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## 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 AUGUST 21, 2024

LISA HART, VICE-CHAIRPERSON

ERIC OLSEN, MEMBER

MARYANN MORAN-SMYTH, EXECUTIVE SECRETARY



BOARD OF  
REVIEW

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AD-18.94 (9/23)

**BOARD OF REVIEW MEETING OF AUGUST 21, 2024**

**AUGUST 21, 2024**

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**A regular meeting of the Board of Review was held on Wednesday, AUGUST 21, 2024, at 10:00 a.m., via conference call, in Trenton, New Jersey**

**PRESENT: Lisa Hart, Vice-Chairperson, Eric Olsen, Member Maryann Moran-Smyth, 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 21, 2024 MEETING**

### **BOARD MINUTES:**

**ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE AUGUST 14, 2024, BOARD MEETING.**

### **SECTION A – HEARING MATTERS:**

#### **A-1 VACATED APPEALS BY THE BOARD OF REVIEW**

**1. BOR DKT. 00332943 (M.H.)**

The claimant's letter was docketed as an appeal to the Board of Review.

**2. BOR DKT. 00270638 (S.M.)**

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

**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. 00307311 (B.P.)**

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

**2. BOR DKT. 00336470 (J.R.)**

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

**3. BOR DKT. 00323431 (S.A.)**

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

## BOARD OF REVIEW MINUTES – AUGUST 21, 2024 MEETING

4. BOR DKT. 00338998 (L.W.)

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 and a liability for a non-fraud refund.

5. BOR DKT. 00283001 (L.J.)

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.

6. BOR DKT. 00300472 (M.M.)

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

7. BOR DKT. 00300474 (M.M.)

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

8. BOR DKT. 00309231 (W.W.)

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. 00330993 (D.R.)

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

10. BOR DKT. 00321840 (L.W.)

Claimant appealed the decision of the Appeal Tribunal dismissing the appellant's appeal as all benefits exhausted.

**ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES FROM 1-8 AS DISMISSED APPEALS BY THE BOARD OF REVIEW DUE TO UNTIMELY FILING OR FOR NON-JUSTICIABLE APPEAL ISSUE. WILLIAM SCAGLIONE ABSTAINED FROM CASES 9 AND 10.**

## **BOARD OF REVIEW MINUTES – AUGUST 21, 2024 MEETING**

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

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

Claimant is requesting a reopening of the Board of Review decision, affirming the Appeal Tribunal decision holding no ineligibility for benefits under Disability During Unemployment.

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

### **A-4 REOPENED BOARD OF REVIEW DECISIONS FOR RECONSIDERATION**

#### **1. BOR DKT. 00346680 (M.R.)**

Deputy requested the matter be reopened for reconsideration.

**ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS REOPENED FOR RECONSIDERATION TO THE BOARD OF REVIEW.**

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

#### **1. BOR DKT. 00281835 (M.M.)**

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

#### **2. BOR DKT. 00271030 (K.M.)**

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.

#### **3. BOR DKT. 00300051 (D.F.)**

Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for leaving work voluntarily or for being discharged for misconduct connected with the work.

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**4. BOR DKT. 00308097 (O.G.)**

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

**5. BOR DKT. 00310673 (L.R.)**

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for benefits for leaving work voluntarily without good cause attributable to the work, and liable for a non-fraud refund.

**6. BOR DKT. 00296600 (M.L.)**

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

**7. BOR DKT. 00319726 (M.L.)**

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for 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 under the C.A.R.E.S. Act, and liable for a non-fraud refund.

**8. BOR DKT. 00308861 (E.J.)**

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. 00308299 (I.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, 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.

**10. BOR DKT. 00308301 (I.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, holding the claimant ineligible for Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the

## **BOARD OF REVIEW MINUTES – AUGUST 21, 2024 MEETING**

COVID-19 related reasons identified in the C.A.R.E.S. Act and a liability to a non-fraud refund.

### **11. BOR DKT. 00335768 (C.W.)**

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

### **12. BOR DKT. 00315018 (J.P.)**

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

### **13. BOR DKT. 00338106 (T.B.)**

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

### **14. BOR DKT. 00339114 (R.K.)**

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

### **15. BOR DKT. 00323952 (M.S.)**

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

### **16. BOR DKT. 00326840 (I.M.)**

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

### **17. BOR DKT. 00331899 (S.K.)**

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

### **18. BOR DKT. 00309605 (C.L.)**

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits on the grounds her gross weekly earnings exceeded her partial weekly benefit rate.

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**19. BOR DKT. 00312263 (R.B.)**

Employer appealed a decision of the Appeal Tribunal holding no disqualification for benefits for refusing suitable work.

**20. BOR DKT. 00304928 (V.L.)**

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

**21. BOR DKT. 00326129 (M.W.)**

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

**22. BOR DKT. 00362312 (A.J.)**

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

**23. BOR DKT. 00291033 (F.B.)**

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

**24. BOR DKT. 00324712 (V.P.)**

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.

**25. BOR DKT. 00319773 (D.K.)**

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

**26. BOR DKT. 00308934 (A.B.)**

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

**27. BOR DKT. 00322742 (R.M.)**

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



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### 28. BOR DKT. 00322188 (P.R.)

