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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 28, 2024

LISA HART, VICE-CHAIRPERSON

ERIC OLSEN, MEMBER

MARYANN MORAN-SMYTH, EXECUTIVE SECRETARY



BOARD OF  
REVIEW

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**BOARD OF REVIEW MEETING OF AUGUST 28, 2024**

**AUGUST 28, 2024**

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**A regular meeting of the Board of Review was held on Wednesday, AUGUST 28, 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 MEETING – AUGUST 28, 2024 AGENDA**

### **BOARD MINUTES:**

Submitted for adoption are the minutes of the August 21, 2024, Board meeting.

**ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE AUGUST 21, 2024, BOARD MEETING.**

### **SECTION A – HEARING MATTERS:**

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

**1. BOR DKT. 00306398 (E.F.)**

The matter was erroneously set up as a claimant appeal to the Board of Review.

**2. BOR DKT. 00314583 (F.K.)**

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

**3. BOR DKT. 00304716 (K.H.)**

The matter was erroneously set up as a claimant 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. 00330808 (W.B.)**

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

**2. BOR DKT. 00295842 (S.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 and a liability for a non-fraud refund.

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**3. BOR DKT. 00338224 (R.F.)**

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

**4. BOR DKT. 00320440 (A.B.)**

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause and liability for a non-fraud refund.

**5. BOR DKT. 00295388 (N.C.)**

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant's weekly gross earnings exceeded the partial weekly benefit rate and holding the claimant liable for a non-fraud refund.

**6. BOR DKT. 00287711 (A.K.)**

Claimant appealed a decision of the Appeal Tribunal holding 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 CARES Act, and a liability for a non-fraud refund.

**7. BOR DKT. 00310052 (A.L.M.)**

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms and liability for a non-fraud refund.

**8. BOR DKT. 00338167 (M.T.)**

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

**9. BOR DKT. 00302603 (M.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.

**10. BOR DKT. 00319181 (L.C.)**

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

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### 11. BOR DKT. 00329018 (F.O.)

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

### 12. BOR DKT. 00323431 (S.A.)

Claimant appealed a 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 DENIAL OF REOPENING REQUESTS TO THE BOARD OF REVIEW

#### 1. BOR DKT. 00256038 (S.R.)

Claimant is requesting a reopening of the Board of Review decision affirming the Appeal Tribunal's decision holding an ineligibility for benefits under employed full-time and a liability to a refund.

#### 2. BOR DKT. 00281497 (A.L.)

Claimant is requesting a reopening of the Board of Review decision affirming the Appeal Tribunal's decision imposing a liability for a non-fraud refund.

#### 3. BOR DKT. 00281998 (T.D.)

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

#### 4. BOR DKT. 00309903 (A.D.)

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

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### 5. BOR DKT. 00310575 (J.H.)

Claimant is requesting a reopening of the Board of Review decision affirming the Appeal Tribunal's decision denying Pandemic Unemployment Assistance (PUA) benefits as the claimant failed to establish a labor market attachment.

### 6. BOR DKT. 00313711 (R.B.J.)

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

### 7. BOR DKT. 00314386 (L.P.)

Claimant is requesting a reopening of the Board of Review decision affirming the Appeal Tribunal's decision dismissing the appeal as late without good cause.

### 8. BOR DKT. 00316439 (D.F.)

Claimant is requesting a reopening of the Board of Review decision affirming the Appeal Tribunal's decision dismissing the appeal as late without good cause.

**ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS DENIAL OF REOPENINGS TO THE BOARD OF REVIEW.**

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

### 1. BOR DKT. 00294600 (T.H.)

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 under the CARES Act, and liable for a non-fraud refund.

### 2. BOR DKT. 00326579 (A.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.

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### 3. BOR DKT. 00303090 (T.D.)

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 unrelated to the CARES Act, and liable for a non-fraud refund.

### 4. BOR DKT. 00325362 (C.M.)

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for Mixed Earners Unemployment Compensation (MEUC) benefits as the claimant did not receive regular unemployment benefits.

### 5. BOR DKT. 00315038 (D.P.)

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

### 6. BOR DKT. 00310695 (G.O.)

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

### 7. BOR DKT. 00290132 (A.S.)

Claimant appealed the decision of the Appeal Tribunal holding him ineligible for benefits on the ground his weekly gross earnings were greater than his partial weekly benefit rate.

### 8. BOR DKT. 00338569 (C.K.)

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

### 9. BOR DKT. 00315892 (C.M.)

Claimant appealed the decision of the Appeal Tribunal holding a disqualification for benefits for misconduct connected with the work and denying the claimant's request for a pre-date of an unemployment claim.

