

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

MEMORANDUM

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

FROM: Ronald A. Gitter, Appellate Specialist
Board of Review

Subject: Minutes of the January 13, 2016
Board of Review Meeting

Date: January 13, 2016

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, January 13, 2016, 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, January 20, 2016, 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, Board Member
Mr. Gitter, Appellate Specialist
Absent: Ms. Hunt, Executive Secretary

2. Following a motion by Mr. Yarbrough and seconded by Ms. Futterman, the minutes of the January 6, 2016 meeting were approved.

3. Old Business

(a) Dkt. No.: 00060259

Mr. Cohen presented this case involving a claimant who was terminated by the employer after he asked if he could work remotely a couple of days per week. The Appeal Tribunal held the claimant disqualified for benefits under N.J.S.A. 43:21-5(a) on the ground that the claimant left the work voluntarily without good cause attributable to the work. After a discussion, the Board voted to reverse the decision of the Appeal Tribunal as the claimant was

discharged for his employment and no misconduct has been shown. Mr. Cohen will prepare the decision.

4. New Business

(a) Dkt. No.: 00061895

As described by Ms. Matos this case involved a claimant who was denied additional benefit during training. The Appeal Tribunal held that the claimant was ineligible for additional benefits during training. After a discussion, the Board voted to reverse the decision of the Appeal Tribunal as the record does not support a denial of additional benefits during training. Ms. Matos will prepare the decision.

(b) Dkt. No.: 00056522

As described by Mr. Gitter, this case involved a claimant who was suspended for conduct unbecoming of a public employee. The Appeal Tribunal held that no disqualification for benefits arose under N.J.S.A. 43:21-5(b). After a discussion, the Board noted that additional testimony was needed as to the status of the claimant's appeal through the employer and on the incident that caused the suspension. Mr. Gitter will prepare the remand.

(c) Dkt. No.: 00058756

As described by Ms. Keller, this case involved a claimant whom the Appeal Tribunal denied a request for reopening of the matter on the ground that the claimant did not show good cause for his non-participation in the hearing. After a discussion, the Board voted that the case should be reopened and remanded to the Appeal Tribunal for a hearing on the merits of the appeal. Ms. Keller will prepare the remand.

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

SUBMITTED FOR APPROVAL:

Ronald A. Gitter
Appellate Specialist

RAG:ldv