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State of New Jersey
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
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Commissioner

BOARD OF REVIEW

**MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
FEBRUARY 3, 2021**

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

ANDREA JACKSON, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING FEBRUARY 3, 2021

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A regular meeting of the Board of Review was held on Wednesday, February 3, 2021 at 10:00 a.m., via conference call, in Trenton, New Jersey

PRESENT: Nancy Hunt, Chairperson, William Scaglione, Vice-Chairperson, Andrea Jackson, 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 – FEBRUARY 3, 2021 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the January 27, 2021 Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE JANUARY 27, 2021 MEETING.

SECTION A – HEARING MATTERS

A-1 WITHDRAWAL OF APPEALS

1. CRAIG ANDREWS BOR DKT. 00216300

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 ineligible for benefits as the claimant was not considered unemployed.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS A WITHDRAWAL OF AN APPEAL TO THE BOARD OF REVIEW.

A-2 VACATED APPEALS TO THE BOARD OF REVIEW

1. CAROL BRAND BOR DKT. 00214460

Claimant submitted a letter which was processed as an appeal to the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work and liable for a non-fraud refund.

2. TANVIR SADI BOR DKT. 00211575

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

3. NANCY BAEZA BOR DKT. 00218901

Employer appealed the decision of the Appeal Tribunal which dismissed the claimant's appeal as no justiciable issue since the claimant was receiving benefits on the ground that she did not have reasonable assurance with an educational institution.

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4. JUANA CARO BOR DKT. 00214258

Claimant's letter was erroneously processed as an appeal to the Board of Review.

5. PATRICIA TRAVERS BOR DKT. 00217693

Claimant appealed a determination of the Deputy holding her eligible for Pandemic Unemployment Benefits.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS VACATED APPEALS TO THE BOARD OF REVIEW.

A-3 DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW

1. REBECCA STAUFFER BOR DKT. 00206986

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. BRIANNA UCCI BOR DKT. 00210595

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

3. ARON CORNELIO BOR DKT. 00211473

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

4. ALMA ROSARIO BOR DKT. 00202126

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

5. IRETI ADEBAYO BOR DKT. 00215327

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

6. YUANKAI YANG BOR DKT. 00213935

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

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7. ERIS NASH BOR DKT. 00217117

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and denial of Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons.

8. EDALIN VASQUEZ BOR DKT. 00210516

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

9. JAYSON BAUTISTA BOR DKT. 00209981

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

10. MONIQUE GREEN BOR DKT. 00220559

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

11. DAIRELIN PAEZ BOR DKT. 00216845

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

12. TRACEE KELLER BOR DKT. 00221474

Claimant appealed a decision of the Appeal Tribunal holding the claimant not unemployed.

13. TRACEE KELLER BOR DKT. 00221480

Claimant appealed a decision of the Appeal Tribunal holding the claimant not unemployed.

14. TRACEE KELLER BOR DKT. 00221485

Claimant appealed a decision of the Appeal Tribunal holding the claimant not unemployed.

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15. TRACEE KELLER BOR DKT. 00221489

Claimant appealed a decision of the Appeal Tribunal holding the claimant not unemployed.

16. TRACEE KELLER BOR DKT. 00221499

Claimant appealed a decision of the Appeal Tribunal holding the claimant not unemployed.

17. TRACEE KELLER BOR DKT. 00221505

Claimant appealed a decision of the Appeal Tribunal holding the claimant not unemployed.

18. TAMERA SZUARTO BOR DKT. 00219681

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

19. JESSY AREVALO BOR DKT. 00197671

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

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW.

A-4 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. MARYANNE MEYERS BOR DKT. 00223661

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 liable for non-fraud refund.

