



PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lieutenant Governor

State of New Jersey

DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
P.O. BOX 937, TRENTON, NEW JERSEY 08625-0937

ROBERT ASARO-ANGELO
Commissioner

BOARD OF REVIEW

MINUTES OF REGULAR MEETING OF THE BOARD OF REVIEW MARCH 27, 2024

WILLIAM SCAGLIONE, CHAIRPERSON

LISA HART, VICE-CHAIRPERSON

MARIA ZOLA, ACTING EXECUTIVE SECRETARY



BOARD OF
REVIEW

“Opportunity. Stability. Dignity.”

*New Jersey is an Equal Opportunity Employer
Printed on Recycled and Recyclable Paper*

AD-18.94 (9/23)

BOARD OF REVIEW MEETING OF MARCH 27, 2024

MARCH 27, 2024

.....
A regular meeting of the Board of Review was held on Wednesday, MARCH 27, 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 27, 2024 MEETING

BOARD MINUTES:

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

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE MARCH 20, 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. 00253153 (D.J.)

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for Extended Benefits, and liable for a non-fraud refund.

2. BOR DKT. 00288224 (P.G.)

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

3. BOR DKT. 00316813 (C.S.)

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

4. BOR DKT. 00248550 (M.D.)

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

5. BOR DKT. 00293695 (W.M.)

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

6. BOR DKT. 00286054 (J.M.M.)

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

BOARD OF REVIEW MINUTES – MARCH 27, 2024 MEETING

7. BOR DKT. 00320464 (C.D.)

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

8. BOR DKT. 00337426 (A.A.)

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under ability to work, and liable for a non-fraud refund.

9. BOR DKT. 00308927 (J.M.)

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

10. BOR DKT. 00337966 (V.G.)

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

11. BOR DKT. 00302996 (J.R.)

Claimant appealed a decision of the Appeal Tribunal holding the claimant not ineligible for benefits under availability for work, ability for work and active search for work.

12. BOR DKT. 00313407 (N.G.)

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

13. BOR DKT. 00312684 (M.F.)

Claimant appealed a decision of the Appeal Tribunal holding the claimant was employed full-time.

14. BOR DKT. 00315794 (W.L.)

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

BOARD OF REVIEW MINUTES – MARCH 27, 2024 MEETING

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 DENIAL OF REOPENING REQUESTS TO THE BOARD OF REVIEW

1. BOR DKT. 00254743 (R.R.)

Claimant is requesting a reopening of the Board of Review decision, affirming the Appeal Tribunal decision holding an ineligibility for benefits under availability for work and a liability to a refund.

2. BOR DKT. 00288995 (T.B.)

Claimant is requesting a reopening of the Board of Review decision, affirming the Appeal Tribunal decision holding the claimant ineligible for unemployment benefits on the ground that the claimant was employed with earnings that exceeded her partial weekly benefit rate and liable to refund benefits paid. It also held that the claimant's appeal of a denial of a backdated claim is academic.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS DENIAL OF REOPENING REQUESTS TO THE BOARD OF REVIEW.

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

1. BOR DKT. 00296248 (D.H.)

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

2. BOR DKT. 00275763 (B.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.

BOARD OF REVIEW MINUTES – MARCH 27, 2024 MEETING

3. BOR DKT. 00301257 (N.S.)

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

4. BOR DKT. 00277848 (S.B.)

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

5. BOR DKT. 00305726 (E.L.)

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

6. BOR DKT. 00294840 (S.P.)

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

7. BOR DKT. 00317774 (J.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.

8. BOR DKT. 00318317 (S.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.

9. BOR DKT. 00277935 (J.G.)

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

10. BOR DKT. 00318043 (D.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.

BOARD OF REVIEW MINUTES – MARCH 27, 2024 MEETING

11. BOR DKT. 00318717 (A.G.)

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

12. BOR DKT. 00315509 (M.T.)

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).

13. BOR DKT. 00317701 (H.L.)

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

14. BOR DKT. 00279122 (N.F.)

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

15. BOR DKT. 00318566 (C.G.J.)

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

16. BOR DKT. 00317708 (S.B.)

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

17. BOR DKT. 00312844

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

18. BOR DKT. 00302258 (J.P.)

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

BOARD OF REVIEW MINUTES – MARCH 27, 2024 MEETING

19. BOR DKT. 00316390 (O.J.)

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. 00276554 (E.N.J.)

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

21. BOR DKT. 00313064 (F.O.)

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

22. BOR DKT. 00312422 (S.B.)

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

23. BOR DKT. 00339470 (D.R.U.)

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

24. BOR DKT. 00301853 (D.A.)

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

25. BOR DKT. 00317038 (K.L.)

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility of Pandemic Unemployment Assistance (PUA) benefits as the claimant did not have a labor market attachment and the claimant's unemployment was not due to one of the COVID-19 related reasons under Section 2102(a)(3)(A)(ii)(1) of the Coronavirus Aid, Relief, and Economic Security Act (C.A.R.E.S.) Act and a liability to a non-fraud refund.

