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DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
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BOARD OF REVIEW

**MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
DECEMBER 2, 2020**

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

SHAHRAZAD A. LEDAN, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING NOVEMBER 25, 2020

NOVEMBER 25, 2020

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A regular meeting of the Board of Review was held on Wednesday, November 25, 2020 at 10:00 a.m., via conference call, in Trenton, New Jersey

PRESENT: Nancy Hunt, Chairperson, William Scaglione, Vice-Chairperson, Shahrazad A. Ledan, Acting Executive Secretary, Keith Austin, Director.

In accordance with L1975, c.231, the Acting 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 November 25, 2020 Board meeting.

ACTION: THE BOARD VOTED TO ADOPT THE MINUTES OF THE NOVEMBER 25, 2020 BOARD MEETING.

OLD BUSINESS:

1. KIMBERLY HAMADA BOR DKT. 00216768

Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily without good cause attributable to the work. **(This case was tabled in the meeting of October 28, 2020 to confirm that the employer was allowed to present a first-hand witness.)**

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL, WITH A NOTE IN THE BOARD DECISION, INDICATING THE CASE SHOULD BE A REGULAR UNEMPLOYMENT CLAIM AND THE CLAIMANT INELIGIBLE FOR PUA.

2. LIBELIZ CRUZ-FRANCISCO BOR DKT. 00208035

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work. **(This case was tabled in the meeting of October 14, 2020. This case was pulled from the dismissal category and discussed separately. The Board voted to make the claimant's appeal timely to the Board and table this case to a future agenda for the appellate specialist to review the merits)**

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL, WHICH HELD A VOLUNTARY QUIT DISQUALIFICATION AND THE AVAILABILITY TO WORK ACADEMIC.

3. ARMETRIUS WILLIAMS BOR DKT. 00217275

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

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for refund. (This case was tabled in the meeting of October 21, 2020 pending a post review.)

ACTION: THE BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL, TO OBTAIN ADDITIONAL TESTIMONY ON ALL INVOLVED ISSUES – SPECIFICALLY THE SEPARATION FROM THE EMPLOYMENT AND PUA ELIGIBILITY.

4. DAHIANA DIAZ BOR DKT. 00213952

Claimant appealed the decision of the Appeal Tribunal holding the unemployment claim invalid as the claimant was not unemployed and liable to a non-fraud refund. (This case was tabled in the meeting of October 7, 2020 pending a discussion with the Director of the Appeal Tribunal as to how to deal with combination (UI/PUA) determinations.)

ACTION: THE BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL TO OBTAIN ADDITIONAL TESTIMONY ON ALL INVOLVED ISSUES - SPECIFICALLY THE SEPARATION FROM THE EMPLOYMENT AND PUA ELIGIBILITY.

SECTION A – HEARING MATTERS

A-1 VACATED APPEALS TO THE BOARD OF REVIEW

1. COURTNEY ZIMMERMAN BOR DKT. 00209242

The Appeal Tribunal held no disqualification of benefits for leaving work voluntarily without good cause attributable to the work.

2. JANNATUL TISA BOR DKT. 00216467

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

3. EMIL MONTESINO DE FERMIN BOR DKT. 00211027

Claimant submitted a letter after the employer was denied a request to reopen a decision from the Appeal Tribunal.

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

A-2 DISMISSALS OF LATE APPEALS AND NO JUSTICIABLE ISSUE TO THE BOARD OF REVIEW

1. CHRISTINA RUSSO **BOR DKT. 00208925**

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

2. ANDREW SWENSON **BOR DKT. 00203607**

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

3. MONICA PATEL **BOR DKT. 00198100**

Claimant appealed a decision from 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.

4. DONNAMAER RYAN **BOR DKT. 00218485**

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

5. HARISH SHAH **BOR DKT. 00199429**

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

6. CHRISTINE STLEON **BOR DKT. 00200376**

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. LUIS GONZALEZ-LOPEZ **BOR DKT. 00167401**

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

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8. KIMBERLY MARTINEZ BOR DKT. 00202212

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

9. ROSARIO ESPINOZA BOR DKT. 00217477

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

10. JENNIFER CRUZ-MENDEZ BOR DKT. 00217629

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.

11. ERICA WISE BOR DKT. 00206888

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

12. KELLY HOLLOWAY BOR DKT. 00202324

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

13. SHANAY COOPER BOR DKT. 00199659

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

14. TRYPHOSE JEANBAPTISTE BOR DKT. 00213604

Claimant appealed decision of the Appeal Tribunal holding an ineligibility period as the claimant was not able to work.

