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DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
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Commissioner

BOARD OF REVIEW

**MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
MARCH 17, 2021**

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

LISA HART, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING MARCH 17, 2021

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A regular meeting of the Board of Review was held on Wednesday, March 17, 2021 at 10:00 a.m., via conference call, in Trenton, New Jersey

PRESENT: Nancy Hunt, Chairperson, William Scaglione, Vice-Chairperson, Lisa Hart, 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 – MARCH 17, 2021 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the March 10, 2021 Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE MARCH 10, 2021 BOARD MEETING.

OLD BUSINESS:

1. SALEEMA DAVIS BOR DKT. 00217241

Claimant appealed a decision of the Appeal Tribunal dismissing appeal as late without good cause. **(This case was tabled in the meeting of January 20, 2021 for further review to determine if the claimant demonstrated good cause for filing a late appeal.)**

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL'S DECISION DISMISSING THE CLAIMANT'S APPEAL AS LATE WITHOUT GOOD CAUSE.

2. DONNAJEAN TULL BOR DKT. 00220203

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work. **(This case was tabled in the meeting of December 30, 2020 for further review after sending correspondence to the claimant for clarification regarding the timeliness of her appeal to the Board of Review.)**

ACTION: BOARD VOTED TO DISMISS THE CLAIMANT'S APPEAL TO THE BOARD OF REVIEW AS LATE WITHOUT GOOD CAUSE.

3. SWALAHA MOHAMED BOR DKT. 00211281

Employer appealed the decision of the Appeal Tribunal dismissing the appeal due to non-registration for the hearing. **(The Board voted to remand this case to the Appeal Tribunal for additional testimony in the meeting of July 29, 2020 in order to add availability to the docket and to confront the claimant about the medical evidence.)**

BOARD OF REVIEW MINUTES – MARCH 17, 2021 MEETING

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL'S DECISION.

SECTION A – HEARING MATTERS

A-1 VACATED APPEALS TO THE BOARD OF REVIEW

1. ANGEL LEGARETA MEDINA BOR DKT. 00175207

Claimant's correspondence was erroneously processed as an appeal to a decision of the Appeal Tribunal which held the claim for benefits dated October 28, 2018 valid.

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

A-2 DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW

1. GILBERTO RUIZ BOR DKT. 00223499

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. AUTUMN WILLIAMS BOR DKT. 00218499

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

3. MOLAR TAWFIK BOR DKT. 00220541

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

4. ANGELA RAMOS BOR DKT. 00210464

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

5. SABAHAT MAZHAR BOR DKT. 00223337

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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6. SUZANNA KOZLOWSKI

BOR DKT. 00227326

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal through the week in which the determination was mailed as the appeal was late without good cause.

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

A-3 DISMISSALS OF APPEALS TO THE BOARD OF REVIEW NON-JUSTICIABLE ISSUE

1. AURA ROJAS

BOR DKT. 00215624

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

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS A DISMISSAL OF APPEAL TO THE BOARD OF REVIEW FOR NON-JUSTICIABLE ISSUE.

A-4 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. NICOLE WORMLEY

BOR DKT. 00222382

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits under availability for work and a liability for a non-fraud refund.

2. WILMER GOMEZ

BOR DKT. 00222081

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

3. EPIFANIA MORGAN

BOR DKT. 00225913

Claimant appealed a decision of the Appeal Tribunal dismissing the claimant's appeal as late without good cause through the date of mailing and holding the claimant liable for a non-fraud refund.

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4. CINDY FRANCO BOR DKT. 00195571

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

5. KENNETH ROGOZA BOR DKT. 00225512

Claimant appealed the Appeal Tribunal decision which held a reduction of benefits due to a pension offset and a liability to a non-fraud refund.

6. HEDERLYN MARTINEZ BOR DKT. 00215003

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 a liability for non-fraud refund.

7. SHANE SPINGER BOR DKT. 00226342

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

8. VANEZA ORTEGA BOR DKT. 00229317

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits on the ground that she employed full-time.

9. DONNA POLLINA BOR DKT. 00228183

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 a liability for a non-fraud refund.

10. CARL JONES BOR DKT. 00216416

Claimant appealed a decision of the Appeal Tribunal which dismissed the appeal on the ground that the matter was previously addressed under a prior docket.

11. DINA LEOTSAKAS BOR DKT. 00225299

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under ability and active search for work, ineligible for PUA benefits, and liable for a non-fraud refund.

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12. PETER MULRANEN BOR DKT. 00229505

Claimant appealed the Appeal Tribunal decision holding the unemployment claim invalid and a liability to a non-fraud refund.

13. KRISTOPHER ZACK BOR DKT. 00221524

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

14. ALIYA ROBINSON BOR DKT. 00229098

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work, an ineligibility for Pandemic Unemployment Assistance (PUA) benefits and a liability for a non-fraud refund.

15. LAUREN WELLS BOR DKT. 00214642

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

16. JAMES FRAZIER BOR DKT. 00226089

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits on the ground that the claimant's earnings exceeded his partial benefit rate.

