

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

MEMORANDUM

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

FROM: Nancy Hunt, Executive Secretary
Board of Review

Subject: Minutes of the June 22, 2016
Board of Review Meeting

Date: June 27, 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, June 22, 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, June 29, 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
Ms. Hunt, Executive Secretary

2. Following a motion by Mr. Sieber and seconded by Ms. Futterman, the minutes of the June 15, 2016 meeting were approved with a correction to the minutes of June 8, 2016 meeting. The correction for Dkt. No.: 00055294 is as follows in **bold**.

(c) Dkt. No.: 00055294

The Board of Review affirmed the decision holding the appeal late **without** good cause. Ms. Hart will prepare the decision.

3. Old Business

(a) Dkt. No.: 00080335

This matter presented by Appellate Specialist Gitter whether the claimant, a teacher, faced with tenure charges quit or was discharged. The Appeal Tribunal held the claimant was discharged and did not voluntarily leave, and that the discharge was not for disqualifying reasons under N.J.S.A. 43:21-5(b). After consideration, the Board voted to reverse the decision holding the claimant's leaving was voluntary and without good cause attributable to the work under N.J.S.A. 43:21-5(a).

4. New Business

(a) Dkt. No.: 00077640

This matter presented by Appellate Specialist Zola to decide whether claimant's discharge was for being paid for services she did not perform. The Deputy held the claimant disqualified for benefits for severe misconduct. The Appeal Tribunal reversed, holding the claimant was not discharged for misconduct connected with the work under N.J.S.A. 43:21-5(b). The Board of Review reversed the Appeal Tribunal decision holding that the claimant was discharged for severe misconduct connected with the work. Ms. Zola will prepare the decision.

(b) Dkt. No.: 00078223

This issue presented to the Board by Appellate Specialist Matos to decide whether the claimant falsified attendance records to show she was at work when she was out. The Appeal Tribunal affirmed the Deputy holding the claimant disqualified for severe misconduct connected with the work under N.J.S.A. 43:21-5(b), and liable for refund. The Board of Review affirmed the Appeal Tribunal decision. Ms. Matos will prepare the decision.

(c) Dkt. No.: 00077453

This issue presented by Appellate Specialist Matos is whether claimant was deleting important data from the employer's computer. The Appeal Tribunal affirmed the Deputy holding the claimant disqualified for severe misconduct connected with the work under N.J.S.A. 43:21-5(b), and liable for refund. After review, the Board voted to affirm the Appeal Tribunal decision. Ms. Matos will prepare the decision.

(d) Dkt. No.: 00084737

Appellate Specialist Hart presented to the Board to decide if the Futterman vs. Board of Review case applies when a furlough period is required by the employer. The Deputy held the claimant ineligible for benefits on the ground that he did not meet the availability requirements necessary to qualify for benefits in accordance with N.J.S.A. 43:21-4(c), and liable for

refund. The Appeal Tribunal affirmed the determination of the Deputy for the period in question. The Board voted to affirm the decision of the Appeal Tribunal. Ms. Hart will prepare the decision.

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:

Nancy Hunt
Executive Secretary

NH:ldv