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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 THE REGULAR MEETING OF THE BOARD OF REVIEW SEPTEMBER 18, 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 18, 2024**

**SEPTEMBER 18, 2024**

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**A regular meeting of the Board of Review was held on Wednesday, SEPTEMBER 18, 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 MEETING – SEPTEMBER 18, 2024 AGENDA**

## **BOARD MINUTES:**

Submitted for adoption are the minutes of the September 11, 2024, Board meeting.

**ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE  
SEPTEMBER 11, 2024, BOARD MEETING.**

## **SECTION A – HEARING MATTERS:**

### **A-1 WITHDRAWAL OF APPEALS**

#### **1. BOR DKT. 00364151 (J.W.)**

The employer appealed a decision of the Appeal Tribunal which held the claimant eligible for benefits without disqualification under misconduct connected with the work.

**ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS A  
WITHDRAWAL OF APPEAL.**

### **A-2 VACATED APPEALS BY THE BOARD OF REVIEW**

#### **1. BOR DKT. 00317788 (A.P.)**

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

#### **2. BOR DKT. 00305649 (M.J.)**

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

#### **3. BOR DKT. 00338298 (H.T.)**

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

#### **4. BOR DKT. 00327259 (E.R.)**

Claimant's communication was processed as an appeal of the decision of the Appeal Tribunal which held the claimant not unemployed and a liability for a non-fraud refund.

## **BOARD OF REVIEW MEETING – SEPTEMBER 18, 2024 AGENDA**

**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. 00298435 (H.V.)**

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

**2. BOR DKT. 00319925 (T.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.

**3. BOR DKT. 00323896 (D.R.)**

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

**4. BOR DKT. 00322092 (S.M.)**

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

**5. BOR DKT. 00323419 (S.B.)**

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

**6. BOR DKT. 00324974 (J.N.)**

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

**7. BOR DKT. 00325985 (T.F.)**

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

## BOARD OF REVIEW MEETING – SEPTEMBER 18, 2024

### AGENDA

#### 8. BOR DKT. 00317103 (L.F.V.)

Claimant appealed the decision of the Appeal Tribunal 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.

#### 9. BOR DKT. 00305793 (S.F.)

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

#### 10. BOR DKT. 00299873 (D.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, holding an ineligibility for benefits under ability to work, and a liability for a non-fraud refund.

#### 11. BOR DKT. 00340769 (S.I.)

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

**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-4 DENIAL OF REOPENING REQUESTS TO THE BOARD OF REVIEW

##### 1. BOR DKT. 00294424 (J.B.)

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.

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

## **BOARD OF REVIEW MEETING – SEPTEMBER 18, 2024**

### **AGENDA**

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

**1. BOR DKT. 00330234 (E.A.)**

Claimant appealed a decision of the Appeal Tribunal holding the claimant disqualified for a period of one year from the date of discovery by the Division for illegal receipt or attempted receipt of benefits and liable for a fraud refund.

**2. BOR DKT. 00332687 (M.S.)**

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

**3. BOR DKT. 00332688 (M.S.)**

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

**4. BOR DKT. 00281511 (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.

**5. BOR DKT. 00322878 (M.S.)**

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

**6. BOR DKT. 00309272 (R.P.)**

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. 00315261 (S.B.)**

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

**8. BOR DKT. 00326370 (H.B.)**

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

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### **AGENDA**

**9. BOR DKT. 00323404 (J.P.)**

Employer appealed the decision of the Appeal Tribunal holding the claimant unemployed.

**10. BOR DKT. 00331628 (M.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.

**11. BOR DKT. 00349710 (L.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.

**12. BOR DKT. 00361542 (C.M.)**

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

**13. BOR DKT. 00349512 (E.L.)**

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

**14. BOR DKT. 00350952 (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.

**15. BOR DKT. 00293836 (K.D.)**

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 C.A.R.E.S. Act and a liability to a non-fraud refund.

