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DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
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ROBERT ASARO-ANGELO
Commissioner

BOARD OF REVIEW

MINUTES OF REGULAR MEETING OF THE BOARD OF REVIEW JUNE 12, 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 JUNE 12, 2024

JUNE 12, 2024

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A regular meeting of the Board of Review was held on Wednesday, JUNE 12, 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 – JUNE 12, 2024, MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the May 29, 2024, Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE MAY 29, 2024, BOARD MEETING.

SECTION A – HEARING MATTERS:

A-1 WITHDRAWAL OF APPEALS

1. BOR DKT. 00323173 (N.A.)

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

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

A-2 VACATED APPEALS BY THE BOARD OF REVIEW

1. BOR DKT. 00301416 (A.R.)

Claimant's communication was processed as an appeal of the decision of the Appeal Tribunal which held the unemployment claim valid.

2. BOR DKT. 00315685 (L.A.M.)

Claimant's communication was processed as an appeal of the decision of the Appeal Tribunal holding the claimant unemployed and no refund liability.

3. BOR DKT. 00292718 (A.F.)

Claimant's communication was processed as an appeal of the decision of the Appeal Tribunal which dismissed the appeal.

4. BOR DKT. 00327174 (G.A.)

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

BOARD OF REVIEW MINUTES – JUNE 12, 2024, MEETING

5. BOR DKT. 00291180 (K.W.)

Claimant's letter of appeal was docketed in error 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-3 DISMISSED APPEALS BY THE BOARD OF REVIEW DUE TO UNTIMELY FILING OR FOR NON-JUSTICIABLE APPEAL ISSUE

1. BOR DKT. 00311744 (K.G.D.)

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

2. BOR DKT. 00318764 (I.T.)

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

3. BOR DKT. 00288993 (M.S.)

Claimant appealed the decision of the Appeal Tribunal holding a reduction of benefit entitlement due to a pension offset and a liability for a non-fraud refund.

4. BOR DKT. 00320710 (E.H.)

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

5. BOR DKT. 00318476 (S.N.)

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

6. BOR DKT. 00294529 (K.S.)

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

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7. BOR DKT. 00296528 (N.A.)

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.

8. BOR DKT. 00317941 (J.M.)

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

9. BOR DKT. 00329111 (J.D.)

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

10. BOR DKT. 00335361 (S.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.

11. BOR DKT. 00273102 (M.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, 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.

12. BOR DKT. 00275616 (K.A.)

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. 00300586 (N.P.)

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

14. BOR DKT. 00290021 (A.G.)

Employer appealed a decision of the Appeal Tribunal holding the claimant was unemployed and eligible for benefits.

BOARD OF REVIEW MINUTES – JUNE 12, 2024, MEETING

15. BOR DKT. 00267559 (C.G.)

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for refusing suitable work and no liability 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 ISSUE.

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

1. BOR DKT. 00313857 (E.B.)

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

2. BOR DKT. 00313858 (E.B.)

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

3. BOR DKT. 00309222 (D.M.)

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 liable for a non-fraud refund.

4. BOR DKT. 00324916 (M.O.)

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

5. BOR DKT. 00280970 (L.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.

6. BOR DKT. 00323189 (P.A.)

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

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7. BOR DKT. 00325849 (C.S.)

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 C.A.R.E.S. Act.

8. BOR DKT. 00317866 (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.

9. BOR DKT. 00326041 (M.D.)

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for Mixed Earners Unemployment Compensation (MEUC).

10. BOR DKT. 00316753 (M.D.)

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. 00320263 (D.W.)

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

12. BOR DKT. 00328385 (D.W.)

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

13. BOR DKT. 00318066 (T.C.)

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

14. BOR DKT. 00296633 (L.A.)

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

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15. BOR DKT. 00302597 (J.D.)

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

16. BOR DKT. 00293374 (A.V.)

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

17. BOR DKT. 00327735 (K.C.)

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

18. BOR DKT. 00328047 (K.G.)

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

19. BOR DKT. 00323722 (K.M.)

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

20. BOR DKT. 00327109 (J.M.)

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

21. BOR DKT. 00303619 (A.F.)

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

22. BOR DKT. 00306652 (L.B.)

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 for a non-fraud refund.

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23. BOR DKT. 00288401 (K.S.)

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

24. BOR DKT. 00319749 (P.F.)

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for Pandemic Unemployment Assistance (PUA) benefits as the claimant had no attachment to the labor market.

