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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
SEPTEMBER 4, 2024**

WILLIAM SCAGLIONE, CHAIRPERSON

LISA HART, VICE-CHAIRPERSON

ERIC OLSEN, MEMBER

MARYANN MORAN-SMYTH, EXECUTIVE SECRETARY



**BOARD OF
REVIEW**

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BOARD OF REVIEW MEETING OF SEPTEMBER 4, 2024

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A regular meeting of the Board of Review was held on Wednesday, SEPTEMBER 4, 2024, at 10:00 a.m., via conference call, in Trenton, New Jersey

PRESENT: William Scaglione, Chairperson, 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 – SEPTEMBER 4, 2024 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the August 28, 2024, Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE AUGUST 28, 2024, BOARD MEETING.

SECTION A – HEARING MATTERS:

A-1 VACATED APPEALS BY THE BOARD OF REVIEW

1. BOR DKT. 00360125 (R.F.)

Claimant's communication was processed as an appeal of the decision of the Appeal Tribunal which dismissed the appeal for non-appearance.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE 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 ISSUES.

1. BOR DKT. 00291624 (A.G.G.)

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

2. BOR DKT. 00848228 (M.W.)

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

3. BOR DKT. 00339798 (M.T.)

Claimant's communication was processed as an appeal of the decision of the Appeal Tribunal which approved the claimant's request for a pre-date of a Pandemic Unemployment Assistance claim.

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4. BOR DKT. 00268691 (B.H.)

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

5. BOR DKT. 00316586 (L.C.)

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

6. BOR DKT. 00316588 (LC.)

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

7. BOR DKT. 00244009 (M.K.)

Claimant appealed the decision of the Appeal Tribunal denying the request to reopen the matter as the request was not received within 180 days.

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 ISSUES.

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

1. BOR DKT. 00300352 (J.M.)

Claimant is requesting a reopening of the Board of Review decision, affirming the Appeal Tribunal's decision holding no disqualification of benefits for leaving work voluntarily without good cause attributable to the work.

2. BOR DKT. 00331380 (D.C.)

Claimant is requesting a reopening of the Board of Review's decision, affirming the Appeal Tribunal's decision holding an eligibility of benefits under ability to work, and a liability for a non-fraud refund.

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3. BOR DKT. 00305882 (D.C.)

Claimant is requesting a reopening of the Board of Review's decision, affirming the Appeal Tribunal's decision dismissing the appeal as late without good cause through July 25, 2022.

4. BOR DKT. 00278238 (K.I.)

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 the work and a liability to a non-fraud refund.

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

A-4 REOPENED BOARD OF REVIEW APPEALS

1. BOR DKT. 00322307

Claimant is requesting a reopening of the Board of Review's decision, affirming the Appeal Tribunal's decision holding the claimant was not employed.

ACTION: BOARD VOTED TO ACCEPT THIS CASE AS A REOPENED APPEAL BY THE BOARD OF REVIEW.

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

1. BOR DKT. 00333312 (E.G.M.)

Claimant appealed a decision of the Appeal Tribunal holding the claimant liable for a fraud refund and a liability for fines due to willful misrepresentation.

2. BOR DKT. 00333313 (E.G.M.)

Claimant appealed a decision of the Appeal Tribunal holding the claimant liable for a fraud refund and a liability for fines due to willful misrepresentation.

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3. BOR DKT. 00298100 (H.D.)

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

4. BOR DKT. 00302910 (A.R.)

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

5. BOR DKT. 00336727 (M.M.)

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

6. BOR DKT. 00277030 (C.S.)

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

7. BOR DKT. 00304025 (A.K.)

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

8. BOR DKT. 00298109 (S.W.)

Claimant appealed a decision of the Appeal Tribunal holding the unemployment claim invalid, an ineligibility for Pandemic Unemployment Assistance (PUA) benefits, and a liability for a non-fraud refund.

9. BOR DKT. 00320846 (C.G.)

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

10. BOR DKT. 00317777 (M.A.)

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

11. BOR DKT. 00326989 (J.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 and a liability for a non-fraud refund.

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12. BOR DKT. 00329291 (J.V.)

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

13. BOR DKT. 00335618 (M.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.

14. BOR DKT. 00321607 (R.W.)

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. 00340366 (G.T.)

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

16. BOR DKT. 00307395 (D.C.)

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.

17. BOR DKT. 00334597 (V.S.)

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant did not meet reporting requirements.

18. BOR DKT. 00323374 (B.B.)

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

19. BOR DKT. 00312975 (A.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.

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20. BOR DKT. 00287376 (J.B.)

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

21. BOR DKT. 00305803 (J.B.)

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

22. BOR DKT. 00322528 (A.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 a liability for a non-fraud refund.

23. BOR DKT. 00274362 (F.E.)

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

24. BOR DKT. 00324288 (P.S.)

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

25. BOR DKT. 00324289 (P.S.)

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

26. BOR DKT. 00324290 (P.S.)

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

27. BOR DKT. 00342978 (B.H.J.)

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

28. BOR DKT. 00325087 (E.C.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.

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29. BOR DKT. 00316188 (A.K.)

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

30. BOR DKT. 00305438 (N.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.

31. BOR DKT. 00301822 (C.S.)

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

32. BOR DKT. 00321316 (D.P.)

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, AS AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW.

A-6 REOPENED AND AFFIRMED DECISIONS TO THE BOARD OF REVIEW

1. BOR DKT. 00364568 (W.B.)

For good cause shown, the decision of the Board of Review to dismiss the appeal as late without good cause has been set aside and reopened to address the merits.

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

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

1. BOR DKT. 00333718 (C.C.)

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. 00324989 (V.A.)

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

3. BOR DKT. 00269738 (J.A.)

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 THESE CASES AS MODIFICATIONS OF THE APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW.

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

1. BOR DKT. 00337007 (J.F.)

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

2. BOR DKT. 00332563 (A.M.)

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

3. BOR DKT. 00292983 (G.T.)

Employer appealed a decision of the Appeal Tribunal holding no disqualification for benefits for leaving work voluntarily without good cause attributable to the work, and no liability for a non-fraud refund.

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4. BOR DKT. 00336640 (D.S.)

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

5. BOR DKT. 00319797 (A.S.)

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

6. BOR DKT. 00319295 (M.B.)

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

7. BOR DKT. 00259906 (D.P.)

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons under 15 U.S.C. 9021(a)(3)(A)(ii)(I) (the Coronavirus Aid, Relief, and Economic Security, or "C.A.R.E.S." Act).

8. BOR DKT. 00251105 (A.G.)

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 holding the claimant liable for a non-fraud refund.

9. BOR DKT. 00319799 (A.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.

10. BOR DKT. 00324747 (T.C.)

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

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11. BOR DKT. 00270103 (K.R.)

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

12. BOR DKT. 00340099 (C.S.)

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

13. BOR DKT. 00329350 (D.S.)

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

14. BOR DKT. 00328545 (A.M.)

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

15. BOR DKT. 00289794 (R.G.)

Employer appealed the decision of the Appeal Tribunal holding 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-9 REVERSED DECISIONS OF THE APPEAL TRIBUNAL AND/OR THE DEPUTY BY THE BOARD OF REVIEW

1. BOR DKT. 00325433 (T.B.)

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

2. BOR DKT. 00327942 (B.B.)

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

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3. BOR DKT. 00338311 (M.M.)

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons under 15 U.S.C. 9021(a)(3)(A)(ii)(I) (the Coronavirus Aid, Relief, and Economic Security, or "CARES" Act).

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