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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 29, 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 29, 2024**

**MAY 29, 2024**

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**A regular meeting of the Board of Review was held on Wednesday, MAY 29, 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 MEETING - MAY 29, 2024, AGENDA

### BOARD MINUTES:

Submitted for adoption are the minutes of the May 22, 2024, Board meeting.

**ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE MAY 22, 2024, BOARD MEETING.**

### SECTION A – HEARING MATTERS:

#### A-1 VACATED APPEALS BY THE BOARD OF REVIEW

1. BOR DKT. 00255285 (R.M.)

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

**ACTION: BOARD VOTED TO ACCEPT THIS CASE 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. 00268895 (C.D.M.)

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under the ability to work and liability to a non-fraud refund. **(Board voted to remove this case for further discussion as additional information was received from the claimant).**

2. BOR DKT. 00295774 (B.S.)

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

3. BOR DKT. 00290242 (T.L.)

Claimant appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily without good cause attributable to such work with Employer #1 and an ineligibility of Pandemic Unemployment Assistance (PUA) benefits.

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4. BOR DKT. 00329806 (H.V.)

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as no justiciable issue.

5. BOR DKT. 00302742 (G.M.)

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

6. BOR DKT. 00348280 (D.S.)

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

7. BOR DKT. 00336910 (C.B.)

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility of benefits under ability to work.

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

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

1. BOR DKT. 00324260 (T.C.)

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

2. BOR DKT. 00285786 (P.Q.)

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.

3. BOR DKT. 00286463 (W.F.)

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 and a liability for a non-fraud refund.

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4. BOR DKT. 00283270 (S.C.)

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

5. BOR DKT. 00290491 (N.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.

6. BOR DKT. 00292390 (A.M.S.)

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

7. BOR DKT. 00294268 (J.H.)

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and a liability to a non-fraud refund.

8. BOR DKT. 00322185 (H.B.)

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

9. BOR DKT. 00284357 (J.W.)

Claimant appealed the decision of the Appeal Tribunal holding an ineligibility for Extended Benefits as the claimant did not establish 20 base week or earn 40 times the weekly benefit rate during the base year period on the claim.

10. BOR DKT. 00283690 (P.F.)

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

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### 11. BOR DKT. 00283408 (J.P.)

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.

### 12. BOR DKT. 00285861 (S.O.)

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. 00326424 (P.B.)

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

### 14. BOR DKT. 00317556 (J.B.)

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 as required under Section 2102(a)(3)(A)(ii)(I) of the Coronavirus Aid, Relief, and Economic Security Act (C.A.R.E.S.) Act.

### 15. BOR DKT. 00296912 (B.P.)

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility of benefits under availability for work.

### 16. BOR DKT. 00254518 (J.N.)

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, and an ineligibility 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 CARES Act.

### 17. BOR DKT. 00287842 (J.P.)

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

### 18. BOR DKT. 00304675 (L.R.G.)

Claimant appealed a 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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### 19. BOR DKT. 00322601 (S.S.)

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

### 20. BOR DKT. 00327037 (M.B.)

Claimant appealed a decision of the Appeal Tribunal denying the claimant's request for a pre-date of her unemployment claim.

### 21. BOR DKT. 00328707 (W.D.)

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

### 22. BOR DKT. 00350499 (N.W.)

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work. **(Board voted to remove this item to allow the claimant to review the digital recording and provide a response).**

### 23. BOR DKT. 00294477 (S.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.

### 24. BOR DKT. 00310772 (R.W.)

Claimant appealed the decision of the Appeal Tribunal holding the claimant's weekly gross earnings were greater than his partial weekly benefit rate and a liability to a non-fraud refund.

### 25. BOR DKT. 00286383 (D.S.)

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

### 26. BOR DKT. 00308852 (F.O.)

Claimant appealed the decision of the Appeal Tribunal holding the claimant liable for a non-fraud refund due to employment with earnings.

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### 27. BOR DKT. 00300586 (N.P.)

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

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

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

#### 1. BOR DKT. 00320192 (R.G.)

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

#### 2. BOR DKT. 00320193 (R.G.)

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

#### 3. BOR DKT. 00320195 (R.G.)

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

#### 4. BOR DKT. 00315492 (L.Z.)

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 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. 00290361 (M.R.)

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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2. BOR DKT. 00289319 (M.S.)

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

3. BOR DKT. 00325100 (D.F.)

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

4. BOR DKT. 00319045 (I.O.)

Claimant appealed a decision of the Appeal Tribunal which dismissed the appeal due to non-registration for the hearing.

5. BOR DKT. 00308793 (B.G.)

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

6. BOR DKT. 00235455 (L.R.)

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. 00255402 (L.E.)

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

8. BOR DKT. 00326292 (L.B.)

Claimant appealed the 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 in the CARES Act and liability for non-fraud refund.

9. BOR DKT. 00279868 (A.D.)

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

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### 10. BOR DKT. 00288368 (M.D.)

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

### 11. BOR DKT. 00310676 (R.P.)

Claimant appealed the decision of the Appeal Tribunal denying the request to reopen the matter due to the late request for a reopening of the appeal. **(Board voted to remove this item from this category and place it in the reversed and remanded decisions to the Appeal Tribunal category).**

### 12. BOR DKT. 00310677 (R.P.)

Claimant appealed the decision of the Appeal Tribunal denying the request to reopen the matter due to the late request for a reopening of the appeal. **(Board voted to remove this item from this category and place it in the reversed and remanded decisions to the Appeal Tribunal category).**

### 13. BOR DKT. 00317661 (L.P.)

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for Pandemic Unemployment Assistance (PUA) benefits as the claimant did not have a profitable business and a liability to a non-fraud refund.

### 14. BOR DKT. 00317607 (C.W.)

Claimant appealed the 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 REMAINING ABOVE CASES AS REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW.**

## A-6 REVERSED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL

### 1. BOR DKT. 00314335 (J.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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2. BOR DKT. 00316274 (S.W.)

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

3. BOR DKT. 00310676 (R.P.)

Claimant appealed the decision of the Appeal Tribunal denying the request to reopen the matter due to the late request for a reopening of the appeal.

4. BOR DKT. 00310677 (R.P.)

Claimant appealed the decision of the Appeal Tribunal denying the request to reopen the matter due to the late request for a reopening of the appeal.

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

**A-7 REVERSED DECISIONS OF THE APPEAL TRIBUNAL AND/OR THE DEPUTY BY THE BOARD OF REVIEW**

1. BOR DKT. 00286898 (K.C.)

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

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