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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
JANUARY 12, 2022**

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

ANDREA JACKSON, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING JANUARY 12, 2022

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A regular meeting of the Board of Review was held on Wednesday, January 12, 2022 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 –JANUARY 12, 2022 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the January 5, 2022 Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE JANUARY 5, 2022 BOARD MEETING.

SECTION A – HEARING MATTERS:

A-1 WITHDRAWAL OF APPEALS BY THE BOARD OF REVIEW

- 1. DANIAMARIE RODRIGUEZ** BOR DKT. 00258755

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

- 2. KHALIL DIFALLAH** BOR DKT. 00222763

Claimant appealed the Appeal Tribunal decision holding the unemployment claim valid with a weekly benefit rate of \$398.00 and a maximum benefit amount of \$10,348.00.

- 3. COLLATA BELGROVE** BOR DKT. 00259959

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 CASES AS WITHDRAWALS OF APPEALS BY THE BOARD OF REVIEW.

A-2 VACATED APPEALS BY THE BOARD OF REVIEW

- 1. EDWARD MALLEY** BOR DKT. 00236247

Claimant's correspondence was erroneously processed as an appeal to a decision of the Appeal Tribunal holding an ineligibility for Extended Benefits.

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2. BARBARA PEPE BOR DKT. 00237909

Claimant's correspondence was erroneously processed as an appeal to a decision of the Appeal Tribunal holding her ineligible for Extended Benefits.

3. NATYIRA TAVAREZ BOR DKT. 00250618

Claimant's appeal was docketed in error as an appeal to the Board of Review.

4. CRESCENCIO RONDON BOR DKT. 00242058

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

5. MARIA DOMINGUEZ BOR DKT. 00219094

Claimant's appeal was erroneously docketed as an appeal to the Appeal Tribunal decision dismissing her appeal as late without good cause.

6. MARIA DOMINGUEZ BOR DKT. 00229344

Claimant's appeal was erroneously docketed as an appeal to the Appeal Tribunal decision dismissing her appeal as late without good cause.

7. NATHALIE YACHOUH BOR DKT. 00237516

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

8. JAMES VASSANELLA BOR DKT. 00225001

Claimant's letter was erroneously processed as an appeal to the Appeal Tribunal decision.

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

A-3 DISMISSALS OF LATE APPEALS OR NON-JUSTICIABLE ISSUES BY THE BOARD OF REVIEW

1. JAMIL HALL BOR DKT. 00245855

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

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2. DAMARY MELENDEZ BOR DKT. 00248046

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.

3. DONATA ROSADO BOR DKT. 00245777

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

4. RUBIELA RIOS-TORRES BOR DKT. 00223053

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

5. WANDA DOMZALL BOR DKT. 00252235

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 for a non-fraud refund.

6. MARCOS COLON BOR DKT. 00235650

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for Extended Benefits.

7. LUCY ADU BOR DKT. 00241404

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

8. AKHLAQUL CHOUDHURY BOR DKT. 00214244

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

9. ADOLFO ROLON BOR DKT. 00220502

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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10. FRANCETTE FILS

BOR DKT. 00219893

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

11. FRANCETTE FILS

BOR DKT. 00246411

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

12. ALICIA YANZAPANTZA-CONDOR

BOR DKT. 00235703

Claimant appealed a decision of the Appeal Tribunal denying the request to vacate a prior dismissal of the appeal due to non-appearance and to schedule a new hearing.

13. ALLEN DEBE

BOR DKT. 00227881

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. ANISABEL ESTRADA

BOR DKT. 00213094

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

15. LINDA CASSIN

BOR DKT. 00209402

Claimant appealed a decision of the Appeal Tribunal denying the request to reopen the matter due to non-registration. **(Board voted to remove this case from the dismissals of late appeals or non-justiciable issues by the Board of Review category and remand the matter to the Appeal Tribunal for a new hearing and decision).**

16. AMERICA DE LOS SANTOS

BOR DKT. 00224192

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

17. MIGUEL OSTOLAZA

BOR DKT. 00246333

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of regular unemployment benefits for leaving work voluntarily without good cause attributable to the work, an eligibility for Pandemic Unemployment

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Assistance (PUA) benefits from May 24, 2020 through March 13, 2021, as the claimant's unemployment was due to one of the COVID-19 related reasons, a denial of Pandemic Unemployment Assistance (PUA) benefits from March 14, 2021, as the claimant's unemployment was not due to one of the COVID-19 related reasons and no liability to a non-fraud refund.

18. WILLIANS BAEZ BOR DKT. 00233694

Claimant appealed a decision of the Appeal Tribunal dismissing a portion of the appeal as late without good cause and holding an ineligibility for benefits under availability for work and an ineligibility for Pandemic Unemployment Assistance (PUA) benefits.

19. ELAINE EMERY BOR DKT. 00229833

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits under reasonable assurance between academic terms and a liability to a refund.

20. TONJA LEWIS BOR DKT. 00202650

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

21. AGIT YESILOZ BOR DKT. 00242000

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

22. HUNTER SHOEMAKER BOR DKT. 00237313

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

23. HUNTER SHOEMAKER BOR DKT. 00243382

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 REMAINING 22 CASES AS DISMISSALS OF LATE APPEALS OR NON-JUSTICIABLE ISSUES BY THE BOARD OF REVIEW.

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A-4 DENIAL OF REOPENING REQUESTS BY THE BOARD OF REVIEW

1. CERINA CANNON BOR DKT. 00229130

Claimant is requesting reconsideration of the Board of Review’s decision affirming the Appeal Tribunal’s decision which held the claimant ineligible for benefits under availability for work, a denial of pandemic Unemployment Assistance (PUA) benefits as the claimant’s unemployment was not due to one the COVID-19 related reasons and liable for a non-fraud refund.

