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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 20, 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 20, 2024

NOVEMBER 20, 2024

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A regular meeting of the Board of Review was held on Wednesday, NOVEMBER 20, 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 – NOVEMBER 20, 2024 AGENDA

BOARD MINUTES:

Submitted for adoption are the minutes of the November 13, 2024 Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE NOVEMBER 13, 2024 BOARD MEETING.

SECTION A – HEARING MATTERS:

A-1 VACATED APPEALS BY THE BOARD OF REVIEW

1. BOR DKT. 00338597 (A.Q.)

The claimant's appeal was docketed in error as an appeal to the Board of Review.

2. BOR DKT. 00264512 (L.G.)

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

3. BOR DKT. 00344613 (J.W.)

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

4. BOR DKT. 00359334 (O.B.)

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

5. BOR DKT. 00327383 (R.B.)

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.

BOARD OF REVIEW MEETING – NOVEMBER 20, 2024 AGENDA

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

1. BOR DKT. 00324532 (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.

2. BOR DKT. 00308677 (A.O.)

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

3. BOR DKT. 00308678 (A.O.)

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

4. BOR DKT. 00308679 (A.O.)

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

5. BOR DKT. 00308681 (A.O.)

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

6. BOR DKT. 00323947 (D.J.)

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

7. BOR DKT. 00317533 (B.L.)

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

BOARD OF REVIEW MEETING – NOVEMBER 20, 2024 AGENDA

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

1. BOR DKT. 00326830 (M.A.)

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

2. BOR DKT. 00340807 (B.J.)

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

3. BOR DKT. 00327250 (A.D.)

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

4. BOR DKT. 00347500 (S.P.)

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

5. BOR DKT. 00331193 (M.F.)

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

6. BOR DKT. 00345868 (R.J.)

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

7. BOR DKT. 00296276 (A.S.A.)

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

8. BOR DKT. 00320858 (N.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.

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9. BOR DKT. 00347170 (D.D.)

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

10. BOR DKT. 00333735 (S.B.)

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

11. BOR DKT. 00333736 (S.B.)

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

12. BOR DKT. 00345361 (F.K.)

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

13. BOR DKT. 00324851 (D.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.

14. BOR DKT. 00328775 (A.B.)

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

15. BOR DKT. 00331113 (E.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.

16. BOR DKT. 00336098 (N.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.

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17. BOR DKT. 00334256 (H.B.)

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

18. BOR DKT. 00337169 (S.K.)

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

19. BOR DKT. 00343627 (J.V.)

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. 00337045 (J.M.)

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

21. BOR DKT. 00346851 (J.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, holding a disqualification for benefits for misconduct connected with the work, holding the claimant not unemployed, and a liability for a non-fraud refund.

22. BOR DKT. 00321541 (J.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, holding a disqualification for benefits for misconduct connected with the work, holding the claimant not unemployed, and a liability for a non-fraud refund.

23. BOR DKT. 00332787 (K.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.

24. BOR DKT. 00344192 (R.G.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.

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25. BOR DKT. 00349049 (S.M.)

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

26. BOR DKT. 00349051 (S.M.)

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

27. BOR DKT. 00337185 (J.G.)

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

28. BOR DKT. 00319261 (R.D.)

Claimant appealed the decision of the Appeal Tribunal holding a disqualification from 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.

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

1. BOR DKT. 00341333 (V.Y.)

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause and liable for a non-fraud refund.

2. BOR DKT. 00334253 (J.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.

3. BOR DKT. 00334254 (J.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.

BOARD OF REVIEW MEETING – NOVEMBER 20, 2024 AGENDA

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

A-5 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW

1. BOR DKT. 00348881 (M.S.D.)

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

2. BOR DKT. 00335658 (D.S.)

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

3. BOR DKT. 00347275 (S.G.)

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

4. BOR DKT. 00338667 (M.S.)

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

5. BOR DKT. 00335541 (E.D.)

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

6. BOR DKT. 00337171 (D.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.

7. BOR DKT. 00338352 (V.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.

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8. BOR DKT. 00230595 (T.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.

9. BOR DKT. 00327552 (B.F.)

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for disability during unemployment benefits from 08/19/21 through 04/09/22 under availability for work.

10. 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 CARES Act.

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

A-6 REVERSED DECISIONS OF THE APPEAL TRIBUNAL AND/OR THE DEPUTY BY THE BOARD OF REVIEW

1. BOR DKT. 00343621 (A.G.)

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

2. BOR DKT. 00334635 (E.C.)

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

3. BOR DKT. 00311219 (C.S.)

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

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4. BOR DKT. 00348501 (A.A.)

Claimant appealed the 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.

SECTION B – MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 BOR DKT. 00337364 (J.T.)

Deputy appealed a decision of the Appeal Tribunal holding the claimant not disqualified for one year and not liable for fines associated with willful misrepresentation. (**Appellate Specialist Arunasalam**)

ACTION: THE MAJORITY VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION HOLDING THE CLAIMANT NOT DISQUALIFIED FOR ONE YEAR AND NOT LIABLE FOR FINES ASSOCIATED WITH WILLFUL MISREPRESENTATION. THE MINORITY WILL AUTHOR A DISSENTING OPINION.

B-2 BOR DKT. 00337366 (J.T.)

Deputy appealed a decision of the Appeal Tribunal holding the claimant not disqualified for one year and not liable for fines associated with willful misrepresentation. (**Appellate Specialist Arunasalam**)

ACTION: THE MAJORITY VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION HOLDING THE CLAIMANT NOT DISQUALIFIED FOR ONE YEAR AND NOT LIABLE FOR FINES ASSOCIATED WITH WILLFUL MISREPRESENTATION. THE MINORITY WILL AUTHOR A DISSENTING OPINION.

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B-3 BOR DKT. 00317256 (S.F.)

Claimant appealed a decision of the Appeal Tribunal holding a disqualification due to willful misrepresentation, a liability for fines, and a refund liability.
(Appellate Specialist Kotb)

ACTION: THE BOARD VOTED TO MODIFY THE APPEAL TRIBUNAL DECISION TO ONLY HOLDING THE CLAIMANT LIABLE FOR A NON-FRAUD REFUND, AND NOT DISQUALIFIED FOR ONE YEAR NOR LIABLE FOR FINES FOR WILLFUL MISREPRESENTATION.

B-4 BOR DKT. 00317257 (S.F.)

Claimant appealed a decision of the Appeal Tribunal holding a disqualification due to willful misrepresentation, a liability for fines, and a refund liability.
(Appellate Specialist Kotb)

ACTION: THE BOARD VOTED TO MODIFY THE APPEAL TRIBUNAL DECISION TO ONLY HOLDING THE CLAIMANT LIABLE FOR A NON-FRAUD REFUND, AND NOT DISQUALIFIED FOR ONE YEAR NOR LIABLE FOR FINES FOR WILLFUL MISREPRESENTATION.