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DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
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ROBERT ASARO-ANGELO
Commissioner

BOARD OF REVIEW

MINUTES OF REGULAR MEETING OF THE BOARD OF REVIEW MARCH 20, 2024

WILLIAM SCAGLIONE, CHAIRPERSON

LISA HART, VICE-CHAIRPERSON

MARIA ZOLA, ACTING EXECUTIVE SECRETARY



BOARD OF
REVIEW

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BOARD OF REVIEW MEETING OF MARCH 20, 2024

MARCH 20, 2024

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A regular meeting of the Board of Review was held on Wednesday, MARCH 20, 2024, at 10:00 a.m., via conference call, in Trenton, New Jersey

PRESENT: William Scaglione, Chairperson, Lisa Hart, Vice-Chairperson, Maria Zola, Acting 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 – MARCH 20, 2024 MEETING

BOARD MINUTES:

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

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

SECTION A – HEARING MATTERS:

A-1 DISMISSED APPEALS BY THE BOARD OF REVIEW DUE TO UNTIMELY FILING OR FOR NON-JUSTICIABLE APPEAL ISSUE

1. BOR DKT. 00303079 (S.W.)

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

2. BOR DKT. 00303080 (S.W.)

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

3. BOR DKT. 00298558 (E.C.E.)

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, 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.

4. BOR DKT. 00310360 (L.L.)

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

5. BOR DKT. 00297144 (N.L.)

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

6. BOR DKT. 00294813 (G.C.)

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

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7. BOR DKT. 00288692 (G.T.)

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

8. BOR DKT. 00303443 (M.E.)

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

9. BOR DKT. 00304863 (K.N.)

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

10. BOR DKT. 00249065 (N.A.)

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility of Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons under Section 2102(a)(3)(A)(ii)(I) of the Coronavirus Aid, Relief, and Economic Security Act (C.A.R.E.S.) Act and a liability to 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 ISSUE.

A-2 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW

1. BOR DKT. 00310603 (J.T.)

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work and a liability for a non-fraud refund.

2. BOR DKT. 00304191 (D.D.)

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits for failing to report as required by the Division.

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3. BOR DKT. 00309453 (K.S.)

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work and liability to a non-fraud refund.

4. BOR DKT. 00263970 (D.W.)

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

5. BOR DKT. 00316051 (K.L.)

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

6. BOR DKT. 00249339 (J.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, 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.

7. BOR DKT. 00315242 (C.V.)

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

8. BOR DKT. 00315565 (C.S.)

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work and a liability for a non-fraud refund.

9. BOR DKT. 00298306 (M.P.)

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

10. BOR DKT. 00315132 (I.M.)

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

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11. BOR DKT. 00314271 (R.R.)

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

12. BOR DKT. 00315788 (P.E.)

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

13. BOR DKT. 00314383 (M.M.)

Claimant appealed the decision of the Appeal Tribunal holding the claimant liable for a fraud refund, fines, and a disqualification of benefits for a period of one year.

14. BOR DKT. 00317390 (R.D.)

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

15. BOR DKT. 00316882 (K.H.)

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for being employed with earnings and liable for a non-fraud refund.

16. BOR DKT. 00317616 (R.T.)

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

17. BOR DKT. 00313560 (K.K.)

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

18. BOR DKT. 00317371 (E.F.)

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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19. BOR DKT. 00315879 (Y.C.)

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

20. BOR DKT. 00317365 (A.L.)

Claimant appealed the decision of the Appeal Tribunal holding the claimant earned more than the partial weekly benefit rate and liable for non-fraud refund.

21. BOR DKT. 00318213 (J.S.)

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

22. BOR DKT. 00301724 (C.L.)

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

23. BOR DKT. 00310661 (K.L.)

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

24. BOR DKT. 00316351 (A.R.)

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.

25. BOR DKT. 00319160 (J.P.B.)

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

26. BOR DKT. 00317250 (D.E.)

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

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27. BOR DKT. 00282612 (L.P.)

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

28. BOR DKT. 00317960 (Q.D.)

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

29. BOR DKT. 00317826 (B.C.)

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work with Employer #1.

30. BOR DKT. 00299720 (E.R.)

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility of Pandemic Unemployment Assistance (PUA) benefits and a liability to a non-fraud refund.

31. BOR DKT. 00319057 (G.R.)

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

32. BOR DKT. 00279019 (M.B.)

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 under Section 2102(a)(3)(A)(ii)(I) of the Coronavirus Aid, Relief, and Economic Security Act (C.A.R.E.S. Act), and a liability for a refund of benefits.

33. BOR DKT. 00292669 (M.C.)

Claimant appealed the decision of the Appeal Tribunal holding the disability claim invalid.

34. BOR DKT. 00316050 (V.H.)

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

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attributable to the work, an ineligibility for Pandemic Unemployment Assistance (PUA) benefits and a liability for a non-fraud refund.

35. BOR DKT. 00316529 (L.E.)

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work with Employer #1.

36. BOR DKT. 00317130 (M.P.)

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal through the date of mailing of the Deputy's determination as it was late without good cause.

