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## State of New Jersey

DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT  
P.O. BOX 937, TRENTON, NEW JERSEY 08625-0937

ROBERT ASARO-ANGELO  
*Commissioner*

### BOARD OF REVIEW

#### MINUTES OF REGULAR MEETING OF THE BOARD OF REVIEW MAY 15, 2024

WILLIAM SCAGLIONE, CHAIRPERSON

LISA HART, VICE-CHAIRPERSON

MARIA ZOLA, ACTING EXECUTIVE SECRETARY



BOARD OF  
REVIEW

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**BOARD OF REVIEW MEETING OF MAY 15, 2024**

**MAY 15, 2024**

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**A regular meeting of the Board of Review was held on Wednesday, MAY 15, 2024, at 10:00 a.m., via conference call, in Trenton, New Jersey**

**PRESENT: William Scaglione, Chairperson, Lisa Hart, Vice-Chairperson, Maria Zola, Acting 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 – MAY 15, 2024, MEETING

### BOARD MINUTES:

Submitted for adoption are the minutes of the May 8, 2024, Board meeting.

**ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE MAY 8, 2024, BOARD MEETING.**

### SECTION A – HEARING MATTERS:

#### A-1 WITHDRAWAL OF APPEALS

1. BOR DKT. 00244840 (M.F.)

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility of Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons identified under the C.A.R.E.S. Act.

**ACTION: BOARD VOTED TO ACCEPT THIS CASE AS WITHDRAWAL OF APPEALS.**

#### A-2 VACATED APPEALS BY THE BOARD OF REVIEW

1. BOR DKT. 00319438 (R.B.)

Employer's communication was processed as an appeal of the decision of the Appeal Tribunal which held the claimant unemployed.

2. BOR DKT. 00323878 (K.W.)

Claimant's communication was processed as an appeal of the decision of the Appeal Tribunal which held an eligibility under availability.

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

## BOARD OF REVIEW MINUTES – MAY 15, 2024, MEETING

### A-3 DISMISSED APPEALS BY THE BOARD OF REVIEW DUE TO UNTIMELY FILING OR FOR NON-JUSTICIABLE APPEAL ISSUE

1. BOR DKT. 00320840 (F.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.

2. BOR DKT. 00323074 (S.K.)

Claimant sends in correspondence stating she is not disputing the Appeal Tribunal's decision holding her disqualified for benefits from 9/4/22-11/19/22 under 5(a). The Appeal Tribunal held the disqualification was tolled.

3. BOR DKT. 00286769 (L.L.)

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

4. BOR DKT. 00285974 (M.P.)

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

5. BOR DKT. 00275048 (M.R.)

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. 00347347 (L.T.)

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

7. BOR DKT. 00321175 (K.J.)

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

8. BOR DKT. 00275055

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for Pandemic Unemployment Assistance (PUA) benefits and a liability for a non-fraud refund.

## BOARD OF REVIEW MINUTES – MAY 15, 2024, MEETING

**9. BOR DKT. 00309580 (R.M.)**

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility of Pandemic Unemployment Assistance (PUA) benefits as the claimant did not provide proof of a labor market attachment.

**10. BOR DKT. 00275638 (C.C.)**

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

**11. BOR DKT. 00316809 (C.C.)**

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

**12. BOR DKT. 00288410 (M.S.)**

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

**13. BOR DKT. 00304037 (K.K.)**

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

**14. BOR DKT. 00312869 (N.S.)**

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

**15. BOR DKT. 00317071 (M.S.)**

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

**16. BOR DKT. 00238034 (C.H.)**

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

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### 17. BOR DKT. 00282076 (S.N.)

Employer appealed a decision of the Appeal Tribunal holding an ineligibility for Pandemic Unemployment Assistance (PUA) benefits and a liability to a non-fraud refund.

### 18. BOR DKT. 00342621 (A.N.)

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

**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 ISSUE.**

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

##### 1. BOR DKT. 00283539 (K.T.)

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

##### 2. BOR DKT. 00287717 (D.B.)

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

##### 3. BOR DKT. 00268527 (A.P.)

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, an ineligibility of Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons identified under the C.A.R.E.S. Act, and a liability for a non-fraud refund. **(This case was tabled for further discussion by the Board).**

##### 4. BOR DKT. 00276885 (D.K.)

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

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**5. BOR DKT. 00283433 (M.M.)**

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

**6. BOR DKT. 00278850 (P.S.G.)**

Claimant appealed the decision of the Appeal Tribunal reducing the weekly benefit rate due to receipt of a pension from a base year or chargeable employer and liability for non-fraud refund.

**7. BOR DKT. 00304697 (C.M.)**

Claimant appealed the decision of the Appeal Tribunal holding the claimant employed full-time.

**8. BOR DKT. 00317675 (J.S.)**

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

**9. BOR DKT. 00317672 (J.S.)**

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

**10. BOR DKT. 00283364 (J.E.)**

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

**11. BOR DKT. 00278578 (T.G.)**

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of 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.

**12. BOR DKT. 00301912 (T.L.)**

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

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### 13. BOR DKT. 00336846 (L.E.)

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

### 14. BOR DKT. 00316043 (B.M.)

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

### 15. BOR DKT. 00296863 (R.A.)

Claimant appealed a decision of the Appeal Tribunal holding the unemployment claim invalid as the claimant did not requalifying wages.

### 16. BOR DKT. 00342395 (I.J.)

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

### 17. BOR DKT. 00285024 (J.M.)

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

### 18. BOR DKT. 00289997 (K.K.)

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

### 19. BOR DKT. 00300424 (M.B.)

Claimant appealed the decision of the Appeal Tribunal which denied the claimant's request for a pre-date of an unemployment claim.