15. LUIS DUQUE BOR DKT. 00208240

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

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16. RICHARD MOLNAR BOR DKT. 00212878

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

17. JANETH CASTAÑO BOR DKT. 00197371

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. DAVAUN BARTEE BOR DKT. 00209946

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

19. MONSERRAT MALDONADO BOR DKT. 00214462

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

ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS DISMISSALS OF LATE APPEALS OR NO JUSTICIABLE ISSUE TO THE BOARD OF REVIEW.

A-3 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. COLE STEVENS BOR DKT. 00211250

Claimant appealed a decision of the Appeal Tribunal holding no disqualification for discharge for misconduct connected to the work and holding disqualification for leaving the work voluntarily without good cause attributable to the work.

2. VALERIE BURGOS BOR DKT. 00216326

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

3. TAMISHA WADE BOR DKT. 00219786

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

4. FLOR MANCO BOR DKT. 00218124

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

5. BORIS RODRIGUEZ BOR DKT. 00218823

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

6. ROSEANNE TYE BOR DKT. 00214986

Claimant appealed a decision of the Appeal Tribunal holding claimant not unemployed, unavailable for work, and ineligible for benefits.

7. FATMIRE ASANI BOR DKT. 00216069

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

8. THERESA TORRACA SHEATS BOR DKT. 00215980

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

9. TAMARA BILLS BOR DKT. 00215249

Claimant appealed a decision of the Appeal Tribunal holding the claimant filed a timely appeal and unavailable for full time work and ineligible for benefits.

10. NANCY AMIAGA BOR DKT. 00219361

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

11. MIRANDA GREENFIELD BOR DKT. 00220257

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

12. JUANA RAMOS BOR DKT. 00214409

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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13. REKHA PANCHANI BOR DKT. 00219633

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

14. LUCIA TORRES DE BARREIRO BOR DKT. 00218044

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

15. WILLIAM NUNN BOR DKT. 00220239

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

16. LEONARDO RODRIGUEZ BOR DKT. 00216949

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

17. SOPHIA RHODES BOR DKT. 00219009

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

18. KARI GULLIKSEN BOR DKT. 00215585

Claimant appealed the decision of the Appeal Tribunal holding the appeal timely and holding that the employer is not liable or charges to its experience rating account.

19. ROBERT HALL-APP BOR DKT. 00214447

Claimant appealed Deputy's determination holding him disqualified under N.J.S.A. 43:21-5(a) from April 12, 2020.

20. JEFFREY BYRD BOR DKT. 00214927

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

21. MEHANA ARAB BOR DKT. 00213404

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Claimant appealed decision of the Appeal Tribunal holding the claimant disqualified for benefits as she left the work voluntarily without good cause attributable to the work, holding an ineligibility as the claimant was not available for work and holding the claimant liable for non-fraud refund.

ACTION: THE BOARD VOTED TO REMOVE THIS CASE FROM THE AFFIRMATION CATEGORY AND REMAND IT TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY ON ALL INVOLVED ISSUES.

22. MARIAM MELAIKA BOR DKT. 00212335

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

23. MORGAN FOOR BOR DKT. 00215453

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

24. DENNIS FINAN BOR DKT. 00218320

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

25. MUHAMED ZAC MOHANNED MUBARAK BOR DKT. 00215271

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

26. HEIDI SCHMAUCH BOR DKT. 00211845

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

27. SATEESHA BLACKSTONE BOR DKT. 00209373

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

28. JUSTIN KNIGHT BOR DKT. 00220534

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

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29. SONIA GROSCHÉ BOR DKT. 00215135

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

30. CAROLE COLELLA BOR DKT. 00215238

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant was employed full-time, and holding the claimant liable for a non-fraud refund.

31. DIANA RODRIGUEZ BOR DKT. 00215205

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant was employed full-time, and holding the claimant liable for a non-fraud refund.

32. RYAN TRUNELL BOR DKT. 00208174

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

33. SARAH HOSKIN BOR DKT. 00210360

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

34. FAUSTIN CLERJEUNE BOR DKT. 00217952

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

ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE, 33 REMAINING CASES AS AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS.

A-4 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. ANDREW DAMATO BOR DKT. 00213910

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Claimant appealed decision of the Appeal Tribunal holding the appeal was filed late with good cause and holding an ineligibility period as the claimant was not available for work.

2. MARIE VELEUSPEPE BOR DKT. 00214220

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for refusing suitable work.

3. CHANTAY PITTS BOR DKT. 00214184

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

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

SECTION B – MISCELLANEOUS MATTER/CASES FOR DISCUSSION

- B-1 PATRICK SMALL BOR DKT. 00214262

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 Matos**)

ACTION: THE BOARD VOTED TO TABLE THIS CASE, FOR A REVIEW OF THE MERITS, AS THE APPEAL TO THE BOARD WAS DEEMED TIMELY.