25. BOR DKT. 00320778 (K.D.)

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

26. BOR DKT. 00326745 (L.D.)

Claimant appealed a denial of Mixed Earners Unemployment Compensation (MEUC) benefits as the claimant did not meet the criteria under Section 2102(a)(3)(A) and 2104(b)(1)(C) of the Coronavirus Aid, Relief, and Economic Security Act (C.A.R.E.S.) Act and the Continued Assistance of Unemployment Workers Act.

27. BOR DKT. 00302472 (I.J.)

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

28. BOR DKT. 00302474 (I.J.)

Claimant appealed the decision of the Appeal Tribunal disputing the monetary entitlement on a valid claim.

29. BOR DKT. 00325096 (J.B.)

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

30. BOR DKT. 00276164 (E.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 and a liability to a non-fraud refund.

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31. BOR DKT. 00327890 (M.B.)

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for Mixed Earners Unemployment Compensation (MEUC).

32. BOR DKT. 00304571 (S.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 and a liability for a non-fraud refund.

33. BOR DKT. 00326318 (R.C.)

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

34. BOR DKT. 00289169 (H.S.N.)

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

35. BOR DKT. 00304278 (A.M.)

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

36. 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.

37. BOR DKT. 00289675 (C.Y.)

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

38. BOR DKT. 00277917 (K.R.)

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

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39. BOR DKT. 00322562 (E.T.)

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

40. BOR DKT. 00309906 (A.A.S.)

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

41. BOR DKT. 00324971 (D.A.D.)

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

42. BOR DKT. 00293861 (M.I.)

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for benefits for refusing suitable 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. 00316280 (C.S.)

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. 00290320 (C.S.)

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

3. BOR DKT. 00311093 (S.G.)

Claimant appealed the decision of the Appeal Tribunal which held the claimant ineligible for Family Leave During Unemployment (FLDU) benefits.

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

A-6 REOPENED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL

1. BOR DKT. 00295268 (D.I.)

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

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

A-7 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW

1. BOR DKT. 00293179 (L.R.)

Claimant appealed the Appeal Tribunal decision holding the unemployment claim invalid due to no requalifying wages.

2. BOR DKT. 00289419 (I.D.)

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 and a liability for a non-fraud refund.

3. BOR DKT. 00255995 (A.F.)

Claimant appealed the decision of the Appeal Tribunal remanding the matter reason for the refund liability to the Deputy.

4. BOR DKT. 00325289 (M.S.)

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

5. BOR DKT. 00305623 (R.T.)

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

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6. BOR DKT. 00321278 (L.M.)

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

7. BOR DKT. 00274509 (N.Z.)

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

8. 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.

9. BOR DKT. 00316394 (W.S.)

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

10. BOR DKT. 00305478 (D.V.)

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

11. BOR DKT. 00295730 (L.P.)

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

12. BOR DKT. 00295731 (L.P.)

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

13. BOR DKT. 00305050 (D.T.)

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 with E#2 and an ineligibility for Pandemic Unemployment Assistance (PUA) benefits.

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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 (CARES) Act.

15. BOR DKT. 00344297 (P.A.)

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

16. BOR DKT. 00291584 (Y.R.S.)

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

17. BOR DKT. 00291582 (Y.R.S.)

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

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

A-8 REVERSED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL

1. BOR DKT. 00292897 (J.S.)

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 THIS CASE AS REVERSED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL.

BOARD OF REVIEW MINUTES – JUNE 12, 2024, MEETING

A-9 REVERSED DECISIONS OF THE APPEAL TRIBUNAL AND/OR THE DEPUTY BY THE BOARD OF REVIEW

1. BOR DKT. 00316407 (F.M.)

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

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

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

3. BOR DKT. 00307789 (R.G.)

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

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-10 REQUEST FOR RECONSIDERATION FROM THE OFFICE OF THE ATTORNEY GENERAL

1. BOR DKT. 00272621 (J.F.)

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for unemployment benefits for voluntarily leaving work without good cause attributable to the work, an ineligibility for Pandemic Unemployment Assistance (PUA) as the claimant's unemployment was not due to one of the COVID-19 related reasons identified under the CARES ACT, and liability for a non-fraud refund.

ACTION: BOARD VOTED TO DENY THE REOPENING REQUEST FOR RECONSIDERATION FROM THE OFFICE OF THE ATTORNEY GENERAL.