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State of New Jersey
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
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ROBERT ASARO-ANGELO
Commissioner

BOARD OF REVIEW

**MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
APRIL 20, 2022**

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

MARIA ZOLA, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING APRIL 20, 2022

APRIL 20, 2022

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A regular meeting of the Board of Review was held on Wednesday, April 20, 2022 at 10:00 a.m., via conference call, in Trenton, New Jersey

PRESENT: Nancy Hunt, Chairperson, William Scaglione, Vice-Chairperson, Maria Zola, 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.

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BOARD MINUTES:

Submitted for adoption are the minutes of the April 6, 2022 Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE APRIL 6, 2022 BOARD MEETING, WITH THE EXCEPTION OF DOCKET #DKT00244120, SECTION A-6 ITEM 3. THIS ITEM WAS REMOVED BECAUSE IT WAS PLACED IN AN INCORRECT CATEGORY.

OLD BUSINESS

1. EMILY PLATT

BOR DKT. 00244120

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

ACTION: BOARD VOTED TO REOPEN THIS CASE ON ITS OWN MOTION AND WRITE A NEW DECISION AFFIRMING THE APPEAL TRIBUNAL DECISION WITH AN ADDITIONAL STATEMENT AND REFER THE CLAIMANT'S ELIGIBILITY FOR PANDEMIC UNEMPLOYMENT ASSISTANCE (PUA) BENEFITS TO THE DEPUTY.

SECTION A – HEARING MATTERS:

A-1 VACATED APPEALS BY THE BOARD OF REVIEW

1. BRIAN SHIRLEY

BOR DKT. 00252221

Claimant appealed in error a decision of the Appeal Tribunal holding no ineligibility of benefits under availability for work, and no liability for a non-fraud refund.

2. EDWIN EIFERT

BOR DKT. 00223631

Claimant appealed the decision of the Appeal Tribunal disputing the monetary entitlement on a valid claim.

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3. EDWIN EIFERT BOR DKT. 00223632

Claimant appealed the decision of the Appeal Tribunal disputing the monetary entitlement on a valid claim.

4. EDWIN EIFERT BOR DKT. 00223633

Claimant appealed the decision of the Appeal Tribunal disputing the monetary entitlement on a valid claim.

5. DONALD GARBINSKI BOR DKT. 00249511

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

6. JAMES PRUITT BOR DKT. 00225129

Claimant's letter was processed as an appeal to the Appeal Tribunal in his favor.

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

A-2 DISMISSED APPEALS BY THE BOARD OF REVIEW DUE TO UNTIMELY FILING OR FOR NON-JUSTICIABLE APPEAL ISSUES

1. ELDA LICONA BOR DKT. 00250365

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

2. ARPINE KAZANDJIAN BOR DKT. 00248888

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

3. TERRY WILLIAMS BOR DKT. 00222421

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits under misconduct connected with the work and an ineligibility under availability for work.

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4. DACHA FLETCHER BOR DKT. 00231254

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 Pandemic Unemployment Assistance (PUA) benefits and a liability to a refund.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS DISMISSED APPEALS BY THE BOARD OF REVIEW DUE TO UNTIMELY FILING OR FOR NON-JUSTICIABLE ISSUES.

A-3 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW

1. GUSTAVO LOPEZ BOR DKT. 00246429

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

2. ASHLYN DAVAN BOR DKT. 00250377

Claimant appealed a 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 liability for a non-fraud refund.

3. VIDYA WARRIER BOR DKT. 00249553

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for Pandemic Unemployment Assistance (PUA) benefits and a liability to a refund.

4. MEGAN DE MARZO BOR DKT. 0025240

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

5. EMILY BARKANN BOR DKT. 00250392

Claimant appealed a decision of the Appeal Tribunal holding a denial of a requested pre-date.

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6. SUSAN ABBEY BOR DKT. 00248957

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, an ineligibility for Pandemic Unemployment Assistance (PUA) as the claimant's unemployment was not due to one of the COVID-19 related reasons identified under the CARES Act, and liable for a non-fraud refund.

7. DAWN SACCOMANNO BOR DKT. 00249892

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.

8. JOSEPH KLOSOWSKI BOR DKT. 00213553

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work, an ineligibility for Pandemic Unemployment Assistance (PUA) benefits and a refund liability.

