

MEMORANDUM

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

FROM: Joan B. Futterman, Appellate Specialist
Board of Review

Subject: Minutes of the August 21, 2013
Board of Review Meeting

Date: August 23, 2013

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, August 21, 2013, 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, August 28, 2013, 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, Interim Board Member

2. Following a motion by Mr. Yarbrough and seconded by Mr. Sieber, the minutes of the August 14, 2013 meeting were approved.

3. New Business

(a) 160,250

Mr. Gitter presented this matter regarding whether a claimant had good cause for filing a late appeal after six years. The Appeal Tribunal held the claimant subject to a fraud disqualification, refund and fine on the ground that the claimant fraudulently misrepresented his employment status to obtain benefits, under N.J.S.A. 43:21-5(g)(1), N.J.S.A. 43:21-16(a) and N.J.S.A. 43:21-16(d). The Board, after a discussion, voted to remand the matter for the claimant to show good cause for a late appeal and the merits of the claimant's appeal. Mr. Gitter will prepare the remand.

(b) 414,716

This matter, presented by Ms. Hart, is regarding whether the claimant's absences constitute misconduct connected to the work. The Appeal Tribunal held the claimant disqualified for benefits on the ground that he was discharged for simple misconduct connected to the work, in accordance with N.J.S.A. 43:21-5(b). After a discussion, the Board voted to affirm the decision of the Appeal Tribunal. Ms. Hart will prepare the affirmation.

(c) 425163

Ms. Keller presented this matter which involved an appeal of a claimant who was unwilling to testify based upon a settlement agreement with the employer. The Appeal Tribunal affirmed the determination of the Deputy and held the claimant voluntarily left his job without good cause attributable to the work, under N.J.S.A. 43:21-5(a), on the ground that the claimant would not provide testimony. The Board, after consideration, voted to remand the matter to the Appeal Tribunal to give the claimant an opportunity to move the case forward. Ms. Keller will prepare the remand.

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
Interim Board Member

JBF:ldv