2. LAURA BINI BOR DKT. 00213294

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

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3. JOHANELA FIGUEROA BOR DKT. 00217901

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

4. MAHESH CHANDRA BOR DKT. 00215188

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

5. THERESA RODRIGUEZ BOR DKT. 00198657

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

6. ANNMARIE STEFANO BOR DKT. 00218409

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

7. KIRSIE REYES BOR DKT. 00221375

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

8. EMMA ZMUDA BOR DKT. 00217764

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

9. DIANE BUSZA BOR DKT. 00219806

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as late without good cause and holding the claimant ineligible for benefits under ability to work.

10. JULIA MAZZUCCA BOR DKT. 00210698

Employer #1 appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily without good cause attributable to the work and no liability for a non-fraud refund.

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11. CYNTHIA BUCKEL BOR DKT. 00219604

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

12. ANTONIO VANDUNK BOR DKT. 00218431

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

13. JOSEPH ODEGAARD BOR DKT. 00220508

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work and not eligible for Pandemic Unemployment Assistance (PUA) benefits.

14. MATHEW SULLIVAN BOR DKT. 00219767

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, an ineligibility for Pandemic Unemployment Assistance benefits, and a liability for a non-fraud refund.

15. MOHAMMED HALIM BOR DKT. 00216501

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

16. KENDALL JONES BOR DKT. 00222441

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

17. AKO ROBINSON BOR DKT. 00218453

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

18. MARIE ALVARADO BOR DKT. 00208679

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

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19. KAMEL SALAM BOR DKT. 00220936

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

20. ABDUL MOTIN BOR DKT. 00216476

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

21. KATHLEEN ABLETT BOR DKT. 00213527

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

22. RANIA JAOUNI BOR DKT. 00213074

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

23. RAPHAEL VELAZQUEZ BOR DKT. 00220184

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

24. ANASTASIA GREKOS BOR DKT. 00215838

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 liable for a non-fraud refund.

25. SAU WONG BOR DKT. 00220646

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

26. ISABEL CLARKE BOR DKT. 00211575

Claimant appealed the decision of the Appeal Tribunal holding a disqualification as the claimant left work voluntarily without good cause attributable to the work.

27. MARISELDA GOMEZ BOR DKT. 00222041

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

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28. MARYAM SALEEM

BOR DKT. 00218707

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 liable for a non-fraud refund.

29. ALYSE CAPRIGLIONE

BOR DKT. 00222780

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

30. NATALIE LEWIS

BOR DKT. 00221471

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

31. HERBERT BRODER

BOR DKT, 00222790

Claimant appealed a decision of the Appeal Tribunal holding a pension reduction and a liability for a non-fraud refund.

32. COURTNEY CODERONI

BOR DKT. 00215159

Employer appealed a decision of the Appeal Tribunal holding that services performed are deemed employment.

33. MARYANNE MEYERS

BOR DKT. 00223661

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and liability for non-fraud refund.

34. MITCHELL DEMORAES

BOR DKT. 00220950

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

35. TRACEE KELLER

BOR DKT. 00221516

Claimant appealed multiple decisions of the Appeal Tribunal holding the claimant not unemployed.

36. JUSTIN PITTMAN

BOR DKT. 00217767

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

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37. BYRON ANDERSON

BOR DKT. 00207567

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

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS.

A-5 AFFIRMATIONS AND REMANDED APPEALS TO THE APPEAL TRIBUNAL OR DEPUTY

1. MARCELO ESCUDERO

BOR DKT. 00218211

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

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS A AFFIRMATION AND REMANDED APPEAL TO THE APPEAL TRIBUNAL OR THE DEPUTY.

A-6 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. SILVIA ZAMORA

BOR DKT. 00220060

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 liable for a non-fraud refund.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS A MODIFICATION OF AN APPEAL TRIBUNAL DECISION.

A-7 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. KHIZAR SHAILKH

BOR DKT. 00216135

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

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ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS A REVERSAL OF AN APPEAL TRIBUNAL DECISION.

