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DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
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ROBERT ASARO-ANGELO
Commissioner

BOARD OF REVIEW

**MINUTES OF THE REGULAR MEETING OF
THE BOARD OF REVIEW
SEPTEMBER 11, 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 11, 2024

SEPTEMBER 11, 2024

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A regular meeting of the Board of Review was held on Wednesday, SEPTEMBER 11, 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 11, 2024 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the September 04, 2024, Board meeting.

**ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE
SEPTEMBER 4, 2024, BOARD MEETING.**

SECTION A – HEARING MATTERS:

A-1 VACATED APPEALS BY THE BOARD OF REVIEW

1. BOR DKT. 00301299 (P.C.)

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

2. BOR DKT. 00337591 (T.K.M.)

Claimant's correspondence was docketed in error as an appeal to the Board of Review.

3. BOR DKT. 00291137 (K.F.)

Claimant's correspondence was docketed in error 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. 00268765 (M.M.)

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

2. BOR DKT. 00339047 (M.M.)

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

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3. BOR DKT. 00332465 (S.D.A.)

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

4. BOR DKT. 00340381 (V.M.)

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits under availability for work.

5. BOR DKT. 00322416 (D.E.)

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

6. BOR DKT. 00353490 (T.E.)

Claimant filed a timely appeal to a decision of the Appeal Tribunal which held the claimant disqualified for benefits for misconduct connected with the work.

7. BOR DKT. 00325138 (B.S.)

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 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. 00249948 (E.G.)

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

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2. BOR DKT. 00268063 (T.S.)

Claimant is requesting a reopening of the Board of Review's decision, affirming the Appeal Tribunal's decision holding a disqualification for benefits for leaving work voluntarily, ineligible for Pandemic Unemployment Insurance (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. 00278968 (N.K.)

Claimant is requesting a reopening of the Board of Review decision, affirming the Appeal Tribunal's decision holding the claimant's unemployment claim invalid.

4. BOR DKT. 00304559 (A.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 and ineligible for benefits under availability for work.

5. BOR DKT. 00308576 (M.D.)

Claimant is requesting a reopening of the Board of Review's decision, affirming the Appeal Tribunal's decision holding the claimant liable for a non-fraud refund as the claimant was employed with earnings.

**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. 00335716 (C.G.)

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

2. BOR DKT. 00279614 (M.D.)

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 liable for a non-fraud refund.

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3. BOR DKT. 00277472 (M.D.)

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 liable for a non-fraud refund.

4. BOR DKT. 00327734 (S.G.)

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

5. BOR DKT. 00330915 (K.H.)

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 for benefits for misconduct connected with the work.

6. BOR DKT. 00319420 (M.R.)

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

7. BOR DKT. 00346821 (N.A.)

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

8. BOR DKT. 00333874 (A.A.)

Claimant appealed the decision of the Appeal Tribunal denying the overpayment waiver under the C.A.R.E.S. Act.

9. BOR DKT. 00333873 (A.A.)

Claimant appealed the decision of the Appeal Tribunal denying the overpayment waiver under the C.A.R.E.S. Act.

10. BOR DKT. 00367087 (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.

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11. BOR DKT. 00298089 (P.T.)

Deputy appealed the Appeal Tribunal decision holding the unemployment claim valid.

12. BOR DKT. 00301362 (C.J.)

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

13. BOR DKT. 00339629 (S.Z.)

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

14. BOR DKT. 00341710 (K.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.

15. BOR DKT. 00332409 (R.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.

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

A-5 REMANDED AND REOPENED DECISIONS TO THE APPEAL TRIBUNAL

1. BOR DKT. 00328187 (G.R.T.)

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

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

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A-6 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW

1. BOR DKT. 0000303479 (M.S.)

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

2. BOR DKT. 00303480 (M.S.)

Employer appealed the decision of the Appeal Tribunal holding no ineligibility for extended benefits as the claimant was not disqualified for misconduct connected with the work.

3. BOR DKT. 00334068 (J.C.J.)

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

4. BOR DKT. 00283059 (C.R.)

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits under availability for work and employed full-time, and a liability for a non-fraud refund.

5. BOR DKT. 00299772 (E.H.)

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

6. BOR DKT. 00368387 (D.S.)

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

7. BOR DKT. 00333227 (J.R.)

Deputy appealed a decision of the Appeal Tribunal holding no disqualification due to willful misrepresentation, no liability for fines, and remanding a refund liability for recalculation.

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8. BOR DKT. 00305224 (T.P.)

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

9. BOR DKT. 00326821 (D.D.)

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

10. BOR DKT. 00324752 (J.S.)

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

11. BOR DKT. 00302358 (T.P.)

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

12. BOR DKT. 00337590 (T.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.

13. BOR DKT. 00283748 (C.F.)

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

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

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A-7 REVERSED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL

1. BOR DKT. 00326147 (K.P.)

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

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

SECTION B – MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 BOR DKT. 00296600 (M.L.)

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

ACTION: BOARD MEMBERS VOTED TO REMAND THE CASE TO THE APPEAL TRIBUNAL FOR THE TAKING OF ADDITIONAL TESTIMONY AND A NEW DECISION.

B-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 for a non-fraud refund. (**Appellate Specialist Kotb**)

ACTION: BOARD MEMBERS VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION HOLDING NO DISQUALIFICATION OF BENEFITS FOR LEAVING WORK VOLUNTARILY WITHOUT GOOD CAUSE ATTRIBUTABLE TO SUCH WORK AND NO LIABILITY FOR A NON-FRAUD REFUND.