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DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
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Commissioner

BOARD OF REVIEW

MINUTES OF REGULAR MEETING OF THE BOARD OF REVIEW APRIL 24, 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 24, 2024

APRIL 24, 2024

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A regular meeting of the Board of Review was held on Wednesday, APRIL 24, 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 - APRIL 24, 2024, MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the April 17, 2024, Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE APRIL 17, 2024, BOARD MEETING.

SECTION A – HEARING MATTERS:

A-1 VACATED APPEALS BY THE BOARD OF REVIEW

1. BOR DKT. 00295886 (L.C.)

Claimant appealed a determination of the Director denying the request for a waiver of the debt.

2. BOR DKT. 00265746 (E.B.)

Claimant appealed the Deputy's determination holding the claimant employed full-time and the Director's determination holding the claimant liable for a non-fraud refund.

3. BOR DKT. 00328194 (E.R.S.)

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

4. BOR DKT. 00260559 (L.C.)

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

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. 00312935 (H.H.)

Claimant appealed a decision of the Appeal Tribunal holding the claimant was employed full-time and remanded the non-fraud refund for recalculation.

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2. BOR DKT. 00311347 (H.A.)

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

3. BOR DKT. 00316385 (C.G.)

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

4. BOR DKT. 00273978 (L.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 and a liability for a non-fraud refund.

5. BOR DKT. 00243416 (A.M.)

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

6. BOR DKT. 00332059 (W.S.)

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

7. BOR DKT. 00308035 (J.R.)

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

8. BOR DKT. 00313104 (D.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.

9. BOR DKT. 00341103 (J.E.G.)

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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10. BOR DKT. 00319198 (E.G.)

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 and liability for non-fraud refund.

11. BOR DKT. 00249722 (R.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 and a liability to a non-fraud refund.

12. BOR DKT. 00338648 (E.C.B.)

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

13. BOR DKT. 00306298 (D.R.)

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility of Pandemic Unemployment Assistance (PUA) benefits as the claimant did not provide proof of a labor market attachment.

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-3 DENIAL OF REOPENING REQUESTS TO THE BOARD OF REVIEW

1. BOR DKT 00206352 (G.W.)

Claimant requested reconsideration of the Board of reviews decision dismissing the appeal as late without good cause.

ACTION: BOARD VOTED TO ACCEPT THIS CASE AS DENIAL OF REOPENING REQUESTS TO THE BOARD OF REVIEW.

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A-4 REOPENED BOARD OF REVIEW APPEALS

1. BOR DKT. 00262020 (K.R.)

Claimant requested reconsideration of a decision of the Board of Review holding the claimant ineligible for PUA benefits and a liability to a refund.

ACTION: BOARD VOTED TO ACCEPT THIS CASE AS REOPENED BOARD OF REVIEW APPEALS.

A-5 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW

1. BOR DKT. 00315146 (P.A.)

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

2. BOR DKT. 00311293 (C.S.)

Claimant appealed a decision of the Appeal Tribunal denying the claimant's request for a pre-date of her unemployment claim, ineligible for benefits as the claimant was not unemployed, ineligible for benefits under ability to work, and liable for a non-fraud refund.

3. BOR DKT. 00306530 (E.B.)

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility of Pandemic Unemployment Assistance (PUA) benefits as the claimant did not provide proof of a labor market attachment and the claimant's unemployment was not due to one of the COVID-19 related reasons under Section 241(a) and (b) of the Continued Assistance to Unemployed Workers Act of 2020 and Section 2102(a)(3)(A)(ii)(I) of the Coronavirus Aid, Relief, and Economic Security Act (C.A.R.E.S.) Act.

4. BOR DKT. 00316917 (A.H.)

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).

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5. BOR DKT. 00319161 (I.E.)

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.

6. BOR DKT. 00317838 (I.K.)

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. 00315428 (A.C.)

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

8. BOR DKT. 00319801 (J.H.)

Claimant appealed a decision of the Appeal Tribunal holding her ineligible for Pandemic Unemployment Assistance (PUA) benefits from 07/25/21 because the claimant had no labor market attachment as required by the C.A.R.E.S. Act and the Continued Assistance for Unemployed Workers Act of 2020.

9. BOR DKT. 00318580 (A.M.)

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.

10. BOR DKT. 00320138 (J.R.)

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

11. BOR DKT. 00296292 (S.R.A.)

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

12. BOR DKT. 00282680 (C.K.)

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

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13. BOR DKT. 00319144 (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.

14. BOR DKT. 00308041 (D.H.)

Claimant appealed a decision of the Appeal Tribunal holding the transitional unemployment claim invalid, and liable for a non-fraud refund.

15. BOR DKT. 00321017 (C.R.)

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 (CARES Act).

16. BOR DKT. 00297170 (R.H.)

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

17. BOR DKT. 00318641 (I.A.)

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

18. BOR DKT. 00317592 (J.F.)

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

19. BOR DKT. 00284878 (A.D.)

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

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20. BOR DKT. 00298746 (S.C.)

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

21. BOR DKT. 00276800 (M.F.)

Claimant appealed the decision of the Appeal Tribunal holding the claimant employed full-time and liability for non-fraud refund.

22. BOR DKT. 00317944 (F.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.

23. BOR DKT. 00319052 (J.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, ineligible for benefits for failure to meet reporting requirements in accordance with Division regulations and a liability to a non-fraud refund.

24. BOR DKT. 00331287 (J.M.)

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

25. BOR DKT. 00299975 (A.C.)

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

26. BOR DKT. 00306319 (E.B.)

Employer appealed a denial of Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons.

27. BOR DKT. 00306673 (J.R.)

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

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28. BOR DKT. 00349192 (R.M.)

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

29. BOR DKT. 00323332 (K.D.)

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

30. BOR DKT. 00319405 (J.D.)

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

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

A-6 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW

1. BOR DKT. 00289438 (C.B.)

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

2. BOR DKT. 00277358 (L.H.S.O.)

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 to a non-fraud refund.

3. BOR DKT. 00317580 (E.S.)

Claimant appealed a decision of the Appeal Tribunal holding the claimant liable for a fraud refund and disqualification of one year from the date of discovery.

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

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A-7 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW

1. BOR DKT. 00306722 (K.M.)

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility of Pandemic Unemployment Assistance (PUA) benefits as the claimant did not provide proof of a labor market attachment and a liability for a nonfraud refund.

2. BOR DKT. 00314430 (M.S.)

Claimant appealed the decision of the Appeal Tribunal holding an ineligibility for Extended Benefits (EB) as the resident state was not on EB Program.

3. BOR DKT. 00319871 (A.W.)

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

4. BOR DKT. 00314387 (J.D.)

Claimant appealed the decision of the Appeal Tribunal holding a disqualification for benefits for leaving work voluntarily without good cause attributable to the work, a period of ineligibility for benefits for failure to meet reporting requirements, and a liability for a non-fraud refund.

5. BOR DKT. 00276359 (C.J.)

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

6. BOR DKT. 00318234 (M.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 to a non-fraud refund.

7. BOR DKT. 00274009 (E.C.)

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

8. BOR DKT. 00276114 (E.C.)

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

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9. BOR DKT. 00319824 (J.K.)

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 CARES Act and a liability to 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-8 REVERSED DECISIONS OF THE APPEAL TRIBUNAL AND/OR THE DEPUTY BY THE BOARD OF REVIEW

1. BOR DKT. 00300774 (G.H.)

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

2. BOR DKT. 00275875 (Y.H.)

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