



PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lieutenant Governor

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 JUNE 19, 2024

WILLIAM SCAGLIONE, CHAIRPERSON

LISA HART, VICE-CHAIRPERSON

ERIC OLSEN, ACTING EXECUTIVE SECRETARY



BOARD OF
REVIEW

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BOARD OF REVIEW MEETING OF JUNE 19, 2024

JUNE 19, 2024

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A regular meeting of the Board of Review was held on Wednesday, JUNE 19, 2024, at 10:00 a.m., via conference call, in Trenton, New Jersey

PRESENT: William Scaglione, Chairperson, Lisa Hart, Vice-Chairperson, Eric Olsen, 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 – JUNE 19, 2024 MEETING

THE JUNE 19, 2024 REGULAR MEETING OF THE BOARD OF REVIEW WAS CALLED TO ORDER BY MR. SCAGLIONE AT 10:00AM.

THE SECRETARY ANNOUNCED THE NEXT SCHEDULED REGULAR MEETING OF THE BOARD OF REVIEW FOR JUNE 26, 2024 AT 10:00AM, VIA TELECONFERENCE AT 1-856-388-7074.

BOARD MINUTES:

Submitted for adoption were the minutes of the June 12, 2024, Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE JUNE 12, 2024 BOARD MEETING.

SECTION A – HEARING MATTERS:

A-1 VACATED APPEALS BY THE BOARD OF REVIEW

1. BOR DKT. 00324143 (K.C.)

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

2. BOR DKT. 00328328 (A.L.)

Claimant's communication was processed as an appeal of the decision of the Appeal Tribunal which held the claimant ineligible for benefits under inability to work.

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. 00315759 (A.V.)

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

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2. BOR DKT. 00275032 (S.L.)

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

3. BOR DKT. 00320104 (B.B.)

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

4. BOR DKT. 00297152 (B.B.)

Claimant appealed a decision of the Appeal Tribunal postponing the matter.

5. BOR DKT. 00304420 (C.P.)

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

6. BOR DKT. 00328907 (J.O.)

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

7. BOR DKT. 00322307 (A.K.)

Claimant appealed a decision of the Appeal Tribunal holding the claimant was not unemployed.

8. BOR DKT. 00303582 (S.G.)

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

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A-3 DENIAL OF REOPENING REQUESTS TO THE BOARD OF REVIEW

1. BOR DKT. 00268973 (E.M.)

Claimant is requesting a reopening of the Board of Review decision, affirming the Appeal Tribunal decision holding the claimant ineligible for benefits under the ability to work and a liability for a non-fraud refund.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS A DENIAL OF REOPENING REQUEST TO THE BOARD OF REVIEW.

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

1. BOR DKT. 00261485 (L.C.P.)

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

2. BOR DKT. 00320022 (J.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.

3. BOR DKT. 00325335 (N.A.)

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for Mixed Earners Unemployment Compensation (MEUC) benefits as the claimant did not meet the requirements provided by both the C.A.R.E.S. Act and Continued Assistance for Unemployed Workers Act.

4. BOR DKT. 00291746 (M.B.)

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 liability to a non-fraud refund.

5. BOR DKT. 00278092 (N.C.)

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

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6. BOR DKT. 00304422 (K.P.)

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

7. BOR DKT. 00287836 (C.G.)

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

8. BOR DKT. 00323903 (S.M.)

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

9. BOR DKT. 00321159 (R.L.)

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

10. BOR DKT. 00290079 (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 to a non-fraud refund.

11. BOR DKT. 00305654 (J.W.)

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

12. BOR DKT. 00326378 (S.P.)

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

13. BOR DKT. 00300200 (M.S.)

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

14. BOR DKT. 00292546 (J.F.)

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. 00292780 (A.F.)

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

16. BOR DKT. 00258359 (P.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.

17. BOR DKT. 00327184 (N.S.)

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

18. 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.

19. BOR DKT. 00322636 (K.P.)

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 and the claimant's unemployment was not due to one of the COVID-19 related reasons.

20. BOR DKT. 00304165 (L.T.)

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. 00327142 (T.K.)

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

22. BOR DKT. 00261602 (F.F.)

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

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23. BOR DKT. 00293874 (D.B.)

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

24. BOR DKT. 00330676 (J.P.)

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

25. BOR DKT. 00303783 (R.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.

26. BOR DKT. 00284232 (M.V.)

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

27. BOR DKT. 00269067 (S.H.)

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 and liability to a non-fraud refund.

