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DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
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Commissioner

BOARD OF REVIEW

**MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
JUNE 26, 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 26, 2024

JUNE 26, 2024

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A regular meeting of the Board of Review was held on Wednesday, JUNE 26, 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 26, 2024, MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the June 19, 2024 Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE JUNE 19, 2024 BOARD MEETING.

SECTION A – HEARING MATTERS:

A-1 VACATED APPEALS BY THE BOARD OF REVIEW

1. BOR DKT. 00319713 (D.R.)

Claimant appealed a decision of the Director denying the request for a waiver of debt.

2. BOR DKT. 00320582 (J.D.)

Claimant's communication was processed as an appeal of the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

3. BOR DKT. 00356618 (S.M.)

Claimant's correspondence was erroneously processed 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-2 DISMISSED APPEALS BY THE BOARD OF REVIEW DUE TO UNTIMELY FILING OR FOR NON-JUSTICIABLE APPEAL ISSUE

1. BOR DKT. 00280028 (B.F.)

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal due to exhaustion of benefits.

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2. BOR DKT. 00283204 (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 and an ineligibility for benefits due to being unable to work.

3. BOR DKT. 00310385 (L.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 which ended prior to the date of the unemployment claim.

4. BOR DKT. 00310386 (L.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 which ended prior to the date of the unemployment claim.

5. BOR DKT. 00267630 (M.R.)

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.

6. BOR DKT. 00313683 (O.R.)

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

7. BOR DKT. 00246286 (K.F.)

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. 00323210 (C.M.)

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

9. BOR DKT. 00327876 (F.F.)

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

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10. BOR DKT. 00319722 (L.C.)

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

11. BOR DKT. 00253220 (R.W.)

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for Pandemic Emergency Unemployment Compensation (PEUC) as the claimant established a valid unemployment claimant in another state, and liable for a non-fraud refund.

12. BOR DKT. 00320451 (K.T.)

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 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. 00320367 (A.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.

2. BOR DKT. 00299383 (M.B.)

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

3. BOR DKT. 00288976 (A.D.S.)

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for benefits for refusing suitable work.

4. BOR DKT. 00311302 (C.V.)

Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed, ineligible for Pandemic Unemployment Assistance (PUA) benefits

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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 liable for a non-fraud refund.

5. BOR DKT. 00305386 (P.S.)

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

6. BOR DKT. 00324782 (Z.M.)

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

7. BOR DKT. 00312131 (T.D.)

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

8. BOR DKT. 00329424 (T.D.)

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

9. BOR DKT. 00332176 (A.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 and a liability to a non-fraud refund.

10. BOR DKT. 00283523 (J.P.)

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

11. BOR DKT. 00283524 (J.P.)

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

12. BOR DKT. 00332177 (A.S.)

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

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13. BOR DKT. 00322187 (D.B.)

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

14. BOR DKT. 00333734 (K.C.)

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

15. BOR DKT. 00337036 (G.S.)

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

16. BOR DKT. 00311509 (K.M.)

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

17. BOR DKT. 00290243 (N.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 and a liability to a non-fraud refund.

18. BOR DKT. 00266737 (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, and liability for a non-fraud refund.

19. BOR DKT. 00317385 (A.M.)

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

20. BOR DKT. 00297782 (E.F.)

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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21. BOR DKT. 00290221 (I.M.)

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

22. BOR DKT. 00315268 (M.A.)

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

23. BOR DKT. 00302702 (M.H.)

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

24. BOR DKT. 00284393 (S.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 and a liability to a non-fraud refund.

25. BOR DKT. 00322372 (A.S.)

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

26. BOR DKT. 00303899 (L.M.)

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, and a liability for a non-fraud refund.

27. BOR DKT. 00292470 (R.H.)

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

28. BOR DKT. 00304224 (M.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.

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29. BOR DKT. 00294142 (M.G.)

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

30. BOR DKT. 00323956 (K.H.)

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

31. BOR DKT. 00323954 (K.H.)

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

32. BOR DKT. 00290825 (D.T.)

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

33. BOR DKT. 00319055 (L.H.)

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

34. BOR DKT. 00321466 (D.D.J.)

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

35. BOR DKT. 00318681 (V.O.)

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

36. BOR DKT. 00307488 (S.A.)

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms.

37. BOR DKT. 00324222 (B.C.)

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

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38. BOR DKT. 00319722 (L.C.)

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

39. BOR DKT. 00290978 (K.K.)

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

40. BOR DKT. 00290980 (K.K.)

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

41. BOR DKT. 00323329 (J.R.)

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

42. BOR DKT. 00319146 (M.W.)

Claimant appealed a decision of the Appeal Tribunal the unemployment claim invalid, and 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 C.A.R.E.S. Act.

43. BOR DKT. 00315520 (C.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 and a liability to a non-fraud refund.

44. BOR DKT. 00323314 (N.P.)

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

45. BOR DKT. 00292078 (M.L.)

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

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46. BOR DKT. 00311841 (K.K.)

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

47. BOR DKT. 00291237 (A.J.)

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

48. BOR DKT. 00289788 (R.V.)

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

49. BOR DKT. 00299193 (S.P.)

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

50. BOR DKT. 00328798 (S.A.)

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.

51. BOR DKT. 00312498 (M.P.)

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

52. BOR DKT. 00290243 (N.S.)

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.

53. BOR DKT. 00316155 (H.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 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW.

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

1. BOR DKT. 00321667 (F.D.)

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

2. BOR DKT. 00319554 (D.K.)

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

3. BOR DKT. 00287548 (A.J.)

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.

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

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

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. 00314762 (P.R.)

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

2. BOR DKT. 00303590 (F.B.)

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

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3. BOR DKT. 00322370 (A.M.)

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

4. BOR DKT. 00317647 (A.V.)

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

5. BOR DKT. 00327816 (R.A.)

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

6. BOR DKT. 00328415 (K.S.)

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

7. BOR DKT. 00307555 (P.A.)

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

8. BOR DKT. 00330116 (L.G.)

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

9. BOR DKT. 00327141 (W.K.)

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

10. BOR DKT. 00303739 (S.C.)

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

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11. BOR DKT. 00311243 (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.

12. BOR DKT. 00304460 (M.S.)

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

13. BOR DKT. 00300404 (N.S.)

Claimant appealed the decision of the Appeal Tribunal dismissing the claimant's appeal as no justiciable issue as the matter was resolved under another docket.

ACTION: BOARD VOTED TO ACCEPT THE 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 AND/OR DEPUTY

1. BOR DKT. 00322884 (S.L.)

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 a liability to a non-fraud refund.

2. BOR DKT. 00264746 (A.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 THE ABOVE CASES AS REVERSED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL AND/OR DEPUTY.