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## State of New Jersey

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 27, 2024

WILLIAM SCAGLIONE, CHAIRMAN

LISA HART, VICE-CHAIRPERSON

MARYANN MORAN-SMYTH, EXECUTIVE SECRETARY



BOARD OF  
REVIEW

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**BOARD OF REVIEW MEETING OF NOVEMBER 27, 2024**

**NOVEMBER 27, 2024**

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**A regular meeting of the Board of Review was held on Wednesday, NOVEMBER 27, 2024, at 10:00 a.m., via conference call, in Trenton, New Jersey**

**PRESENT: William Scaglione, Chairperson, Lisa Hart, Vice-Chairperson, 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 27, 2024 AGENDA**

### **BOARD MINUTES:**

Submitted for adoption are the minutes of the November 20, 2024 Board meeting.

**ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE NOVEMBER 20, 2024 BOARD MEETING.**

### **SECTION A – HEARING MATTERS:**

#### **A-1 VACATED APPEALS BY THE BOARD OF REVIEW**

**1. BOR DKT. 00349102 (M.W.)**

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

**2. BOR DKT. 00351766 (M.G.)**

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

**3. BOR DKT. 0033492 (S.G.)**

The 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. 00296658 (M.H.)**

Claimant appealed a decision of the Appeal Tribunal holding the disability during unemployment claim dated 08/15/21 invalid as the claimant worked in non-covered employment.

**2. BOR DKT. 00321616 (E.C.)**

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility determination for benefits on the ground that the claimant was not unemployed.

## BOARD OF REVIEW MEETING – NOVEMBER 27, 2024 AGENDA

3. BOR DKT. 00299684 (W.W.)

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 a liability for a non-fraud refund.

4. BOR DKT. 00331417 (F.G.R.)

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

5. BOR DKT. 00341069 (K.L.)

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. 00292073 (R.B.)

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

7. BOR DKT. 00316223 (B.S.)

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

8. BOR DKT. 00345344 (I.R.)

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

9. BOR DKT. 00328734 (A.C.)

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

## **BOARD OF REVIEW MEETING – NOVEMBER 27, 2024 AGENDA**

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

**1. BOR DKT. 00332765 (A.O.)**

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits as the claimant was not unemployed, and a liability for a non-fraud refund.

**2. BOR DKT. 00302516 (T.K.)**

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

**3. BOR DKT. 00321879 (F.S.)**

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

**4. BOR DKT. 00347854 (S.S.)**

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

**5. BOR DKT. 00334731 (E.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.

**6. BOR DKT. 00343697 (Y.L.)**

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

**7. BOR DKT. 00314972 (R.A.)**

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

**8. BOR DKT. 00333975 (I.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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**9. BOR DKT. 00313374 (D.J.)**

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

**10. BOR DKT. 00349444 (J.W.)**

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

**11. BOR DKT. 00329286 (T.S.)**

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

**12. BOR DKT. 00331394 (F.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.

**13. BOR DKT. 00337600 (E.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.

**14. BOR DKT. 00335334 (K.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.

**15. BOR DKT. 00329367 (M.M.)**

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

**16. BOR DKT. 00326676 (C.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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**17. BOR DKT. 00353158 (N.G.)**

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant did not meet reporting requirements.

**18. BOR DKT. 00341813 (G.P.)**

Claimant appealed a decision of the Appeal Tribunal holding the claimant not entitled to an overpayment recovery waiver under the C.A.R.E.S. Act.

**19. BOR DKT. 00349516 (R.L.)**

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. 00314056 (M.G.)**

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

**21. BOR DKT. 00289888 (S.H.)**

Claimant appealed the decision of the Appeal Tribunal holding an ineligibility for Extended Benefits as the claimant did not establish 20 base week or earn 40 times the weekly benefit rate during the base year period on the claim.

**22. BOR DKT. 00323590 (M.C.)**

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.

**23. BOR DKT. 00325524 (N.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.

**24. BOR DKT. 00330189 (T.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.

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**25. BOR DKT. 00336209 (D.B.)**

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

**26. BOR DKT. 00316008 (S.G.)**

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

**27. BOR DKT. 00321622 (P.B.)**

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

**28. BOR DKT. 00345515 (C.G.)**

Claimant appealed the decision of the Appeal Tribunal holding the transitional claim invalid and a liability to a refund.