### 10. BOR DKT. 00314965 (J.E.)

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

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### **11. BOR DKT. 00339797 (A.H.)**

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

### **12. BOR DKT. 00334198 (J.O.)**

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

### **13. BOR DKT. 00326172 (D.H.)**

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

### **14. BOR DKT. 00337626 (T.L.H.)**

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

### **15. BOR DKT. 00312565 (L.D.)**

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

### **16. BOR DKT. 00322008 (J.H.)**

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

### **17. BOR DKT. 00325474 (S.S.)**

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 the availability academic.

### **18. BOR DKT. 00324791 (L.C.)**

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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**19. BOR DKT. 00324386 (H.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.

**20. BOR DKT. 00327812 (M.C.)**

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

**21. BOR DKT. 00283475 (A.M.)**

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

**22. BOR DKT. 00333418 (J.P.)**

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

**23. BOR DKT. 00295086 (D.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.

**24. BOR DKT. 00296433 (V.N.)**

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

**25. BOR DKT. 00298277 (M.T.)**

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

**26. BOR DKT. 00310090 (D.M.)**

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

**27. BOR DKT. 00324396 (A.M.)**

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

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attributable to the work, holding no disqualification of benefits for refusing suitable work, and holding no liability for a non-fraud refund.

### **28. BOR DKT. 00313363 (E.M.V.)**

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.

### **29. BOR DKT. 00317050 (M.M.)**

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.

### **30. BOR DKT. 00330022 (R.T.)**

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

### **31. BOR DKT. 00309847 (L.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.

### **32. BOR DKT. 00310591 (M.A.)**

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

### **33. BOR DKT. 00295767 (O.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.

### **34. BOR DKT. 00307542 (C.L.)**

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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### 35. BOR DKT. 00329835 (E.P.)

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

### 36. BOR DKT. 00300289 (A.T.)

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

### 37. BOR DKT. 00277857 (J.K.)

Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed 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-5 REOPENED AND AFFIRMED DECISIONS TO THE BOARD OF REVIEW

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

Deputy requested the matter to be reopened and the decision of the Appeal Tribunal be affirmed.

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

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

### 1. BOR DKT. 00323516 (R.C.)

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

### 2. BOR DKT. 00319175 (S.R.)

Claimant appealed the decision of the Appeal Tribunal holding a disqualification from benefits for leaving work voluntarily without good cause attributable to the work, ineligible for Pandemic Unemployment Assistance (PUA) benefits as the

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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.

**3. BOR DKT. 00318949 (T.H.)**

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

**4. BOR DKT. 00315410 (S.W.)**

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.

**5. BOR DKT. 00309079 (A.D.)**

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

**6. BOR DKT. 00324932 (J.S.)**

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

**7. BOR DKT. 00267790 (F.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.

**8. BOR DKT. 00260039 (M.V.S.)**

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for Extended Benefits as the claimant qualified for a valid unemployment claim in another state, and liable for a non-fraud refund.

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

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### **A-7 REOPENED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL**

#### **1. BOR DKT. 00299865 (N.M.)**

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

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

### **A-8 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW**

#### **1. BOR DKT. 00335013 (C.S.)**

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

#### **2. BOR DKT. 00324162 (G.D.)**

Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for misconduct connected with the work and no liability for a non-fraud refund.

#### **3. BOR DKT. 00334864 (G.D.)**

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

#### **4. BOR DKT. 00330748 (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 and holding no disqualification for benefits for misconduct connected with the work.

#### **5. BOR DKT. 00295624 (J.R.)**

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.

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**6. BOR DKT. 00314927 (D.C.)**

Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily and no ineligibility for ability to work and no liability for non-fraud refund.

**7. BOR DKT. 00301729 (S.O.)**

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

**8. BOR DKT. 00313070 (S.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.

**9. BOR DKT. 00335414 (S.Z.)**

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

**10. BOR DKT. 00283690 (P.F.)**

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.

**11. BOR DKT. 00318899 (N.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.

**12. BOR DKT. 00268527 (A.P.)**

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

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### 13. BOR DKT. 00299772 (B.H.)

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 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW.**

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

#### 1. BOR DKT. 00326353 (M.G.)

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

#### 2. BOR DKT. 00309642 (A.C.)

Claimant appealed the decision of the Appeal Tribunal holding a disqualification from 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 CARES Act and a liability to a non-fraud refund.

#### 3. BOR DKT. 00312604 (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.

#### 4. BOR DKT. 00285492 (J.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, and a liability for a non-fraud refund.

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