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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 17, 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 JULY 17, 2024

JULY 17, 2024

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A regular meeting of the Board of Review was held on Wednesday, JULY 17, 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 MINUTES – JULY 17, 2024 MEETING

THE JULY 17, 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 JULY 24, 2024 AT 10:00AM, VIA TELECONFERENCE AT 1-856-388-7074, CONFERENCE ID 834 916 087#.

BOARD MINUTES:

Submitted for adoption are the minutes of the July 10, 2024 Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE JULY 10, 2024 BOARD MEETING.

SECTION A – HEARING MATTERS:

A-1 VACATED APPEALS BY THE BOARD OF REVIEW

1. BOR DKT. 00311211 (M.B.)

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

2. BOR DKT. 00335980 (S.S.)

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

3. BOR DKT. 00321458 (J.C.)

The 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. 00318343 (N.D.)

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal for non-participation.

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2. BOR DKT. 00328935 (A.T.)

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

3. BOR DKT. 00313651 (C.G.)

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

4. BOR DKT. 00277568 (N.T.)

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.

5. BOR DKT. 00320946 (S.R.)

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

6. BOR DKT. 00289636 (P.S.)

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

7. BOR DKT. 00308329 (C.M.)

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

8. BOR DKT. 00280523 (M.T.)

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

9. BOR DKT. 00264838 (A.Z.)

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

10. BOR DKT. 00262657 (K.S.)

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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11. BOR DKT. 00305016 (K.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.

12. BOR DKT. 00321506 (R.L.)

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of unemployment benefits for leaving work voluntarily without good cause attributable to such work, an ineligibility for benefits under availability for work, an ineligibility for Pandemic Unemployment Assistance (PUA) benefits, and a liability to 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-3 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW

1. BOR DKT. 00349491 (A.D.)

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

2. BOR DKT. 00304821 (J.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.

3. BOR DKT. 00296335 (M.N.)

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

4. BOR DKT. 00330398 (Z.S.)

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

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5. BOR DKT. 00318962 (C.P.)

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. 00301607 (S.E.)

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

7. BOR DKT. 00330514 (B.G.)

Claimant appealed the decision of the Appeal Tribunal which denied the claimant's request for a pre-date of an unemployment claim and holding the claimant ineligible for benefits for failure to meet reporting requirements in accordance with Division regulations.

8. BOR DKT. 00296500 (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.

9. BOR DKT. 00294424 (J.H.)

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

10. BOR DKT. 00317349 (C.K.)

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

11. BOR DKT. 00263244 (I.H.)

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

12. BOR DKT. 00295971 (M.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.

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13. BOR DKT. 00297819 (C.G.M.)

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

14. BOR DKT. 00305043 (P.C.)

Claimant appealed the decision of the Appeal Tribunal which dismissed the claimant's appeal as the matter has been reviewed under a separate appeal which is under the Board's jurisdiction.

15. BOR DKT. 00325045 (J.S.)

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

16. BOR DKT. 00322799 (D.M.)

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

17. BOR DKT. 00303774 (N.H.)

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

18. BOR DKT. 00322432 (L.S.)

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

19. BOR DKT. 00328908 (R.B.)

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.

20. BOR DKT. 00291037 (M.C.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'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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21. BOR DKT. 00296654 (K.C.)

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

22. BOR DKT. 00328049 (B.C.)

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

23. BOR DKT. 00290610 (B.S.)

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

24. BOR DKT. 00307916 (J.L.)

Claimant appealed the decision of the Appeal Tribunal which held the claim for disability during unemployment claim for benefits invalid.

25. BOR DKT. 00303039 (G.W.J.)

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

26. BOR DKT. 00328986 (F.O.)

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

27. BOR DKT. 00331984 (A.P.)

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.

28. BOR DKT. 00333906 (J.J.)

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for dependency benefits.

29. BOR DKT. 00329151 (T.K.)

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

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30. BOR DKT. 00333285 (M.W.)