## **BOARD OF REVIEW MEETING – SEPTEMBER 18, 2024**

### **AGENDA**

**16. BOR DKT. 00340434 (H.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.

**17. BOR DKT. 00347770 (J.C.)**

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.

**18. BOR DKT. 00309965 (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.

**19. BOR DKT. 00328573 (J.A.)**

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

**20. BOR DKT. 00328838 (F.L.)**

Claimant filed an appeal from a decision of the Appeal Tribunal dismissing the appeal as late without good cause.

**21. BOR DKT. 00326355 (V.B.)**

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

**22. BOR DKT. 00350250 (B.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.

**23. BOR DKT. 00323707 (E.R.)**

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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### **24. BOR DKT. 00326668 (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.

### **25. BOR DKT. 00342292 (M.B.)**

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

### **26. BOR DKT. 00365227 (K.F.)**

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

**ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES, AS AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW. MR OLSEN RECUSED HIMSELF FROM ITEM #18.**

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

### **1. BOR DKT. 00323935 (E.M.)**

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

### **2. BOR DKT. 00332263 (M.S.V.)**

Claimant appealed a decision of the Appeal Tribunal holding the claimant liable for a fraud refund and one year disqualification from benefits from the date of receipt of benefits.

### **3. BOR DKT. 00314953 (M.B.R.)**

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

## **BOARD OF REVIEW MEETING – SEPTEMBER 18, 2024 AGENDA**

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

### **A-7 REMANDED AND REOPENED DECISIONS TO THE APPEAL TRIBUNAL BY THE BOARD OF REVIEW**

**1. BOR DKT. 00311492 (J.L.)**

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

**2. BOR DKT. 00311493 (J.L.)**

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

**3. BOR DKT. 00318925 (S.E.)**

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 CASES AS REMANDED AND REOPENED DECISIONS TO THE APPEAL TRIBUNAL.**

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

**1. BOR DKT. 00318860 (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.

**2. BOR DKT. 00334313 (R.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.

## **BOARD OF REVIEW MEETING – SEPTEMBER 18, 2024**

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**3. BOR DKT. 00323854 (A.D.)**

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. 00344750 (C.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. 00324450 (B.W.)**

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

**6. BOR DKT. 00287400 (J.C.S.)**

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 discharge for misconduct connected with the work.

**7. BOR DKT. 00334659 (K.F.)**

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. 00330755 (B.M.)**

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

**9. BOR DKT. 00326144 (J.C.K.)**

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

## **BOARD OF REVIEW MEETING – SEPTEMBER 18, 2024 AGENDA**

### **10. BOR DKT. 00307377 (L.S.)**

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

### **11. BOR DKT. 00331350 (S.H.)**

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

### **12. BOR DKT. 00322202 (V.N.)**

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.

### **13. BOR DKT. 00340055 (R.H.)**

Employer appealed the decision of the Appeal Tribunal holding no disqualification for 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. MR OLSEN RECUSED HIMSELF FROM ITEM #1.**

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

### **1. BOR DKT. 00302950 (R.T.)**

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

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

## **BOARD OF REVIEW MEETING – SEPTEMBER 18, 2024 AGENDA**

### **A-10 REVERSED DECISIONS OF THE APPEAL TRIBUNAL AND/OR THE DEPUTY BY THE BOARD OF REVIEW**

#### **1. BOR DKT. 00325894 (D.H.)**

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for Mixed Earners Unemployment Compensation (MEUC) benefits.

#### **2. BOR DKT. 00336336 (D.S.)**

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.

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

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

#### **B-1 BOR DKT. 00312549 (J.N.)**

Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed and a disqualification for benefits for leaving work voluntarily without good cause attributable to the work. (**Appellate Specialist Arunasalam**)

**ACTION: BOARD VOTED TO TABLE THE MATTER IN ORDER FOR  
THE APPELLATE SPECIALIST TO REVIEW OTHER  
DOCKETS UNDER APPEAL IN CONJUNCTION WITH  
DKT00312549.**