A-8 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. JUSTIN IRIZARRY BOR DKT. 00219554

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

2. JAHANARA BEGUM BOR DKT. 00211438

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

3. MICHAEL JONES BOR DKT. 00208237

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

4. MICHAEL JONES BOR DKT. 00208238

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

5. FABIOLA BAGGERLY BOR DKT. 00218309

Claimant appealed a decision of the Appeal Tribunal holding the claimant eligible for PUA, ineligible for partial unemployment benefits, and not liable for a non-fraud refund.

6. HUNGLAL TAVERAS BOR DKT. 00217408

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.

7. FICHEL CUFFY BOR DKT. 00217584

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work, a denial of PUA benefits and a liability to a non-fraud refund.

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8. MARILYN DIPAOLO BOR DKT. 00218437

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

9. TRAVELL ROBINSON BOR DKT. 00222404

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

10. CHRISTOPHER BUTERA BOR DKT. 00220109

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

11. KARAN SANASIE BOR DKT. 00219963

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

12. HEATHER BROWN BOR DKT. 00219838

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

13. AMA SINTIM-DAMOA BOR DKT. 00221446

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

14. YASMINE FATHALLA BOR DKT. 00212586

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

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS REMANDS TO THE APPEAL TRIBUNAL OR THE DEPUTY.

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A-9 REVERSE AND REMANDED APPEALS TO THE APPEAL TRIBUNAL OR DEPUTY

1. AMBER HENRY BOR DKT. 00217854

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

2. PATRICK PREBOR BOR DKT. 00224873

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

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS REVERSED AND REMANDED APPEALS TO THE APPEAL TRIBUNAL OR THE DEPUTY.

SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

- B-1 MELISSA LOZADA BOR DKT. 00219574

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). (**Appellate Specialist Matos**)

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION HOLDING THE CLAIMANT INELIGIBLE FOR PANDEMIC UNEMPLOYMENT ASSISTANCE (PUA) BENEFITS.

- B-2 MYRA LANG BOR DKT. 00218453

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work. (**Appellate Specialist Jackson**)

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION WITH A REWRITE IN THE BOARD DECISION TO ADDRESS THAT THE CLAIMANT IS INELIGIBLE FOR REGULAR UNEMPLOYMENT AND DOES NOT MEET PANDEMIC UNEMPLOYMENT ASSISTANCE (PUA) QUALIFICATIONS.

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B-3 ANNAMARIA VOLPE

BOR DKT. 00218275

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms. **(Appellate Specialist Alverio)**

ACTION: BOARD VOTED TO REMAND FOR ADDITIONAL TESTIMONY REGARDING WHETHER THE CLAIMANT WAS A 10 OR 12 MONTH EMPLOYEE AND WHAT HER FUNCTIONS WERE AS A TEACHER'S ASSISTANT. THE APPEAL TRIBUNAL IS TO BE GUIDED BY THE WEBER-SMITH V. BOARD OF REVIEW CASE.

B-4 SHAHINA AKTHER

BOR DKT. 00220061

Claimant appealed the decision of the Appeal Tribunal holding an ineligibility period as the claimant was not available for work and holding the claimant ineligible for Pandemic Unemployment Assistance as she does not meet the criteria under the C.A.R.E.S. Act. **(Appellate Specialist Alverio)**

ACTION: BOARD VOTED TO MODIFY THE APPEAL TRIBUNAL DECISION AND HOLD THE CLAIMANT INELIGIBLE FOR REGULAR UI BENEFITS AND ALLOWED ON PUA BENEFITS.

B-5 PEGGY ARNOLD

BOR DKT. 00220457

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as late without good cause. **(Appellate Specialist Zola)**

ACTION: BOARD VOTED TO HOLD THE CLAIMANT'S APPEAL TO THE APPEAL TRIBUNAL AS LATE WITH GOOD CAUSE AND TO REMAND TO THE APPEAL TRIBUNAL TO RULE ON THE MERITS OF THE CASE.