### 20. BOR DKT. 00280038 (J.R.)

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

### 21. BOR DKT. 00284686 (R.T.)

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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**22. BOR DKT. 00283514 (K.P.P.)**

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

**23. BOR DKT. 00321397 (R.N.)**

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

**24. BOR DKT. 00279478 (K.M.)**

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

**25. BOR DKT. 00325505 (J.I.)**

Claimant appealed the decision of the Appeal Tribunal holding the claimant eligible for Mixed Earners Unemployment Compensation (MEUC) benefits as the claimant did not have sufficient self-employment income.

**26. BOR DKT. 00318827 (A.S.)**

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

**27. BOR DKT. 00282481 (G.Y.)**

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

**28. BOR DKT. 00318885 (K.T.)**

Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed, the claim dated May 10, 2020 invalid and a liability for a non-fraud refund.

**29. BOR DKT. 00320951 (N.K.)**

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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### 30. BOR DKT. 00280930 (A.A.)

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

**ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASES, WITH THE EXCEPTION OF BOR DKT. 00268527, 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. 00323001 (B.S.)

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 and a liability to a non-fraud refund.

#### 2. BOR DKT. 00313819 (R.S.)

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

#### 3. BOR DKT. 00248992 (T.S.)

Claimant appealed a decision of the Appeal Tribunal 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 under the C.A.R.E.S. Act, and liable 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-6 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW

#### 1. BOR DKT. 00324621 (D.G.)

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work and active search for work, and liable for a non-fraud refund.

## BOARD OF REVIEW MINUTES – MAY 15, 2024, MEETING

**2. BOR DKT. 00282376 (C.A.)**

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for Pandemic Unemployment Assistance (PUA) benefits and a liability for a non-fraud refund.

**3. BOR DKT. 00321391 (D.G.)**

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

**4. BOR DKT. 00316762 (M.S.)**

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

**5. BOR DKT. 00321161 (O.J.)**

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

**6. BOR DKT. 00323852 (C.W.)**

Claimant appealed the decision of the Appeal Tribunal which held the claimant disqualified for benefits due to a prior disqualification imposed.

**7. BOR DKT. 00275849 (R.D.)**

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

**8. BOR DKT. 00280623 (N.R.S.)**

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

**9. BOR DKT. 00280624 (N.R.S.)**

Claimant appealed the decision of the Appeal Tribunal holding a liability to a non-fraud refund.

**10. BOR DKT. 00280625 (N.R.S.)**

Claimant appealed the decision of the Appeal Tribunal holding a liability to a non-fraud refund.

## BOARD OF REVIEW MINUTES – MAY 15, 2024, MEETING

### 11. BOR DKT. 00320576 (R.S.)

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

### 12. BOR DKT. 00280963 (E.J.)

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for Pandemic Unemployment Assistance (PUA) benefits and a liability for a non-fraud refund.

### 13. BOR DKT. 00263413 (S.G.)

Claimant appealed the decision of the Appeal Tribunal holding the claimant employed full-time and liability for a non-fraud refund.

### 14. BOR DKT. 00286988 (K.O.)

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

### 15. BOR DKT. 00284052 (A.B.)

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

### 16. BOR DKT. 00287497 (N.B.)

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily without good cause attributable to the work, and no disqualification of benefits for misconduct connected with the work.

### 17. BOR DKT. 00311539 (G.A.)

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

### 18. BOR DKT. 00259663 (F.S.)

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

## **BOARD OF REVIEW MINUTES – MAY 15, 2024, MEETING**

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

### **A-7 REVERSED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL**

**1. BOR DKT. 00265962 (R.P.)**

Claimant appealed the decision of the Appeal Tribunal denying the request to reopen the matter due to an untimely request to reopen.

**ACTION: BOARD VOTED TO ACCEPT THIS CASE AS REVERSED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL.**

### **A-8 REVERSED DECISIONS OF THE APPEAL TRIBUNAL AND/OR THE DEPUTY BY THE BOARD OF REVIEW**

**1. BOR DKT. 00298515 (T.G.)**

Claimant appealed the decision of the Appeal Tribunal which denied the claimant's request for a pre-date of a Pandemic Unemployment Assistance (PUA) claim.

**2. BOR DKT. 00336678 (R.S.)**

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as a non-justiciable issue.

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

### **A-9 REOPEN AND REMANDED DECISIONS FROM THE SUPERIOR COURT**

**1. BOR DKT. 00216821 (R.S.)**

Claimant requests a reconsideration of the Board of Review decision affirming the Appeal Tribunal decision holding the claimant disqualified for benefits for leaving the job voluntarily without good cause attributable to the work.

## BOARD OF REVIEW MINUTES – MAY 15, 2024, MEETING

**ACTION: BOARD VOTED TO ACCEPT THIS CASE AS REOPEN AND REMANDED DECISIONS FROM THE SUPERIOR COURT.**

### SECTION B – MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

**B-1 BOR DKT. 00317860 (I.C.)**

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work. (**Appellate Specialist Arunasalam**)

**ACTION: BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY FROM THE CLAIMANT AND THE EMPLOYER'S FIRSTHAND WITNESSES REGARDING THE FINAL INCIDENT WHICH CAUSED THE CLAIMANT'S DISCHARGE, FOR BOTH PARTIES TO PROVIDE EVIDENCE OR DOCUMENTATION, AND FOR SUCH EVIDENCE TO BE REVIEWED ON THE RECORD.**