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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
AUGUST 5, 2020**

JOSEPH SIEBER, CHAIRMAN

NANCY HUNT, VICE-CHAIRPERSON

WILLIAM SCAGLIONE, MEMBER

SHARAHZAD A. LEDAN, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING AUGUST 5, 2020

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A regular meeting of the Board of Review was held on Wednesday, August 5, 2020 at 10:00 a.m., via conference call, in Trenton, New Jersey

PRESENT: Joseph Sieber, Chairman, Nancy Hunt, Vice-Chairperson, William Scaglione, Member, Sharahzad A. Ledan, Acting Executive Secretary, Keith Austin, Director.

In accordance with L1975, c.231, the Chairman 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 – AUGUST 5, 2020 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the July 29, 2020 Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE JULY 29, 2020 MEETING.

SECTION A – HEARING MATTERS

A-1 DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW

- 1. SHANNON BUCKLEY** **BOR DKT. 00050740**

The claimant appealed a decision of the Appeal Tribunal holding the claimant liable for a fraud refund.

- 2. KHRISTEN OLIVER** **BOR DKT. 00172817**

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

- 3. LISA ROSSI-MUNN** **BOR DKT. 00204076**

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

- 4. WAKEELAH BASHIR** **BOR DKT. 00196404**

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

- 5. CANZETTA WILLIAMS** **BOR DKT. 00200074**

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

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6. MILANI FIGUEROA

BOR DKT. 00082232

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

7. DIANA MARKMAN

BOR DKT. 00209948

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and had insufficient subsequent employment to remove such disqualification.

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

A-2 DENIAL OF REOPENING REQUESTS TO THE BOARD OF REVIEW

1. SANDRA PLEDGER

BOR DKT. 00207323

Claimant is requesting reconsideration of the Board of Review's decision affirming the Appeal Tribunal's decision dismissing the appeal due to the exhaustion of Additional Benefits During Training (ABT).

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS A DENIAL OF A REOPENING REQUEST TO THE BOARD OF REVIEW.

A-3 REVERSAL OF BOARD DECISIONS FROM THE SUPERIOR COURT

1. YANIRYS PICHARDO

BOR DKT. 00161255

The Superior Court of New Jersey, Appellate Division, Docket No. A-2085-18T2, on April 8, 2020 reversed the Board's decision and held the claimant left work voluntarily without good cause attributable to such work.

2. DARLA DIMATTEO

BOR DKT. 00145463

Superior Court Reversed the Board of Review and held the claimant ineligible for benefits as the claimant was an independent contractor and not an employee.

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ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS REVERSALS OF BOARD DECISIONS FROM THE SUPERIOR COURT.

A-4 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. ALEXIS FLOWERS **BOR DKT. 00198216**

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

2. ELVIRA MRDA **BOR DKT. 00207986**

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

3. SHALISHA MACEY **BOR DKT. 00209241**

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

4. ANNA PEPE **BOR DKT. 00210767**

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

5. SANDY GRAFF **BOR DKT. 00209233**

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

6. ADRIAN SANCHEZ **BOR DKT. 00211646**

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

7. STACEY ANNE TIER **BOR DKT. 00210406**

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

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8. RACHEL GARCIA BOR DKT. 00211148

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

9. SALVATORE MERCURIO BOR DKT. 00211623

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

10. JONATHAN RAMOS BOR DKT. 00208815

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

11. CAROL VANACORE BOR DKT. 00211619

The claimant appealed the decision of the Appeal Tribunal holding her ineligible for benefits as her wages exceeded her partial unemployment weekly benefit rate.

12. CAROL VANACORE BOR DKT. 00211618

Claimant appealed the decision of the Appeal Tribunal holding her ineligible for benefits as her wages exceeded her partial unemployment weekly benefit rate.