26. BOR DKT. 00318074 (M.S.)

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

BOARD OF REVIEW MINUTES – MARCH 27, 2024 MEETING

27. BOR DKT. 00317670 (M.L.)

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

28. BOR DKT. 00317144 (M.A.)

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

29. BOR DKT. 00318221 (M.V.)

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

30. BOR DKT. 00274731 (J.A.)

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

31. BOR DKT. 00311641 (D.H.)

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

32. BOR DKT. 00315907 (R.Q.)

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

33. BOR DKT. 00292247 (A.J.)

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

34. BOR DKT. 00315469 (J.M.)

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

BOARD OF REVIEW MINUTES – MARCH 27, 2024 MEETING

35. BOR DKT. 00313033 (F.N.)

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility of Pandemic Unemployment Assistance (PUA) benefits as the claimant did not have a labor market attachment and the claimant's unemployment was not due to one of the COVID-19 related reasons under Section 2102(a)(3)(A)(ii)(1) of the Coronavirus Aid, Relief, and Economic Security (C.A.R.E.S.) Act.

36. BOR DKT. 00318535 (A.A.)

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

37. BOR DKT. 00316328 (T.M.)

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

38. BOR DKT. 00256398 (O.A.)

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.

39. BOR DKT. 00289024 (N.L.)

Claimant appealed the Appeal Tribunal decision holding the unemployment claim invalid for no requalifying wages.

40. BOR DKT. 00318728 (D.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.

41. BOR DKT. 00316621 (M.J.)

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

BOARD OF REVIEW MINUTES – MARCH 27, 2024 MEETING

42. BOR DKT. 00317901 (M.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.

43. BOR DKT. 00321896 (K.M.)

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

44. BOR DKT. 00302049 (B.G.)

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

45. BOR DKT. 00318365 (G.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.

46. BOR DKT. 00281429 (L.G.)

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

47. BOR DKT. 00318388 (R.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.

48. BOR DKT. 00276897 (J.J.)

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.

49. BOR DKT. 00317744 (J.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.

BOARD OF REVIEW MINUTES – MARCH 27, 2024 MEETING

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. 00318309 (S.J.)

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits for failure to meet reporting requirements in accordance with Division regulations.

2. BOR DKT. 00317890 (J.N.)

Claimant appealed the decision of the Appeal Tribunal disputing the monetary entitlement on a valid claim.

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. 00316631 (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.

2. BOR DKT. 00316358 (S.S.)

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

3. BOR DKT. 00311099 (C.W.)

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

BOARD OF REVIEW MINUTES – MARCH 27, 2024 MEETING

4. BOR DKT. 00318120 (J.G.)

Claimant appealed a decision of the Appeal Tribunal holding the claimant liable for a non-fraud refund that was caused by a decision of the Appeal Tribunal on a different docket.

5. BOR DKT. 00264985 (J.G.)

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. 00317182 (S.H.)

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

7. BOR DKT. 00335969 (J.V.G.)

Claimant appealed the decision of the Appeal Tribunal holding no disqualification of benefits under 5(b) and a disqualification as of 1/20/23 under 5(a).

8. BOR DKT. 00319115 (S.J.)

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.

9. BOR DKT. 00316755 (J.J.)

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

10. BOR DKT. 00315883 (C.C.)

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.

11. BOR DKT. 00303402 (J.W.)

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

BOARD OF REVIEW MINUTES – MARCH 27, 2024 MEETING

12. BOR DKT. 00316885 (A.R.)

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.

13. BOR DKT. 00313986 (J.M.)

Claimant appealed the decision of the Appeal Tribunal which held the claimant disqualified for Disability During Unemployment benefits due to voluntary leaving.

14. BOR DKT. 00217190 (C.D.)

The Appellate Division granted the Board's motion for remand to recalculate the claimant's monetary entitlement to unemployment benefits.

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. 00287843 (G.O.)

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

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

A-7 REVERSED AND AFFIRMED DECISIONS OF THE APPEAL TRIBUNAL AND/OR THE DEPUTY BY THE BOARD OF REVIEW

1. BOR DKT. 00316769 (D.E.)

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

BOARD OF REVIEW MINUTES – MARCH 27, 2024 MEETING

ACTION: BOARD VOTED TO ACCEPT THIS CASE AS REVERSED AND AFFIRMED DECISIONS OF THE APPEAL TRIBUNAL AND/OR THE 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. 00311518 (B.S.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 to a non-fraud refund.

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