28. BOR DKT. 00293327 (R.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.

29. BOR DKT. 00303532 (J.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.

30. BOR DKT. 00323768 (A.C.)

Claimant appealed the decision of the Appeal Tribunal which held the claimant ineligible for Disability During Unemployment (DDU).

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31. BOR DKT. 00323543 (M.C.)

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

32. BOR DKT. 00303290 (D.M.)

Claimant appealed a decision of the Appeal Tribunal holding no disqualification of benefits for refusing to accept or apply for suitable work.

33. BOR DKT. 00292143 (A.A.)

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.

34. BOR DKT. 00318568 (J.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.

35. BOR DKT. 00327815 (D.N.)

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under not actively seeking work.

36. BOR DKT. 00291071 (C.H.)

Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed due to salary continuation, claim dated June 21, 2020 invalid and a non-fraud refund liability.

37. BOR DKT. 00327840 (D.K.)

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

38. BOR DKT. 00326720 (E.M.)

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

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39. BOR DKT. 00295149 (I.V.R.)

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

40. BOR DKT. 00297383 (N.H.)

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

41. BOR DKT. 00295530 (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.

42. BOR DKT. 00326167 (C.M.)

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

43. BOR DKT. 00315607 (M.A.)

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

44. BOR DKT. 00311298 (A.J.)

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

45. BOR DKT. 00289233 (N.L.)

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

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

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

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

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

2. BOR DKT. 00277220 (J.V.)

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

3. BOR DKT. 00307131 (A.G.)

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

1. BOR DKT. 00304857 (B.H.)

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 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. 00270946 (K.C.)

The Superior of New Jersey remanded the matter to the Board of Review for further proceedings.

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

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

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.

2. BOR DKT. 00287064 (R.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, claimant ineligible for benefits under availability for work, holding the claimant not unemployed, and a liability to a non-fraud refund.

3. BOR DKT. 00290510 (D.M.)

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

4. BOR DKT. 00291055 (S.T.)

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

5. BOR DKT. 00308164 (A.F.)

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 benefits under availability for 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.

6. BOR DKT. 00327402 (D.O.)

Claimant appealed the decision of the Appeal Tribunal holding a disqualification for benefits for misconduct connected with the work and a liability for a non-fraud refund.

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7. BOR DKT. 00323711 (E.G.)

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

8. BOR DKT. 00304056 (R.C.)

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.

9. BOR DKT. 00303301 (D.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.

10. BOR DKT. 00322358 (A.H.)

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

11. BOR DKT. 00289976 (A.C.)

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

12. BOR DKT. 00278186 (C.D.)

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

1. BOR DKT. 00329290 (J.P.)

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

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2. BOR DKT. 00329077 (B.R.)

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

3. BOR DKT. 00319471 (W.L.)

Claimant appealed the decision of the Appeal Tribunal which held an ineligibility for benefits under the Division's reporting requirements.

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. 00302258 (J.P.)

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

ACTION: AFTER DISCUSSION, THE BOARD VOTED TO REQUEST THE RETURN OF THE ABOVE CASE TO THEIR JURISDICTION, TO BE REMANDED TO THE APPEAL TRIBUNAL FOR FURTHER DEVELOPMENT OF THE RECORD.

A-11 REOPENED AND REMANDED BOARD OF REVIEW DECISIONS BY DIRECTION OF SUPERIOR COURT

1. BOR DKT. 00252748 (L.C.)

The Superior Court of New Jersey, Appellate Division, by an order mailed on January 18, 2024, Docket No. A-2835-21, affirmed the Board of Review and remanded, in part, to the Division for consideration of the claimant's request that the demand for reimbursement of benefits be waived.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS A REOPENED AND REMANDED BOARD OF REVIEW DECISION BY DIRECTION OF SUPERIOR COURT.

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SECTION B – MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 BOR DKT. 00280467 (T.M.)

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.
(Appellate Specialist Kotb)

ACTION: AFTER DISCUSSION, THE BOARD VOTED TO REMAND THE ABOVE CASE TO THE APPEAL TRIBUNAL FOR FURTHER DEVELOPMENT OF THE RECORD.

THE JUNE 19, 2024 REGULAR MEETING OF THE BOARD OF REVIEW WAS ADJOURNED BY MR. SCAGLIONE AT 10:30AM.

MINUTES SUBMITTED BY: ERIC OLSEN, ACTING EXECUTIVE SECRETARY, JUNE 19, 2024.