9. JOSEPH O'HANLON III BOR DKT. 00249006

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

10. FATIMAH HALEY BOR DKT. 00253295

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 benefits under ability for work and a liability to a refund.

11. RENA KATHCART BOR DKT. 00247130

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

12. FRANK SCATUORCHIO BOR DKT. 00251187

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for Pandemic Unemployment Assistance (PUA) benefits due to labor market attachment, and a liability for a non-fraud refund.

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13. AMANDA BARTEE BOR DKT. 00256081

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits under reporting requirements.

14. CARMEN ROMAN BOR DKT. 00256142

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility under availability and active search for work and a liability to a refund.

15. JILLIAN ROVIRA BOR DKT. 00220985

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

16. SAFIATOU DIALLO BOR DKT. 00262317

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, ineligible for Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons identified in the CARES Act and a liability to a non-fraud refund.

17. TAMMY DOYLE BOR DKT. 00263285

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for Pandemic Unemployment Assistance (PUA) benefits as the claimant may be eligible for unemployment benefits in another State.

18. RIVKY BOKCHIN BOR DKT. 00262615

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, ineligible for Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons identified in the CARES Act and a liability to a non-fraud refund.

19. ALIYAH BATEMAN BOR DKT. 00264084

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

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20. PAMELA ROSE BOR DKT. 00243800

Claimant appealed a decision of the Appeal Tribunal holding a refund liability.

21. AMANDA SHAKER BOR DKT. 00227234

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

22. SHEILA LEBREW BOR DKT. 00241277

Claimant appealed a decision of the Appeal Tribunal holding the transitional claim invalid.

23. MATY SALL BOR DKT. 00264378

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

24. DAVID ORTIZ BOR DKT. 00268970

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for misconduct connected with the work.

25. MICHAEL YAVORSKI BOR DKT. 00268983

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

26. RICHARD TYSKA BOR DKT. 00249763

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits under employed full-time and a liability to a refund.

27. JESSICA BORDEN BOR DKT. 00203014

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.

28. NICOLE HALPER BOR DKT. 00241716

Deputy held claimant ineligible for benefits under N.J.S.A. 43:21-4(g)(1) from 06/28/20 through 09/12/20, and liable for a refund in the sum of \$4,933 for the weeks ending 07/04/20 through 09/12/20.

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

A-4 MODIFIED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW

1. SANTOU SANNOH **BOR DKT. 00246688**

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 MODIFIED AND REMANDED DECISION TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW.

A-5 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW

1. KIM BAGLIERI **BOR DKT. 00219200**

Claimant appealed the decision of the Appeal Tribunal which affirmed the monetary determination of the Deputy.

2. JULIAN KLEIN **BOR DKT. 00252443**

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

3. MARIA CONTICELLI **BOR DKT. 00262425**

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, ineligible for Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons identified in the CARES Act and a liability to a non-fraud refund.

4. NAMI PATEL **BOR DKT. 00241821**

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

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5. JAFET HERNANDEZ BOR DKT. 00256238

Claimant appealed a 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 refund.

6. ALLYSSA GRAUSSO BOR DKT. 00256214

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, an ineligibility for Pandemic Unemployment Assistance (PUA) as the claimant's unemployment was not due to one of the COVID-19 related reasons identified under the CARES Act, and a liability for a non-fraud refund.

7. DAANYAALL COLEMAN BOR DKT. 00262411

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms.

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

A-6 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW

1. RAYMOND RYAN BOR DKT. 00253293

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

2. ADAM OCONNOR BOR DKT. 00256153

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

3. BEATRICE FLIPPEN BOR DKT. 00218427

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

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4. GIALAIANI CARACCIOLO BOR DKT. 00234928

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.

5. ROMONA MILLER BOR DKT. 00257743

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons identified in the CARES Act and liability for non-fraud refund.

6. AMBER PICCIONI BOR DKT. 00256028

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for misconduct connected with the work, and a liability for a non-fraud refund.

7. JACQUELINE CHAMBERS BOR DKT. 00237063

Claimant appealed the Appeal Tribunal decision holding the unemployment claim invalid.

8. ALEIXO CARVELHO BOR DKT. 00209518

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

9. AARONDI NEWSOM-WILLIAMS BOR DKT. 00243115

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

10. JOSSELINE GUTIERREZ BOR DKT. 00241108

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

11. JOHN GARMEN JR. BOR DKT. 00264180

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

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12. VINCENT VASSALLO BOR DKT. 00229441

Employer appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

13. SAMUEL VACLAVICEK BOR DKT. 00256252

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 Pandemic Unemployment Assistance (PUA) benefits and a liability to a refund.