17. FERNANDO CORTES BOR DKT. 00222418

Claimant appealed a decision of the Appeal Tribunal holding him disqualified for benefits for leaving work voluntarily without good cause attributable to such work, an ineligibility under availability for work, an ineligibility for Pandemic Unemployment Assistance (PUA) benefits and a liability to a non-fraud refund.

18. KATHERINE TRIMBLE BOR DKT. 00225274

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 a liability to a non-fraud refund.

19. LISSETTE CHAVEZ BOR DKT. 00211799

Claimant appealed a 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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20. MD FAKHRUL CHOWDHURY BOR DKT. 00219239

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and an ineligibility for Pandemic Unemployment Assistance (PUA).

21. TIMOTHY HANLON BOR DKT. 00218906

Claimant appealed the decision of the Appeal Tribunal holding an ineligibility as the claimant was employed with earnings.

22. GLENDINABEL DELIMA BOR DKT. 00204501

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

23. LAENA MCDONALD BOR DKT. 00222709

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 holding the claimant ineligible for benefits under availability for work.

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

A-4 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. SZILVIA SZEPCSIK BOR DKT. 00221507

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

2. CHRISTINA IRVING BOR DKT. 00213320

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits under availability for work.

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

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A-5 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. DAVID MARTINEZ BOR DKT. 00217870

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 a reduction to the weekly benefit rate due to a pension offset.

2. ELIZABETH HOLM BOR DKT. 00226256

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

3. PATRICK KINNEY BOR DKT. 00229274

Claimant appealed a decision of the Appeal Tribunal holding a period of ineligibility as the claimant was employed full-time and a liability to a non-fraud refund.

4. NEIL ROSENZWEIG BOR DKT. 00225680

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

5. JENNIFER ALVARADO BOR DKT. 00229182

Claimant appealed denial of Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons and a non-fraud refund.

6. RUBY MORILLO BOR DKT. 00217059

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. GINA KONTOULIS BOR DKT. 00225442

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

8. BRIAN KANE BOR DKT. 00217244

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

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

A-6 REOPENED AND REMANDED DECISION TO THE APPEAL TRIBUNAL OR DEPUTY

1. JESSICA BORDEN BOR DKT. 00203014

Claimant requests a reopening of a Board of Review decision which held a disqualification for benefits for leaving work voluntarily without good cause attributable to the work.

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

A-7 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. FREDDY MORA BOR DKT. 00211578

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 a liability for a non-fraud refund.

2. FRANCIOS DUMERANT BOR DKT. 00226098

Claimant filed an appeal to a decision of the Appeal Tribunal holding the regular unemployment claim invalid and the claimant liable for a non-fraud refund.

3. SHARON KOLAS BOR DKT. 00220297

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

4. SHARON KOLAS BOR DKT. 00220296

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

5. JOSEPH MELNICK BOR DKT. 00199228

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

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6. TRICIA SINEGRA BOR DKT. 00223127

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

7. EILEEN RIJO BOR DKT. 00225321

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

8. MATTHEW HOWELL BOR DKT. 00226221

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

9. JENNIFER RODRIGUEZ BOR DKT. 00225494

Claimant appealed a decision of the Appeal Tribunal holding the claim invalid as the claimant was not unemployed and holding a liability to a non-fraud refund.

10. CARLOS GONZALEZ SAN LUCAS BOR DKT. 00219811

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

11. SAVANNAH STEWART BOR DKT. 00225465

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 holding the claimant ineligible for Pandemic Unemployment Assistance (PUA) benefits.

12. VIANNY HENRIQUEZ BOR DKT. 00222122

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

13. LEIDY PERALTA BOR DKT. 00222993

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

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14. LEIDY PERALTA

BOR DKT. 00222992

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

15. NICOLE DEMAIO

BOR DKT. 00217540

Employer appealed a decision of the Appeal Tribunal holding the claimant eligible for benefits under availability for work.

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

A-8 REVERSE AND REMANDED APPEALS TO THE APPEAL TRIBUNAL

1. FLORENCIO ROSARIO

BOR DKT. 00217931

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

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

SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 JAMES IPEKCI

BOR DKT. 00223328

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for benefits for refusing suitable work. (**Appellate Specialist Matos**)

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL'S DECISION HOLDING NO DISQUALIFICATION UNDER VOLUNTARY LEAVING AND REVERSING THE APPEAL TRIBUNAL'S DECISION HOLDING A DISQUALIFICATION UNDER REFUSAL OF SUITABLE WORK.

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B-2 MANNY DEMOYA

BOR DKT. 00192531

Employer appealed a decision of the Appeal Tribunal holding that the misconduct disqualification elapsed prior to date of claim. (**Appellate Specialist Zola**)

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL'S DECISION REGARDING THE SEPARATION AND TO MODIFY THE EMPLOYER'S LIABILITY TO BENEFIT CHARGES AS THE EMPLOYER IS DESIGNATED AS A REIMBURSABLE EMPLOYER.

B-3 ANN MAJOR

BOR DKT. 00210893

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work. (**Appellate Specialist Alverio**)

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION.