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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
JULY 10, 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 JULY 10, 2024

JULY 10, 2024

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A regular meeting of the Board of Review was held on Wednesday, JULY 10, 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 - JULY 10, 2024 AGENDA

BOARD MINUTES:

Submitted for adoption are the minutes of the June 26, 2024 Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE JUNE 26, 2024, BOARD MEETING.

SECTION A – HEARING MATTERS:

A-1 VACATED APPEALS BY THE BOARD OF REVIEW

1. BOR DKT. 00192210 (D.O.)

Claimant's correspondence was erroneously processed as an appeal to the Board of Review.

2. BOR DKT. 00221563 (J.N.)

Claimant's correspondence was erroneously processed as an appeal to the Board of Review.

3. BOR DKT. 00303593 (L.V.)

The employer's correspondence under DKT 00303591 was erroneously processed as an appeal to the Board of Review.

4. BOR DKT. 00287095 (A.L.)

Claimant appealed the decision of the Appeal Tribunal which relieved the employer of benefit charges.

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. 00291260 (M.Z.)

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

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2. BOR DKT. 00300242 (A.A.)

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

3. BOR DKT. 00317575 (R.M.)

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

4. BOR DKT. 00317576 (R.M.)

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

5. BOR DKT. 00203254 (D.S.)

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

6. BOR DKT. 00328430 (J.W)

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

7. BOR DKT. 00228135 (M.C.)

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

8. BOR DKT. 00303591 (L.V.)

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

9. BOR DKT. 00303587 (E.L.)

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

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10. BOR DKT. 00328894 (S.H.)

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.

11. BOR DKT. 00294619 (L.F.)

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

12. BOR DKT. 00300274 (J.S.)

Claimant's correspondence was erroneously processed as an appeal to the Board of Review.

13. BOR DKT. 00297305 (J.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.

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 DENIAL OF REOPENING REQUESTS TO THE BOARD OF REVIEW

1. BOR DKT. 00310388 (J.W.)

Claimant is requesting a reopening of the Board of Review decision, affirming the Appeal Tribunal decision denying the claimant's request to reopen the matter due to non-registration for the hearing.

2. BOR DKT. 00312861 (C.M.)

Claimant is requesting a reopening of the Board of Review decision, affirming the Appeal Tribunal decision holding the claimant disqualified for benefits for leaving work voluntarily without good cause attributable to the work and liable to a non-fraud refund.

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3. BOR DKT. 00299935 (A.A.)

Claimant is requesting a reopening of the Board of Review decision, affirming the Appeal Tribunal decision holding the claimant disqualified for benefits for misconduct connected with the work.

4. BOR DKT. 00264296 (E.H.G.)

Claimant is requesting a reopening of the Board of Review decision, affirming the Appeal Tribunal decision holding the claimant liable for a non-fraud refund.

5. BOR DKT. 00314160 (C.G.)

Claimant is requesting a reopening of the Board of Review decision, affirming the Appeal Tribunal decision which held the claimant disqualified for benefits for leaving work voluntarily without good cause attributable to the work and liable to a non-fraud refund.

6. BOR DKT. 00289895 (L.C.)

Claimant is requesting a reopening of the Board of Review decision, affirming the Appeal Tribunal decision holding the claimant disqualified for benefits for leaving work voluntarily without good cause attributable to the work.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS DENIAL OF REOPENING REQUESTS TO THE BOARD OF REVIEW.

A-4 REOPENED BOARD OF REVIEW APPEALS

1. BOR DKT. 00273102 (M.P.)

Claimant is requesting a reopening of the Board of Review decision, affirming the Appeal Tribunal decision 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.

2. BOR DKT. 00342621 (A.N.)

Claimant is requesting a reopening of the Board of Review decision, affirming the Appeal Tribunal decision holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work.

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ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS REOPENED BOARD OF REVIEW APPEALS.

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

1. BOR DKT. 00281382 (K.D.)

Deputy appealed a decision of the Appeal Tribunal holding no ineligibility for benefits under Disability During Unemployment.

