. BOR DKT. 00322590 (J.E.)

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

21. BOR DKT. 00339286 (C.N.)

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

22. BOR DKT. 00323643 (L.B.)

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

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23. BOR DKT. 00325149 (V.R.)

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

24. BOR DKT. 00372223 (M.A.)

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

25. BOR DKT. 00336957 (M.D.)

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

26. BOR DKT. 00239306 (A.B.)

Claimant appealed a decision of the Appeal Tribunal 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, an ineligibility for the claimant being not unemployed, and a liability for a non-fraud refund.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW. CHAIRPERSON SCAGLIONE VOTED NO ON ITEM # 24.

****ITEM #26 DID NOT APPEAR ON THE AGENDA PUBLISHED ON THE DEPT. OF LABOR'S WEBSITE, DUE TO OVERSIGHT; ITS VOTE SHALL STAND UNLESS OR UNTIL GOOD CAUSE FOR ITS RECONSIDERATION IS ESTABLISHED.**

A-5 REOPENED AND AFFIRMED DECISIONS TO THE BOARD OF REVIEW (2 ITEMS)

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

In an Order on Motion, the Appellate Division granted the Board of Review's motion for remand to address the claimant's liability for repayment for a refund classified as agency error.

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2. BOR DKT. 00394260 (I.M.)

In an Order on Motion, the Appellate Division granted the Board of Review's motion for remand to address the claimant's liability for repayment for a refund classified as agency error.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS REOPENED AND AFFIRMED DECISIONS TO THE BOARD OF REVIEW.

A-6 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW (3 ITEMS)

1. BOR DKT. 00335964 (J.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 and a liability for a non-fraud refund.

2. BOR DKT. 00314838 (K.G.)

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. 00342338 (M.R.)

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for benefits for refusing suitable work, an ineligibility for benefits under availability for work, and a liability for a non-fraud refund.

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

A-7 REOPENED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL BY THE BOARD OF REVIEW (4 ITEMS)

1. BOR DKT. 00318986 (R.J.)

Claimant appealed decision of the Appeal Tribunal request to reopen the decision dismissing the appeal without prejudice.

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2. BOR DKT. 00367730 (G.M.)

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

3. BOR DKT. 00291177 (E.P.)

Claimant appealed decision of the Appeal Tribunal request to reopen the decision dismissing the appeal without prejudice.

4. BOR DKT. 00302133 (L.K.)

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.

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 (8 ITEMS)

1. BOR DKT. 00354824 (N.A.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.

2. BOR DKT. 00358423 (S.L.)

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

3. BOR DKT. 00232265 (K.F.)

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

4. BOR DKT. 00357353 (V.V.)

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

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5. BOR DKT. 00357327 (T.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.

6. BOR DKT. 00356949 (A.G.)

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

7. BOR DKT. 00350450 (H.M.)

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal for non-appearance.

8. BOR DKT. 00353841 (T.W.)

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal for non-appearance.

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

A-9 REVERSED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL AND/OR THE DEPUTY (1 ITEM)

1. BOR DKT. 00358507 (T.C.)

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

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

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A-10 REVERSED DECISIONS OF THE APPEAL TRIBUNAL AND/OR THE DEPUTY BY THE BOARD OF REVIEW (3 ITEMS)

1. BOR DKT. 00355585 (L.M.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.

2. BOR DKT. 00346305 (R.J.)

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. 00354732 (D.F.)

Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for leaving work voluntarily and no liability for a non-fraud refund.

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

SECTION B – MISCELLANEOUS MATTERS/CASES FOR DISCUSSION (1 ITEM)

B-1 BOR DKT. 00349413 (M.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. (**Appellate Specialist Kotb**)

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS MODIFIED AND REMANDED TO THE DEPUTY BY THE BOARD OF REVIEW. CHAIRPERSON SCAGLIONE VOTED NO.