14. BESMIR LAMA BOR DKT. 00239303

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for misconduct connected with the work.

15. SARA BIZARRO BOR DKT. 00261650

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms, and liable for a non-fraud refund.

16. SARA BIZARRO BOR DKT. 00261811

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms, and liable for a non-fraud refund.

17. SARA BIZARRO BOR DKT. 00261810

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms, and liable for a non-fraud refund.

18. STACY RAIMONDI BOR DKT. 00253221

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, an ineligibility of Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons identified under the CARES Act, and liable for a non-fraud refund.

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

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A-7 REVERSED DECISIONS BY THE BOARD OF REVIEW

1. CATHERINE TAVAREZ BOR DKT. 00257377

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms with an educational institution and liable for a non-fraud refund.

2. SALAM SIMS BOR DKT. 00263032

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits under misconduct connected with the work and a liability to a refund liability. **(Board voted to remove this item from the reversed category and affirm the decision of the Appeal Tribunal holding a disqualification of benefits under misconduct connected with the work and a liability to a refund, with an additional statement regarding the reason for the disqualification).**

3. VANDANA DODA BOR DKT. 00208548

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

ACTION: BOARD VOTED TO ACCEPT THE REMAINING TWO CASES AS REVERSED DECISIONS BY THE BOARD OF REVIEW.

A-8 REQUEST FOR RECONSIDERATION BY THE OFFICE OF ATTORNEY GENERAL

1. MANNY DEMOYA BOR DKT. 00192531

Employer appealed a decision of the Appeal Tribunal holding misconduct disqualification elapsed prior to date of claim.

ACTION: BOARD VOTED TO REOPEN THIS CASE AND RECONSIDER ITS DECISION.

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SECTION B – MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 JOHN RADICH

BOR DKT. 00250212

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and a liability to a non-fraud refund. (**Appellate Specialist Alverio**)

ACTION: BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL TO CONSIDER THE NEW EVIDENCE SUBMITTED FROM THE CLAIMANT REGARDING THE REASON FOR HIS JOB SEPARATION.

B-2 JAIA JOHNSON-WALKER

BOR DKT. 00251058

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, an ineligibility for Pandemic Unemployment Assistance (PUA) as the claimant's unemployment was not due to one of the COVID-19 related reasons identified under the CARES Act, and a liability for a non-fraud refund. (**Appellate Specialist Zola**)

ACTION: BOARD VOTED TO AFFIRM THE DECISION OF THE APPEAL TRIBUNAL HOLDING A DISQUALIFICATION FOR REGULAR UNEMPLOYMENT BENEFITS UNDER N.J.S.A.43:21-5(a), AND REMAND THE MATTER OF THE CLAIMANT'S ELIGIBILITY FOR PANDEMIC UNEMPLOYMENT ASSISTANCE (PUA) BENEFITS FOR ADDITIONAL TESTIMONY REGARDING THE DATES THE CLAIMANT WAS UNAVAILABLE FOR WORK. THE APPEAL TRIBUNAL WILL ALSO DECIDE WHETHER THE CLAIMANT IS LIABLE TO REFUND THE BENEFITS PAID.

B-3 JULIO DAVILA

BOR DKT. 00252337

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for misconduct connected with the work. (**Appellate Specialist Zola**)

ACTION: BOARD VOTED TO REVERSE THE DECISION OF THE APPEAL TRIBUNAL AND HOLD THE CLAIMANT DISQUALIFIED FOR BENEFITS IN ACCORDANCE WITH

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N.J.S.A.43:21-5(b), AS HIS DISCHARGE WAS FOR MISCONDUCT CONNECTED WITH THE WORK.

B-4 LAWRENCE CROSS

BOR DKT. 00256054

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility of benefits under employed full-time and a liability to a refund. (**Appellate Specialist Hart**)

ACTION: BOARD VOTED TO AFFIRM THE DECISION OF THE APPEAL TRIBUNAL HOLDING AN INELIGIBILITY OF BENEFITS UNDER EMPLOYED FULL-TIME AND A LIABILITY TO A NON-FRAUD REFUND.