2. BOR DKT. 00295878 (C.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.

3. BOR DKT. 00319718 (M.M.)

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

4. BOR DKT. 00328321 (A.P.)

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

5. BOR DKT. 00293481 (J.T.)

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

6. BOR DKT. 00304865 (C.T.)

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.

7. BOR DKT. 00293384 (N.Y.)

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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8. BOR DKT. 00329078 (M.M.)

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

9. BOR DKT. 00266544 (D.D.)

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.

10. BOR DKT. 00321911 (L.F.)

Employer appealed the decision of the Appeal Tribunal which held the claimant eligible for disability benefits and liable for benefit charges to their account.

11. BOR DKT. 00287409 (Y.Y.N.)

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

12. BOR DKT. 00290534 (D.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.

13. BOR DKT. 00294597 (M.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.

14. BOR DKT. 00305851 (V.C.)

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

15. BOR DKT. 00329906 (R.S.M.)

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

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16. BOR DKT. 00309723 (L.V.D.)

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

17. BOR DKT. 00321080 (S.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.

18. BOR DKT. 00331222 (K.G.)

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

19. BOR DKT. 00296282 (T.P.)

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

20. BOR DKT. 00301228 (A.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.

21. BOR DKT. 00358960 (J.L.)

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

22. BOR DKT. 00304498 (M.R.)

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

23. BOR DKT. 00293251 (L.N.)

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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24. BOR DKT. 00320506 (G.N.)

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

25. BOR DKT. 00297972 (A.P.)

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

26. BOR DKT. 00295643 (J.I.)

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

27. BOR DKT. 00297005 (D.S.)

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

28. BOR DKT. 00283275 (B.C.B.)

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

29. BOR DKT. 00321401 (A.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 and no ineligibility of benefits for ability to work.

30. BOR DKT. 00327593 (M.C.)

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

31. BOR DKT. 00303682 (C.M.)

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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32. BOR DKT. 00300771 (L.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.

33. BOR DKT. 00295414 (N.A.)

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

34. BOR DKT. 00316387 (J.C.)

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

35. BOR DKT. 00298481 (E.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, and no disqualification of benefits for misconduct connected with the work.

36. BOR DKT. 00301733 (N.K.)

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

37. BOR DKT. 00330596 (L.R.)

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

38. BOR DKT. 00308604 (A.B.)

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

39. BOR DKT. 00304903 (K.D.)

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

40. BOR DKT. 00297413 (R.S.)

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

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41. BOR DKT. 00304296 (A.K.)

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

42. BOR DKT. 00222088 (D.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.

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

A-6 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW

1. BOR DKT. 00327671 (J.H.)

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

2. BOR DKT. 00295335 (M.V.)

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

3. BOR DKT. 00239948 (J.B.)

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits from 03/15/20 through 03/13/21 under availability for work, and ineligible for Pandemic Unemployment Assistance (PUA) from 03/15/20 through 03/13/21 as the claimant's unemployment was not due to one of the COVID-19 related reason identified under the C.A.R.E.S. Act.

4. BOR DKT. 00298903 (A.P.R.)

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

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5. BOR DKT. 00316730 (C.A.D.)

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

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

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

1. BOR DKT. 00330045 (P.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. 00335632 (A.M.)

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

3. BOR DKT. 00325303 (S.R.)

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

4. BOR DKT. 00293671 (L.S.)

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

5. BOR DKT. 00365227 (K.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.

6. BOR DKT. 00272431 (W.A.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.

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7. BOR DKT. 00302817 (T.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.

8. BOR DKT. 00301128 (W.J.)

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

9. BOR DKT. 00257504 (M.M.)

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

10. BOR DKT. 00303557 (A.C.)

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. 00257641 (D.R.)

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, ineligible for Pandemic Unemployment Assistance (PUA) benefits as the claimant had no attachment to the labor market and a liability to a non-fraud refund.

12. BOR DKT. 00297499 (B.R.)

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

13. BOR DKT. 00324914 (V.L.)

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.

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

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A-8 REVERSED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL

1. BOR DKT. 00326033 (D.T.)

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

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

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

1. BOR DKT. 00294421 (A.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 a liability for a non-fraud refund.

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