37. BOR DKT. 00316875 (B.I.)

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

38. BOR DKT. 00317845 (T.B.)

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

39. BOR DKT. 00316865 (C.H.)

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

40. BOR DKT. 00317516 (D.G.)

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

41. BOR DKT. 00316443 (D.R.)

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

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42. BOR DKT. 00316808 (S.G.)

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

43. BOR DKT. 00302129 (J.S.)

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work and a liability for a non-fraud refund.

44. BOR DKT. 00304863 (K.N.)

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

45. BOR DKT. 00301170 (C.O.)

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

46. BOR DKT. 00302671 (D.K.)

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

47. BOR DKT. 00304152 (K.W.)

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

48. BOR DKT. 00307450 (J.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 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW.

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

1. BOR DKT. 00304361 (D.D.)

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

2. BOR DKT. 00311045 (A.M.)

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility of benefits under availability for work, ineligibility of Pandemic Unemployment Assistance (PUA) benefits as the claimant was not unemployed due to one of the COVID-19 related reasons identified under the C.A.R.E.S. Act, and a liability for a non-fraud refund.

3. BOR DKT. 00317242 (A.Q.)

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility of regular benefits under availability for work, and an ineligibility of Pandemic Unemployment Assistance (PUA) benefits as the claimant unemployment was not due to one of the COVID-19 related reasons identified under the C.A.R.E.S. Act.

4. BOR DKT. 00271771 (T.P.)

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without , an ineligibility of Pandemic Unemployment Assistance benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons identified under the CARES Act, and a liability for a non-fraud refund.

5. BOR DKT. 00311430 (K.W.)

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

6. BOR DKT. 00262254 (C.L.)

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

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

A-4 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW

1. BOR DKT. 00316780 (A.F.)

Claimant appealed a decision of the Appeal Tribunal holding the claimant liable for a non-fraud refund caused by weekly earnings that were corrected by the Deputy.

2. BOR DKT. 00280796 (C.S.)

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

3. BOR DKT. 00317042 (C.R.)

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for Pandemic Unemployment Assistance (PUA) benefits as the claimant failed to demonstrate labor market attachment as required by Section 2102(a)(3)(A)(iii) of the Coronavirus Aid, Relief, and Economic Security Act (C.A.R.E.S. Act).

4. BOR DKT. 00289777 (M.G.)

The employer appealed the decision of the Appeal Tribunal mailed 1/10/23.

5. BOR DKT. 00307181 (L.H.)

Claimant appealed the decision of the Appeal Tribunal dismissing the claimant's appeal as all benefit entitlement has been exhausted.

6. BOR DKT. 00317384 (S.P.)

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

7. BOR DKT. 00318563 (M.M.)

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

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8. BOR DKT. 00310533 (E.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.

9. BOR DKT. 00318265 (A.V.R.)

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

10. BOR DKT. 00312801 (S.B.)

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

11. BOR DKT. 00315191 (L.N.)

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

12. BOR DKT. 00310876 (M.O.)

Claimant appealed the decision of the Appeal Tribunal which held an ineligibility for benefits under the Division's reporting requirements.

13. BOR DKT. 00312533 (J.R.)

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility of Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons under Section 2102(a)(3)(A)(ii)(I) of the Coronavirus Aid, Relief, and Economic Security Act (C.A.R.E.S.) Act.

14. BOR DKT. 00318063 (A.S.)

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

15. BOR DKT. 00316167 (E.P.)

Claimant appealed the decision of the Appeal Tribunal which denied the claimant's request for backdated weeks of benefits on an unemployment claim.

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16. BOR DKT. 00292015 (R.D.)

Claimant appealed the decision of the Appeal Tribunal holding an ineligibility of benefits on the ground he did not report in accordance with the regulations of the Division.

17. BOR DKT. 00317191 (S.G.)

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

18. BOR DKT. 00302529 (C.H.)

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

19. BOR DKT. 00305779 (J.R.)

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

20. BOR DKT. 00290747 (I.G.)

Deputy appealed a decision of the Appeal Tribunal which reversed an ineligibility for Pandemic Unemployment Assistance (PUA) benefits and reversed claimant's liability for a refund.

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

A-5 REVERSED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL

1. BOR DKT. 00315307 (L.V.)

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

2. BOR DKT. 00309485 (C.M.)

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

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

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

1. BOR DKT. 00316094 (B.G.)

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

2. BOR DKT. 00308998 (D.H.)

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

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

SECTION B – MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 BOR DKT. 00316669 (A.T.)

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for benefits for leaving work voluntarily without good cause attributable to the work. (**Appellate Specialist Zola**)

ACTION: BOARD VOTED TO REVERSE THE DECISION OF THE APPEAL TRIBUNAL, HOLD NO DISQUALIFICATION OF BENEFITS FOR LEAVING WORK VOLUNTARILY WITHOUT GOOD CAUSE ATTRIBUTABLE TO THE WORK, AND NO DISQUALIFICATION OF BENEFITS FOR MISCONDUCT CONNECTED WITH THE WORK.