

State of New Jersey
Department of Labor and Workforce Development
Board of Review

MEMORANDUM

To: Joseph Sieber, Chairman;
Gerald Yarbrough, Vice Chairman;

FROM: Joan B. Futterman, Acting Board Member
Board of Review

Subject: Minutes of the February 26, 2014
Board of Review Meeting

Date: March 4, 2014

THESE MINUTES HAVE NOT BEEN FORMALLY APPROVED AND ARE SUBJECT TO CHANGE OR MODIFICATION BY THE BOARD OF REVIEW AT ITS NEXT MEETING. NO DECISION OF THE BOARD OF REVIEW IS FINAL UNTIL IT HAS BEEN MAILED TO THE INTERESTED PARTIES.

1. **FORMAL OPENING:** A regular meeting of the Board of Review, Department of Labor was held on Wednesday, February 26, 2014, at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7th Floor, Large Conference Room, Trenton, New Jersey. Notice of said meeting was posted in the Board of Review's office, filed with the Secretary of State, and published annually in *The Trenton Times* and *The Star Ledger*. **The next regular meeting of the Board of Review is scheduled for Wednesday, March 5, 2014, at 9:00 a.m.** at the Board of Review offices, Labor Building, John Fitch Plaza, 7th Floor, Large Conference Room, Trenton, New Jersey.

Roll Call: Present: Mr. Sieber, Chairman
Mr. Yarbrough, Vice-Chairman
Ms. Futterman, Acting Board Member

2. Following a motion by Mr. Yarbrough and seconded by Mr. Sieber, the minutes of the February 19, 2014 meeting were approved.

3. New Business

(a) 435,608

Ms. Hart presented this matter, regarding whether the claimant was separated because the employer's needs conflicted with the claimant's religious obligations. The Appeal Tribunal held that the claimant voluntarily left her employment without good cause attributable to the work, under N.J.S.A. 43:21-5(a). After consideration, the Board voted to remand the matter to the Appeal Tribunal for additional testimony regarding the separation from employment. Ms. Hart will prepare the remand.

(b) 427,064

This matter, presented by Ms. Alverio, is regarding whether the claimant's discharge was for reasons which constitute misconduct connected to the work. The Appeal Tribunal held the claimant was discharged for actions which constitute gross misconduct connected to the work and disqualified for benefits under N.J.S.A. 43:21-5(b). The Board, after discussion, voted to affirm the decision of the Appeal Tribunal. Ms. Alverio will prepare the decision.

(c) 431,538

Ms. Zola presented this matter of whether the claimant worked under a contract that expired. The Appeal Tribunal held the claimant did not leave the employment without good cause attributable to the work and not disqualified under N.J.S.A. 43:21-5(a). After consideration, the Board voted to modify the decision of the Appeal Tribunal, holding the claimant not disqualified under N.J.S.A. 43:21-5(a) and not disqualified under N.J.S.A. 43:21-5(c). Ms. Zola will prepare the decision.

There being no further business to transact, a motion was made by Mr. Yarbrough to adjourn the meeting. Mr. Sieber seconded the motion.

SUBMITTED FOR APPROVAL:

Joan B. Futterman
Acting Board Member

JBF:ldv