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

A-5 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. GENESIS ZACARIA BOR DKT. 00247119

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

2. GENESIS ZACARIA BOR DKT. 00247094

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. RUBIELA RIOS-TORRES BOR DKT. 00234581

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

4. KATHERINE REILLY BOR DKT. 00239569

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

5. MAYLIN MATOS DE MUÑOZ BOR DKT. 00216230

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

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6. DANIELA PETEROVA BOR DKT. 00221057

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

7. MARTHA GRACIA BOR DKT. 00243729

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

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

A-6 REMANDED AND MODIFIED DECISIONS TO THE APPEAL TRIBUNAL

1. RAJENDRA SHAH BOR DKT. 00246654

Claimant appealed a 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 under the C.A.R.E.S. Act.

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

A-7 AFFIRMED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL

1. DAMARIS TAYLOR BOR DKT. 00244730

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 an ineligibility for Pandemic Unemployment Assistance (PUA) benefits.

2. WENDY ANDREW BOR DKT. 00247593

Claimant appealed the 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 AFFIRMED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL.

A-8 MODIFIED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL

1. JENNY GUZNAY BOR DKT. 00240382

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 CASE AS A MODIFIED AND REMANDED DECISION TO THE APPEAL TRIBUNAL.

A-9 REMANDS FROM THE SUPERIOR COURT

1. TRACI WILLIS BOR DKT. 00179492

Employer appealed a decision of the Appeal Tribunal holding no disqualification for gross misconduct and misconduct connected with the work. **(Board voted to reopen and remand this case to the Appeal Tribunal).**

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS A REMAND FROM THE SUPERIOR COURT.

A-10 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. VALERIE MACHALANY BOR DKT. 00247036

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

2. ARIELLE BOZINOS BOR DKT. 00246381

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 for a non-fraud refund.

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3. RONALD MURTHA **BOR DKT. 00248034**

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

4. PATRICK PENNELL **BOR DKT. 00247942**

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

5. PATRICK PENNELL **BOR DKT. 00247943**

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

6. PATRICK PENNELL **BOR DKT. 00247944**

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

7. SHAUNA WELCH **BOR DKT. 00245281**

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

8. KEVIN KELLY **BOR DKT. 00217925**

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

9. EUGENE WILES **BOR DKT. 00248469**

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 liability to a refund.

10. WANDA DOMZALL **BOR DKT. 00252237**

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 for a non-fraud refund.

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11. SHARYELIX VARGAS RIVERA

BOR DKT. 00234521

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.

12. SYDNEY SMITH

BOR DKT. 00241257

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

13. COLIN BARRETT

BOR DKT. 00240360

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

14. LAMISHA CARNEY

BOR DKT. 00250456

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

15. IVELLISSE ALICEA

BOR DKT. 00261813

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for Pandemic Unemployment Assistance benefits.

16. BRIAN KLATSKIN

BOR DKT. 00232648

Employer appealed a decision of the Appeal Tribunal holding the claimant eligible for Pandemic Unemployment Assistance (PUA) benefits.

17. CHRISTOPHER HYMAN

BOR DKT. 00237499

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

18. MARIO BARTOLE

BOR DKT. 00247021

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits under full-time student status, ineligible for benefits under availability for work, ineligible for Pandemic Unemployment Assistance (PUA) benefits as

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the claimant's unemployment was not due to one of the COVID-19 related reasons identified in the C.A.R.E.S. Act and liability for non-fraud refund.

19. MAUREEN ZINK

BOR DKT. 00245616

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

20. SHIRELLE ROSENBAUM

BOR DKT. 00238736

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

21. KENNETH NIXON

BOR DKT. 00236455

Claimant appealed a decision of the Appeal Tribunal which remanded the matter of the claimant's monetary re-determination to the Deputy for reconsideration and redetermination.

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

A-11 REOPENED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL

1. JEFF DONKIN

BOR DKT. 00190840

The Superior Court of New Jersey, Appellate Division, remanded the matter of the claimant's appeal of a Board of Review decision holding his unemployment claim invalid.

2. KAREN MOORE

BOR DKT. 00188216

The Superior Court of New Jersey, Appellate Division, remanded the matter of the claimant's request for a waiver of debt to the Board of Review for further proceedings.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS REOPENED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL.

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SECTION B – MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 OSAYANDE EBOH

BOR DKT. 00245100

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

ACTION: BOARD VOTED TO AFFIRM THE DECISION OF THE APPEAL TRIBUNAL HOLDING A DISQUALIFICATION OF BENEFITS UNDER N.J.S.A.43:21-5(a), AN INELIGIBILITY FOR PANDEMIC UNEMPLOYMENT ASSISTANCE (PUA) BENEFITS UNDER THE C.A.R.E.S. ACT AND A LIABILITY TO A REFUND.

B-2 SHARON SMITH

BOR DKT. 00239040

Claimant appealed a decision of the Appeal Tribunal which denied the request to vacate a prior dismissal due to the claimant's failure to register for the hearing. (**Appellate Specialist Hart**)

ACTION: BOARD VOTED TO REVERSE THE DECISION OF THE APPEAL TRIBUNAL WHICH DENIED THE REQUEST TO VACATE A PRIOR DISMISSAL DUE TO THE CLAIMANT'S FAILURE TO REGISTER FOR THE HEARING, AS THE CLAIMANT DEMONSTRATES GOOD CAUSE FOR FAILING TO REGISTER AND PARTICIPATE IN THE HEARING. THE MATTER IS BEING REMANDED TO THE APPEAL TRIBUNAL FOR A NEW HEARING AND DECISION ON THE MERITS OF THE CASE.