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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 AUGUST 7, 2024

WILLIAM SCAGLIONE, CHAIRPERSON

LISA HART, VICE-CHAIRPERSON

ERIC OLSEN, MEMBER

MARIA ZOLA, ACTING EXECUTIVE SECRETARY



BOARD OF
REVIEW

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AD-18.94 (9/23)

BOARD OF REVIEW MEETING OF AUGUST 7, 2024

AUGUST 7, 2024

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A regular meeting of the Board of Review was held on Wednesday, AUGUST 7, 2024, at 10:00 a.m., via conference call, in Trenton, New Jersey

PRESENT: William Scaglione, Chairperson, Lisa Hart, Vice-Chairperson, Eric Olsen, Member 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 – AUGUST 7, 2024 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the July 31, 2024, Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE JULY 31, 2024, BOARD MEETING.

SECTION A – HEARING MATTERS:

A-1 WITHDRAWAL OF APPEALS

1. BOR DKT. 00361807 (V.V.)

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

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

A-2 VACATED APPEALS BY THE BOARD OF REVIEW

1. BOR DKT. 00309522 (V.D.)

Employer appealed the decision of the Appeal Tribunal dismissing the appeal due to non-appearance.

2. BOR DKT. 00339599 (M.A.)

Claimant appealed a decision of the Appeal Tribunal holding no ineligibility for benefits as the claimant reported in accordance with Division regulations.

3. BOR DKT. 00332072 (D.S.)

Claimant appealed the Appeal Tribunal decision dismissing the appeal as non-justiciable.

4. BOR DKT. 00335379 (A.S.)

The claimant's letter was docketed (dkt# 335379) in error as an appeal to the BOR.

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5. BOR DKT. 00276184 (C.A.D.)

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

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. 00319736 (I.T.)

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 and she did not have a labor market attachment under Section 2102(a)(3)(A)(ii)(I) of the Coronavirus Aid, Relief, and Economic Security Act (C.A.R.E.S.) Act.

2. BOR DKT. 00334390 (D.I.)

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

3. BOR DKT. 00315103 (K.B.)

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

4. BOR DKT. 00304302 (S.M.)

Claimant appealed a decision of the Appeal Tribunal holding the claimant subject to a pension offset and liable for a non-fraud refund.

5. BOR DKT. 00312355 (D.S.)

Claimant appealed a decision of the Appeal Tribunal holding the claimant's weekly benefit rate reduced due to a pension offset.

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6. BOR DKT. 00301602 (A.W.)

Claimant appealed a decision of the Appeal Tribunal holding the transitional unemployment claim invalid due to lack of requalifying wages, and liable for a non-fraud refund.

7. BOR DKT. 00272794 (L.L.)

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

8. BOR DKT. 00276698 (S.A.)

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 under Section 2102(a)(3)(A)(ii)(I) of the Coronavirus Aid, Relief, and Economic Security Act (C.A.R.E.S.) Act and a liability to a non-fraud refund.

9. BOR DKT. 00322787 (E.M.)

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

1. BOR DKT. 00310915 (A.J.C.)

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

2. BOR DKT. 00302713 (W.I.)

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility of benefits under ability to work, an ineligibility of benefits as the claimant was not unemployed, and a liability for a non-fraud refund.

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3. BOR DKT. 00296877 (L.L.)

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

4. BOR DKT. 00286823 (K.B.)

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

5. BOR DKT. 00291370 (P.S.)

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

6. BOR DKT. 00302647 (G.T.)

Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed and a disqualification of benefits for misconduct connected with the work.

7. BOR DKT. 00305569 (P.H.)

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

8. BOR DKT. 00322950 (J.H.)

Claimant appealed the decision of the Appeal Tribunal reducing the weekly benefit rate due to receipt of a pension from a base year or chargeable employer.

9. BOR DKT. 00310139 (S.T.)

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

10. BOR DKT. 00302788 (R.J.)

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

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11. BOR DKT. 00292063 (D.R.)

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

12. BOR DKT. 00317397 (L.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.

13. BOR DKT. 00309632 (J.O.)

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

14. BOR DKT. 00315018 (J.P.)

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

15. BOR DKT. 00321633 (F.A.)

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. 00331354 (L.F.)

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

17. BOR DKT. 00328398 (A.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.

18. BOR DKT. 00302517 (J.H.)

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

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19. BOR DKT. 00307979 (B.D.R.)

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.

20. BOR DKT. 00259476 (K.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, 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, ineligible for benefits under availability for work, and a liability to a non-fraud refund.

21. BOR DKT. 00299005 (M.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.

22. BOR DKT. 00300163 (L.D.)

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

23. BOR DKT. 00198887 (L.A.)

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.

24. BOR DKT. 00205307 (L.A.)

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.

25. BOR DKT. 00301626 (A.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.

26. BOR DKT. 00307090 (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.

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27. BOR DKT. 00307230 (F.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.

28. BOR DKT. 00306160 (T.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.

29. BOR DKT. 00272060 (J.F.)

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.

30. BOR DKT. 00313059 (C.B.)

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

31. BOR DKT. 00309926 (V.W.)

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.

32. BOR DKT. 00319120 (S.R.)

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

33. BOR DKT. 00320739 (S.M.)

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

34. BOR DKT. 00307589 (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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35. BOR DKT. 00308340 (M.M.)

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

36. BOR DKT. 00315704 (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.

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. 00301551 (T.K.)

Employer appealed a decision of the Appeal Tribunal holding the unemployment claim valid.

2. BOR DKT. 00316006 (C.F.)

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

3. BOR DKT. 00316300 (S.S.)

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility of unemployment benefits for not demonstrating an active work search and an ineligibility for Pandemic Unemployment Assistance (PUA) benefits.

4. BOR DKT. 00307478 (T.H.)

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

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

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

1. BOR DKT. 00315012 (D.C.)

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

2. BOR DKT. 00322156 (M.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, 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.

3. BOR DKT. 00316293 (K.U.)

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.

4. BOR DKT. 00332071 (D.S.)

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

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS AFFIRMED AND REMANDED DECISIONS 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. 00277762 (J.S.)

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

2. BOR DKT. 00335587 (S.D.)

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

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3. BOR DKT. 00311953 (K.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.

4. BOR DKT. 00336918 (A.C.)

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

5. BOR DKT. 00336862 (R.K.)

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

6. BOR DKT. 00315047 (S.W.)

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

7. BOR DKT. 00302071 (D.S.)

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

8. BOR DKT. 00323612 (B.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.

9. BOR DKT. 00287323 (A.R.)

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

10. BOR DKT. 00302151 (R.P.)

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

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11. BOR DKT. 00318901 (C.S.)

Claimant appealed a denial of Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons.

12. BOR DKT. 00314443 (K.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.

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

A-8 REVERSED DECISIONS OF THE APPEAL TRIBUNAL AND/OR THE DEPUTY BY THE BOARD OF REVIEW

1. BOR DKT. 00328335 (C.S.)

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant did not meet reporting requirements and liable for a non-fraud refund.

2. BOR DKT. 00318025 (J.I.)

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