Claimant appealed the decision of the Appeal Tribunal holding the claimant's weekly gross earnings were greater than his partial weekly benefit rate.

### 29. BOR DKT. 00262140 (K.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.

### 30. BOR DKT. 00323469 (T.R.)

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

### 31. BOR DKT. 00303067 (S.B.)

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

### 32. BOR DKT. 00300452 (T.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.

### 33. BOR DKT. 00289884 (B.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 and a liability for a non-fraud refund.

**ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES 1-21 AND 23-33, AS AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW. ERIC OLSEN RECUSED HIMSELF FROM ITEM #22.**

## BOARD OF REVIEW MINUTES – AUGUST 21, 2024 MEETING

### **A-6 AFFIRMED AND MODIFIED APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW**

#### **1. BOR DKT. 00330229 (C.D.)**

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.

**ACTION: BOARD VOTED TO ACCEPT THIS CASE AS REOPENED AND AFFIRMED DECISION BY THE BOARD OF REVIEW.**

### **A-7 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW**

#### **1. BOR DKT. 00279016 (C.R.)**

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.

#### **2. BOR DKT. 00296448 (G.P.)**

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

#### **3. BOR DKT. 00300606 (K.R.)**

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

#### **4. BOR DKT. 00317651 (L.M.)**

Claimant appealed a decision of the Appeal Tribunal holding a disqualification due to willful misrepresentation, a liability for fines, and a refund liability.

**ACTION: BOARD VOTED TO ACCEPT THIS CASE AS MODIFIED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL BY THE BOARD OF REVIEW.**

## **BOARD OF REVIEW MINUTES – AUGUST 21, 2024 MEETING**

### **A-8 AFFIRMED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL BY THE BOARD OF REVIEW**

#### **1. BOR DKT. 00318561 (R.O.)**

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.

**ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS AFFIRMED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL.**

### **A-9 REOPENED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL**

#### **1. BOR DKT. 00300616 (P.K.)**

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as the claimant failed to comply with the hearing procedures and move his appeal forward.

#### **2. BOR DKT. 00298758 (M.A.)**

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

**ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS REOPENED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL.**

### **A-10 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW**

#### **1. BOR DKT. 00300734 (K.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.

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**2. BOR DKT. 00293272 (T.F.)**

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

**3. BOR DKT. 00298757 (M.A.)**

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

**4. BOR DKT. 00335228 (D.N.)**

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

**5. BOR DKT. 00310132 (C.B.)**

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

**6. BOR DKT. 00313812 (K.M.)**

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

**7. BOR DKT. 00336827 (N.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 and no disqualification for benefits for misconduct connected with the work.

**8. BOR DKT. 00327839 (A.P.)**

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

**9. BOR DKT. 00299153 (C.B.)**

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

## **BOARD OF REVIEW MINUTES – AUGUST 21, 2024 MEETING**

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

### **A-11 REVERSED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL**

**1. BOR DKT. 00231640 (S.D.)**

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.

**2. BOR DKT. 00231640 (S.D.)**

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 THIS CASE AS A REVERSED AND OF REVIEW. ITEM #2 WAS A DUPLICATION.**

### **A-12 REVERSED DECISIONS OF THE APPEAL TRIBUNAL AND/OR THE DEPUTY BY THE BOARD OF REVIEW**

**1. BOR DKT. 00320657 (E.G.)**

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

**2. BOR DKT. 00314352 (M.K.)**

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

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

## BOARD OF REVIEW MINUTES – AUGUST 21, 2024 MEETING

### SECTION B – MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

#### **B-1 BOR DKT. 00228132 (T.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. (**Appellate Specialist Kotb**)

**ACTION: BOARD MEMBERS HART AND OLSEN VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION HOLDING A DISQUALIFICATION FOR BENEFITS FOR LEAVING WORK VOLUNTARILY WITHOUT GOOD CAUSE ATTRIBUTABLE TO THE WORK. BOARD MEMBER SCAGLIONE HAD A DISSENTING VOTE HOLDING THAT THE CLAIMANT DID NOT LEAVE WORK VOLUNTARILY WITHOUT GOOD CAUSE ATTRIBUTABLE TO THE WORK, BUT RATHER REFUSED SUITABLE WORK**

#### **B-2 BOR DKT. 00328952 (D.L.)**

Claimant appealed a decision of the Appeal Tribunal holding the claimant liable for a fraud refund. (**Appellate Specialist Arunasalam**)

**ACTION: BOARD MEMBERS HART AND OLSEN VOTED TO MODIFY THE APPEAL TRIBUNAL DECISION HOLDING THE CLAIMANT LIABLE FOR A NON-FRAUD REFUND RATHER THAN A FRAUD REFUND. BOARD MEMBER SCAGLIONE HELD A DISSENTING VOTE AFFIRMING THE APPEAL TRIBUNAL'S DECISION HOLDING THE CLAIMANT LIABLE FOR A FRAUD REFUND.**

#### **B-3 BOR DKT. 00362312 (A.J.)**

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause. (**Appellate Specialist Kotb**)

**ACTION: BOARD MEMBERS AFFIRMED THE DECISION OF THE APPEAL TRIBUNAL DISMISSING THE APPEAL AS LATE WITHOUT GOOD CAUSE**