



PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lieutenant Governor

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 OCTOBER 23, 2024

WILLIAM SCAGLIONE, CHAIRMAN

LISA HART, VICE-CHAIRPERSON

ERIC OLSEN, MEMBER

MARYANN MORAN-SMYTH, EXECUTIVE SECRETARY



BOARD OF
REVIEW

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BOARD OF REVIEW MEETING OF OCTOBER 23, 2024

OCTOBER 23, 2024

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A regular meeting of the Board of Review was held on Wednesday, OCTOBER 23, 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 – OCTOBER 23, 2024 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the October 23, 2024, Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE OCTOBER 23, 2024 BOARD MEETING.

SECTION A – HEARING MATTERS:

A-1 VACATED APPEALS BY THE BOARD OF REVIEW

1. BOR DKT. 00284248 (I.V.)

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

2. BOR DKT. 00284251 (I.V.)

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

3. BOR DKT. 00265365 (A.D.)

Claimant's communication was processed as an appeal of the decision of the Appeal Tribunal which held a liability for a non-fraud refund.

4. BOR DKT. 00324792 (J.J.)

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

5. BOR DKT. 00275835 (R.H.)

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

6. BOR DKT. 00328240 (E.B.)

This was erroneously set up as an appeal.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS VACATED APPEALS BY THE BOARD OF REVIEW.

BOARD OF REVIEW MINUTES – OCTOBER 23, 2024 MEETING

A-2 DISMISSED APPEALS BY THE BOARD OF REVIEW DUE TO UNTIMELY FILING OR FOR NON-JUSTICIABLE APPEAL ISSUE

1. BOR DKT. 00340597 (R.H.)

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal through 7/8/23 as late without good cause and holding the claimant **not** ineligible for benefits as the claimant had reasonable assurance of reemployment between terms.

2. BOR DKT. 00279587 (T.O.)

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. 00315888 (N.M.)

Employer appealed a decision of the Appeal Tribunal holding the claimant eligible for Pandemic Unemployment Assistance (PUA) as the claimant's unemployment was due to one of COVID-19 related reasons identified under the C.A.R.E.S. Act, and not liable for a non-fraud refund.

4. BOR DKT. 00336053 (V.H.)

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

5. BOR DKT. 00320346 (M.E.W.)

Claimant appealed a decision of the Appeal Tribunal holding 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. 00332059 (W.S.)

Claimant is requesting a reopening of the Board of Review decision, affirming the Appeal Tribunal decision which denied the claimant's request for a pre-date of an unemployment claim.

BOARD OF REVIEW MINUTES – OCTOBER 23, 2024 MEETING

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

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

1. BOR DKT. 00333868 (D.P.)

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

2. BOR DKT. 00333805 (M.G.)

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

3. BOR DKT. 00335987 (T.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.

4. BOR DKT. 00343069 (S.W.)

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

5. BOR DKT. 00333365 (B.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.

6. BOR DKT. 00327801 (E.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.

7. BOR DKT. 00329483 (J.L.)

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

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8. BOR DKT. 00342730 (D.S.)

Claimant appealed the decision of the Appeal Tribunal holding a disqualification from benefits for leaving work voluntarily and liability for a non-fraud refund.

9. BOR DKT. 00296268 (J.S.)

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.

10. BOR DKT. 00316610 (A.M.)

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

11. BOR DKT. 00302022 (J.G.)

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

12. BOR DKT. 00290274 (T.E.T.)

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 liability for non-fraud refund.

13. BOR DKT. 00327928 (P.P.)

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

14. BOR DKT. 00328478 (K.L.)

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

15. BOR DKT. 00308403 (P.S.)

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.

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16. BOR DKT. 00289604 (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.

17. BOR DKT. 00344196 (I.Q.)

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

18. BOR DKT. 00297155 (T.W.)

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

19. BOR DKT. 00300591 (A.O.)

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

20. BOR DKT. 00339779 (E.A.)

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

21. BOR DKT. 00344082 (C.D.)

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

22. BOR DKT. 00319780 (P.R.J.)

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. 00323373 (C.B.)

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

BOARD OF REVIEW MINUTES – OCTOBER 23, 2024 MEETING

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

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

1. BOR DKT. 00328926 (Y.R.)

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

2. BOR DKT. 00310110 (H.K.)

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 liability for non-fraud refund.

3. BOR DKT. 00321902 (E.A.)

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

4. BOR DKT. 00327544 (R.T.)

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 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW.

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

1. BOR DKT. 00330308 (D.M.)

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

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2. BOR DKT. 00343728 (D.J.)

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

3. BOR DKT. 00331750 (A.Y.)

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

4. BOR DKT. 00345536 (K.L.)

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

5. BOR DKT. 00321278 (L.M.)

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

6. BOR DKT. 00355335 (S.P.)

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

7. BOR DKT. 00292399 (E.H.)

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

8. BOR DKT. 00335392 (O.S.)

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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9. BOR DKT. 00340327 (K.M.)

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

10. BOR DKT. 00330073 (L.P.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.

11. BOR DKT. 00326276 (E.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 and a liability for a non-fraud refund.

12. BOR DKT. 00305197 (M.S.)

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

13. BOR DKT. 00325931 (J.D.)

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

14. BOR DKT. 00345173 (T.S.)

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

15. BOR DKT. 00292205 (A.C.)

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

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A-7 REVERSED DECISIONS OF THE APPEAL TRIBUNAL AND/OR THE DEPUTY BY THE BOARD OF REVIEW

1. BOR DKT. 00343084 (P.M.)

Claimant appealed the decision of the Appeal Tribunal which denied the claimant's request for a pre-date of a Pandemic Unemployment Assistance claim and an ineligibility of Pandemic Unemployment Assistance (PUA) benefits.

2. BOR DKT. 00342789 (A.H.)

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

3. BOR DKT. 00289076 (C.B.)

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

4. BOR DKT. 00359630 (G.L.)

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

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