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DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
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BOARD OF REVIEW

MINUTES OF REGULAR MEETING OF THE BOARD OF REVIEW APRIL 17, 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 APRIL 17, 2024

APRIL 17, 2024

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A regular meeting of the Board of Review was held on Wednesday, APRIL 17, 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 MEETING – APRIL 17, 2024 AGENDA

BOARD MINUTES:

Submitted for adoption are the minutes of the April 10, 2024 Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE APRIL 10, 2024 BOARD MEETING, WITH THE EXCEPTION OF DOCKET #: DKT00317087 AND DOCKET #: DKT00310612, WHICH WERE PLACED IN INCORRECT CATEGORIES.

OLD BUSINESS:

1. BOR DKT. 00317087 (M.E.)

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. **(This case was placed in the wrong category in the agenda of April 10, 2024. Placed on this agenda to be put into the correct category.)**

ACTION: BOARD VOTED TO PLACE THIS CASE IN THE REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW CATEGORY.

2. BOR DKT. 00310612 (M.R.)

Claimant appealed a decision of the Appeal Tribunal holding the claimant liable for a non-fraud refund. **(This case was placed in the wrong category in the agenda of April 10, 2024. Placed on this agenda to be put into the correct category.)**

ACTION: BOARD VOTED TO PLACE THIS CASE IN THE AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW CATEGORY.

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. 00283460 (P.R.)

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

2. BOR DKT. 00318570 (J.B.)

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

3. BOR DKT. 00318193 (J.G.)

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

4. BOR DKT. 00302519 (J.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.

5. BOR DKT. 00296796 (R.B.)

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

6. BOR DKT. 00330086 (D.R.)

Claimant's estate 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.

7. BOR DKT. 00317306 (C.L.)

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

8. BOR DKT. 00342006 (A.T.)

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. 00281789 (K.K.)

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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 ISSUE.

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

1. BOR DKT. 00242912 (N.A.)

Claimant appealed the decision of the Appeal Tribunal holding periods of ineligibility for regular UI benefits for not being unemployed and not being able to work, a period of ineligibility for Pandemic Unemployment Assistance (PUA), and a modified liability for a non-fraud refund.

2. BOR DKT. 00314744 (T.A.)

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

3. BOR DKT. 00318510 (S.V.)

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

4. BOR DKT. 00314245 (T.H.)

Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for leaving work voluntarily without good cause attributable to the work and holding that the disqualification period for the claimant's misconduct had passed before the claim was filed.

5. BOR DKT. 00309066 (M.S.)

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.

6. BOR DKT. 00315828 (D.K.)

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for Pandemic Unemployment Assistance (PUA) benefits as the claimant's

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unemployment was not due to one of the COVID-19 related reasons under Section 2102(a)(3)(A)(ii)(l) of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), and a liability for a non-fraud refund.

7. BOR DKT. 00314366 (A.M.)

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. 00319880 (C.M.)

Employer appealed the decision of the Appeal Tribunal holding the claim valid as there were sufficient base weeks and wages.

9. BOR DKT. 00269147 (Q.A.M.)

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), and a liability for a non-fraud refund.

10. BOR DKT. 00321479 (J.K.)

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. 00310388 (J.W.)

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

12. BOR DKT. 00318375 (L.H.)

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

13. BOR DKT. 00291446 (M.W.)

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

14. BOR DKT. 00276141 (K.K.)

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Claimant appealed a decision of the Appeal Tribunal holding the claimant was not unemployed, a disqualification of benefits for leaving work voluntarily, and a liability for a non-fraud refund.

15. BOR DKT. 00320245 (J.E.)

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

16. BOR DKT. 00294429 (M.B.)

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

17. BOR DKT. 00306049 (S.B.)

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

18. BOR DKT. 00316795 (J.W.J.)

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. 00318451 (K.F.)

Claimant appealed the decision of the Appeal Tribunal denying the request for a pre-date of an unemployment claim.

20. BOR DKT. 00319229 (P.L.)

Employer appealed a decision of the Appeal Tribunal holding the claimant unemployed.

21. BOR DKT. 00301011 (A.W.)

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

22. BOR DKT. 00316439 (D.F.)

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

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23. BOR DKT. 00280538 (S.M.)

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

24. BOR DKT. 00316430 (D.H.)

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

25. BOR DKT. 00320361 (A.M.)

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

26. BOR DKT. 00318774 (Y.M.)

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for Additional Benefits During Training (ABT).

27. BOR DKT. 00255681 (L.C.)

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

28. BOR DKT. 00278739 (C.M.)

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

29. BOR DKT. 00315340 (K.S.)

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

30. BOR DKT. 00282153 (M.D.)

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

31. BOR DKT. 00321529 (M.B.)

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.

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32. BOR DKT. 00321532 (M.B.)

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.

33. BOR DKT. 00311825 (M.B.)

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of 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-3 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW

1. BOR DKT. 00310108 (H.K.)

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, a liability for a non-fraud refund, and the claimant's eligibility for Pandemic Unemployment Assistance benefits as academic.

2. BOR DKT. 00311639 (C.S.)

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 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW.

A-4 AFFIRMED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL AND/OR THE DEPUTY BY THE BOARD OF REVIEW

1. BOR DKT. 00267560 (A.W.)

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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.

ACTION: BOARD VOTED TO ACCEPT THIS CASE AS AFFIRMED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL AND/OR THE DEPUTY BY THE BOARD OF REVIEW.

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

1. BOR DKT. 00317846 (M.A.G.)

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

2. BOR DKT. 00310883 (I.F.)

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

3. BOR DKT. 00318591 (R.L.)

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

4. BOR DKT. 00314038 (Z.L.)

Claimant appealed the decision of the Appeal Tribunal which held the claimant ineligible for disability during unemployment benefits due to a prior disqualification imposed.

5. BOR DKT. 00317873 (A.G.)

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

6. BOR DKT. 00317902 (D.S.)

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

7. BOR DKT. 00318469 (D.Y.)

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

8. BOR DKT. 00283046 (K.F.)

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

9. BOR DKT. 00294616 (W.P.)

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

10. BOR DKT. 00278741 (D.C.)

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

11. BOR DKT. 00316343 (A.B.)

Claimant appealed a 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 under the C.A.R.E.S. Act, and liable for a non-fraud refund.

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

A-6 REVERSED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL

1. BOR DKT. 00345257 (A.P.)

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

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ACTION: BOARD VOTED TO ACCEPT THIS CASE AS REVERSED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL.

A-7 **DECISION** TO REOPEN AND REMAND FROM THE SUPERIOR COURT

1. BOR DKT. 00155363 (S.K.)

Superior Court remanded the matter of the claimant's denial of benefits for leaving work voluntarily without good cause attributable to the work for a new hearing and new decision.

ACTION: BOARD VOTED TO ACCEPT THIS CASE AS DECISION TO REOPEN AND REMAND FROM THE SUPERIOR COURT.