**29. BOR DKT. 00345516 (C.G.)**

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

**30. BOR DKT. 00341810 (D.B.)**

Claimant appealed a decision of the Appeal Tribunal holding the claimant not entitled to an overpayment recovery waiver.

**31. BOR DKT. 00344226 (M.D.)**

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

**32. BOR DKT. 00345383 (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.



## **BOARD OF REVIEW MEETING – NOVEMBER 27, 2024 AGENDA**

**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. 00339186 (C.T.)**

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

**2. BOR DKT. 00349356 (R.K.)**

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

**3. BOR DKT. 00323005 (D.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.

**4. BOR DKT. 00332477 (C.M.)**

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.

**5. BOR DKT. 00347382 (D.B.)**

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

**6. BOR DKT. 00332471 (F.M.A.)**

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 27, 2024 AGENDA

### 7. BOR DKT. 00334581 (L.N.)

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

**ACTION: BOARD VOTED TO ACCEPT CASES 1 THROUGH 6, AS MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW. HOWEVER, CASE DOCKET 00334581 IS EXCLUDED FROM THIS RESOLUTION AND WILL BE TABLED FOR FURTHER REVIEW.**

### A-5 REOPENED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL

#### 1. BOR DKT. 00315837 (A.A.)

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

#### 2. BOR DKTL. 00259024 (K.L.)

Claimant appealed the decision of the Appeal Tribunal denying the request to reopen the matter due to her request being over 180 days.

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

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

#### 1. BOR DKT. 00344272 (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.

#### 3. BOR DKT. 00350600 (N.G.)

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

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**4. BOR DKT. 00340356 (S.C.)**

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

**5. BOR DKT. 00329173 (N.A.)**

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

**6. BOR DKT. 00342717 (D.A.)**

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

**7. BOR DKT. 00335070 (F.W.)**

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 not liable for a non-fraud refund.

**8. BOR DKT. 00350792 (A.P.)**

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

**9. BOR DKT. 00348633 (J.B.)**

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

**10. BOR DKT. 00339628 (M.D.)**

Claimant appealed the decision of the Appeal Tribunal approving the claimant's request to withdraw the appeal.

**11. BOR DKT. 00338289 (G.B.)**

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

## **BOARD OF REVIEW MEETING – NOVEMBER 27, 2024 AGENDA**

### **12. BOR DKT. 00373089 (N.V.)**

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

### **13. BOR DKT. 00348088 (J.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.

### **14. BOR DKT. 00333870 (G.F.)**

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

### **15. BOR DKT. 00368746 (C.A.)**

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

### **16. BOR DKT. 00344902 (T.N.)**

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

### **17. BOR DKT. 00340955 (R.K.)**

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

### **18. BOR DKT. 00340166 (A.G.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.

### **19. BOR DKT. 00343568 (C.F.)**

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

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### 20. BOR DKT. 00348339 (G.S.)

Claimant appealed a 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 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW.**

### A-7 AFFIRMED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW

#### 1. BOR DKT. 00337706 (M.A.)

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

**ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS AN AFFIRMED AND REMANDED DECISION TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW.**

### A-8 REVERSED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL

#### 1. BOR DKT. 00317429 (A.T.)

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.

#### 2. BOR DKT. 00349047 (K.B.)

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

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

## **BOARD OF REVIEW MEETING – NOVEMBER 27, 2024 AGENDA**

### **A-9 REVERSED DECISIONS OF THE APPEAL TRIBUNAL AND/OR THE DEPUTY BY THE BOARD OF REVIEW**

#### **1. BOR DKT. 00344251 (N.C.)**

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

#### **2. BOR DKT. 00335558 (A.F.)**

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

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

### **A-10 REVERSED AND MODIFIED APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW**

#### **1. BOR DKT. 00349728 (L.S.)**

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause and holding the claimant ineligible for benefits under availability for work and ability to work.

**ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS A REVERSED AND MODIFIED APPEAL TRIBUNAL DECISION BY THE BOARD OF REVIEW.**