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

31. BOR DKT. 00288632 (P.J.)

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

32. BOR DKT. 00289327 (M.K.)

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

33. BOR DKT. 00270962 (K.H.)

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

34. BOR DKT. 00332526 (J.R.C.)

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

35. BOR DKT. 00341191 (A.A.)

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

36. BOR DKT. 00328278 (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.

37. BOR DKT. 00306538 (W.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.

38. BOR DKT. 00303685 (B.A.C.)

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

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39. BOR DKT. 00302699 (R.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, an ineligibility for Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the specified reasons under the CARES Act, and a liability for a non-fraud refund.

ACTION: BOARD VOTED TO ACCEPT THE 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. 00294374 (E.F.)

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

2. BOR DKT. 00294376 (E.F.)

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

3. BOR DKT. 00322938 (V.C. III)

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

4. BOR DKT. 00332450 (R.H.)

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

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

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A-5 AFFIRMED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL BY THE BOARD OF REVIEW

1. BOR DKT. 00291993 (V.R.D.)

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility 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 THE ABOVE CASE AS AN AFFIRMED AND REMANDED DECISION TO THE APPEAL TRIBUNAL BY THE BOARD OF REVIEW.

A-6 REOPENED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL

1. BOR DKT. 00270190 (M.L.)

The Superior Court, Appellate Division, Docket No. A-1751-22, reversed the decision of the Board of Review which held the claimant filed a late appeal without good cause.

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

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

1. BOR DKT. 00300386 (G.B.)

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

2. BOR DKT. 00328299 (T.B.)

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

3. BOR DKT. 00299529 (R.K.)

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

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4. BOR DKT. 00285929 (K.D.)

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.

5. BOR DKT. 00271971 (R.E.)

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.

6. BOR DKT. 00293434 (E.G.)

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

7. BOR DKT. 00317881 (R.E.)

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

8. BOR DKT. 00279507 (A.M.)

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 to a non-fraud refund.

9. BOR DKT. 00304784 (I.R.I.)

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 the claimant eligible for benefits under availability for work.

10. BOR DKT. 00309648 (D.S.)

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. 00216821 (R.S.)

Superior Court of New Jersey, Appellate Division, remanded the matter of the claimant leaving the work voluntarily to the Appeal Tribunal for further review.

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12. BOR DKT. 00333436 (I.N.)

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

13. BOR DKT. 00291694 (J.N.)

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. 00304218 (A.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 and no disqualification of benefits for misconduct connected with the work.

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. 00287906 (J.C.)

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

2. BOR DKT. 00287907 (J.C.)

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

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS REVERSED AND REMANDED CASES TO THE APPEAL TRIBUNAL BY THE BOARD OF REVIEW.

BOARD OF REVIEW MINUTES – JULY 17, 2024 MEETING

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

1. BOR DKT. 00292176 (F.A.)

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

2. BOR DKT. 00311042 (F.A.)

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

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

A-10 REOPENED AND REMANDED BOARD OF REVIEW DECISIONS TO THE APPEAL TRIBUNAL AND/OR DEPUTY

1. BOR DKT. 00279977 (S.G.)

Claimant appealed to the Appellate Division which remanded the matter for the Division to consider whether the claimant qualifies for a waiver of the refund.

2. BOR DKT. 00269949 (C.B.)

Claimant appealed to the Appellate Division, which remanded the matter for additional proceeding to include specific documentation.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS REOPENED AND REMANDED BOARD OF REVIEW DECISIONS TO THE APPEAL TRIBUNAL OR DEPUTY.

THE JULY 17, 2024 REGULAR MEETING OF THE BOARD OF REVIEW WAS ADJOURNED BY MR. SCAGLIONE AT 10:16AM.

MINUTES SUBMITTED BY: ERIC OLSEN, ACTING EXECUTIVE SECRETARY, JULY 17,

BOARD OF REVIEW MINUTES – JULY 17, 2024 MEETING

2024.