13. CATHY MIMS BOR DKT. 00211620

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

14. PHILIP JANASIAK BOR DKT. 00205507

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

15. PHONG LE BOR DKT. 00210862

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

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16. BRYAN PONCE

BOR DKT. 00211099

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

17. MANSI PATEL

BOR DKT. 00211613

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

18. BARBARA SOREY

BOR DKT. 00210738

Claimant appealed decision of the Appeal Tribunal holding no disqualification as the claimant did not leave the work voluntarily and held the claim invalid as the claimant is not unemployed.

19. VASILIOS KARIDIS

BOR DKT. 00210854

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work with employer #1 voluntarily without good cause attributable to such work.

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

A-5 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. RACHEL BOYD

BOR DKT. 00210567

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

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

A-6 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. JOHN HILAIRE

BOR DKT. 00209388

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily and no liability for a non-fraud refund.

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2. JASON ROWER BOR DKT. 00208688

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

3. LISA JOHNSON-YOUNG BOR DKT. 00210825

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

4. EMAN RYAN BOR DKT. 00206141

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

5. FELIX MARTE BOR DKT. 00210187

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

6. BRIAN KEARNEY BOR DKT. 00204480

The employer appealed a decision of the Appeal Tribunal holding the employer liable for benefit charges on the claim.

7. LAURIE NOLAN BOR DKT. 00207653

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

8. PORTIA ALSTON BOR DKT. 00208801

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

9. RIMONUR RASHID BOR DKT. 00211292

Employer #1 appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily.

10. MIGUEL CUETO BOR DKT. 00211164

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

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

SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 LEON ZDYB BOR DKT. 00211736

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

(Appellate Specialist Jackson)

ACTION: BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY TO SUBSTANTIATE THE RECORD.

B-2 MIRNA AGUILAR BOR DKT. 00212506

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

ACTION: BOARD VOTED TO MAKE THIS APPEAL LATE WITH GOOD CAUSE, REVERSE THE TIMELINESS AND REMAND FOR TESTIMONY ON THE MERITS.

B-3 DIANA CUELLO BOR DKT. 00211427

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

ACTION: BOARD VOTED TO REMAND FOR ADDITIONAL TESTIMONY FROM THE CLAIMANT AND THE EMPLOYER REGARDING WHETHER THIS IS A VOLUNTARY LEAVING, A LEAVE OF ABSENCE OR A LAYOFF.

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B-4 AMELIA OGLE BOR DKT. 00209338

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily. (**Appellate Specialist Jackson**)

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION.

B-5 MARYANN MIGLIACCIO BOR DKT. 00211516

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily. (**Appellate Specialist Zola**)

ACTION: BOARD VOTED TO REMAND FOR ADDITIONAL TESTIMONY FROM THE EMPLOYER REGARDING CLAIMANT'S SEPARATION FROM EMPLOYER #1.

B-6 SHIRISH THAKKAR BOR DKT. 00210358

Claimant appealed decision of the Appeal Tribunal holding no disqualification for leaving the work voluntarily but holding a period of ineligibility as the claimant was not able to work. (**Appellate Specialist Alverio**)

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL AS IS AND APPLY THE PUA CONVERSION IF REQUIRED.

B-7 MURRAY ZLATIN BOR DKT. 00210549

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

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION.

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B-8 EDWIN RIVERA

BOR DKT. 00211642

Employer letter regarding late receipt of hearing notice mailed 05/28/20.
This is not an appeal. (**Appellate Specialist Jackson**)

ACTION: BOARD VOTED TO ACCEPT THIS CASE AS AN APPEAL TO BOARD AND THE BOARD WILL REMAND IT BACK TO THE APPEAL TRIBUNAL, AS EMPLOYER NEVER RECEIVED THE NOTICE OF HEARING.

B-9 MELISSA GIFFORD

BOR DKT. 00209135

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

ACTION: BOARD VOTED TO REMAND TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY REGARDING THE CLAIMANT'S NEW JOB AND WHETHER OR NOT SHE WOULD NOT BE DISQUALIFIED UNDER THE VOLUNTARY LEAVING STATUTE AS AMENDED.