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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 NOVEMBER 6, 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 NOVEMBER 6, 2024

NOVEMBER 6, 2024

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A regular meeting of the Board of Review was held on Wednesday, NOVEMBER 6, 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 – NOVEMBER 6, 2024 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the October 30, 2024 Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE OCTOBER 30, 2024 BOARD MEETING.

SECTION A – HEARING MATTERS:

A-1 VACATED APPEALS BY THE BOARD OF REVIEW

1. BOR DKT. 00308327 (M.L.M.)

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

2. BOR DKT. 00347867 (P.S.)

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

3. BOR DKT. 00318785 (J.C.)

The claimant's correspondence was erroneously processed 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. 00270892 (J.G.)

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

2. BOR DKT. 00334780 (S.W.)

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as no justiciable issue as the claimant was held eligible for Pandemic Unemployment Assistance benefits.

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3. BOR DKT. 00328101 (M.U.)

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

4. BOR DKT. 00318528 (B.B.)

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

5. BOR DKT. 00331240 (V.S.)

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 DISMISSED APPEALS BY THE BOARD OF REVIEW DUE TO UNTIMELY FILING OR FOR NON-JUSTICIABLE APPEAL ISSUES.

A-3 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW

1. BOR DKT. 00352737 (J.M.)

Claimant appealed a decision of the Appeal Tribunal which dismissed the claimant's appeal due to failure to register and participate in the Appeal Tribunal hearing.

2. BOR DKT. 00345776 (M.G.)

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

3. BOR DKT. 00340051 (S.C.)

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms.

4. BOR DKT. 00352102 (F.L.)

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

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5. BOR DKT. 00336811 (S.B.)

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

6. BOR DKT. 00323321 (H.A.W.)

Employer appealed a decision of the Appeal Tribunal holding the claimant not ineligible for benefits as the claimant did not have reasonable assurance of reemployment between terms.

7. BOR DKT. 00277480 (R.R.)

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

8. BOR DKT. 00331932 (R.B.)

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. 00312635 (P.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.

10. BOR DKT. 00332806 (L.M.)

Claimant appealed a decision of the Appeal Tribunal holding the claim invalid due to lack of requalifying wages, and a liability for a non-fraud refund.

11. BOR DKT. 00329616 (J.C.)

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

12. BOR DKT. 00348296 (E.O.)

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

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13. BOR DKT. 00333209 (K.A.)

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

14. BOR DKT. 00336100 (A.A.)

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.

15. BOR DKT. 00292153 (D.W.)

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

16. BOR DKT. 00340839 (L.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.

17. BOR DKT. 00333421 (J.R.)

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

18. BOR DKT. 00303193 (M.S.)

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

19. BOR DKT. 00346681 (K.G.)

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

20. BOR DKT. 00350204 (D.S.)

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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21. BOR DKT. 00329381 (A.P.)

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

22. BOR DKT. 00333112 (C.M.)

Claimant appealed a decision of the Appeal Tribunal holding the unemployment claim invalid due to lack of requalifying wages.

23. BOR DKT. 00331109 (K.M.K.)

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for unemployment benefits as the claimant had wages in another state, and liable for a non-fraud refund.

24. BOR DKT. 00338387 (L.R.)

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

25. BOR DKT. 00330793 (C.S.)

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

26. BOR DKT. 00343714 (C.J.)

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

27. BOR DKT. 00327505 (E.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 with Employer #1.

28. BOR DKT. 00339998 (N.R.)

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

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29. BOR DKT. 00368486 (A.P.)

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

30. BOR DKT. 00339423 (S.S.)

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 identified under the C.A.R.E.S. Act, an ineligibility for benefits as the claimant was not unemployed, and a liability for a non-fraud refund.

31. BOR DKT. 00376801 (S.S.)

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 state unemployment benefits.

32. BOR DKT. 00370802 (S.S.)

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

33. BOR DKT. 00339427 (S.S.)

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 identified under the C.A.R.E.S. Act, an ineligibility for benefits as the claimant was not unemployed, and a liability for a non-fraud refund.

34. BOR DKT. 00338698 (B.M.)

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

35. BOR DKT. 00306671 (J.J.)

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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36. BOR DKT. 00337012 (L.F.)

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-4 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW

1. BOR DKT. 00349429 (W.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.

2. BOR DKT. 00281042 (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 and a liability for a non-fraud refund.

3. BOR DKT. 00339860 (T.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.

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

A-5 REOPENED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL

1. BOR DKT. 00265926 (J.B.)

Claimant appealed the decision of the Appeal Tribunal denying the request to reopen the matter due to the late request for a reopening of the appeal.

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

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

1. BOR DKT. 00358964 (M.C.V.)

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 identified under the C.A.R.E.S. Act.

2. BOR DKT. 00349211 (P.G.)

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

3. BOR DKT. 00241020 (D.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.

4. BOR DKT. 00337375 (B.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.

5. BOR DKT. 00329629 (C.R.)

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

6. BOR DKT. 00329659 (J.T.)

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

7. BOR DKT. 00328360 (C.C.)

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

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8. BOR DKT. 00335050 (A.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.

9. BOR DKT. 00351895 (J.D.)

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

10. BOR DKT. 00309249 (Y.L.)

Employer appealed the decision of the Appeal Tribunal holding no disqualification from 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-7 REVERSED DECISIONS OF THE APPEAL TRIBUNAL AND/OR THE DEPUTY BY THE BOARD OF REVIEW

1. BOR DKT. 00348127 (W.D.)

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

2. BOR DKT. 00315953 (I.F.)

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.

3. BOR DKT. 00225751 (R.H.)

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.

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