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**BOARD OF REVIEW**

**MINUTES OF REGULAR MEETING OF  
THE BOARD OF REVIEW  
DECEMBER 16, 2020**

**NANCY HUNT, CHAIRPERSON**

**WILLIAM SCAGLIONE, VICE-CHAIR**

**SHAHRAZAD A. LEDAN, ACTING EXECUTIVE SECRETARY**

## **BOARD OF REVIEW MINUTES – DECEMBER 16, 2020 MEETING**

### **BOARD MINUTES:**

Submitted for adoption are the minutes of the December 9, 2020 Board meeting.

**ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE DECEMBER 9, 2020 MEETING.**

### **OLD BUSINESS:**

**1. ZURUZ ZAMAN** **BOR DKT. 00217222**

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

**ACTION: BOARD VOTED TO MODIFY THE APPEAL TRIBUNAL DECISION TO HOLD THE APPEAL AS LATE WITHOUT GOOD CAUSE THROUGH MAY 16, 2020, SET ASIDE THE VOLUNTARY QUIT DISQUALIFICATION AS THE APPEAL TRIBUNAL DID NOT HAVE JURISDICTION TO RULE ON THIS ISSUE AND REMAND TO THE APPEAL TRIBUNAL FOR A DECISION ON THE MERITS AFTER MAY 17, 2020.**

**2. BETANIA CRUZ** **BOR DKT. 00211481**

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

**ACTION: BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY REGARDING THE CIRCUMSTANCES LEADING UP TO THE CLAIMANT'S FINAL INCIDENT RESULTING IN THE CLAIMANT VOLUNTARILY LEAVING THE JOB.**

**3. HARMONY M DELA CRUZ** **BOR DKT. 00211296**

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

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**ACTION: BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY REGARDING THE TIMELINESS OF THE APPEAL TO THE APPEAL TRIBUNAL, THE CIRCUMSTANCE REGARDING THE CLAIMANT’S LAST DAY OF WORK AND THE SEPARATION FROM THE EMPLOYMENT AND THE REFUND ISSUE.**

**4. 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 such work.

**ACTION: BOARD VOTED TO HOLD THE CLAIMANT’S APPEAL AS LATE TO THE BOARD WITH GOOD CAUSE AND AFFIRM THE APPEAL TRIBUNAL HOLDING A DISQUALIFICATION FOR VOLUNTARILY LEAVING THE JOB WITHOUT GOOD CAUSE ATTRIBUTABLE TO THE WORK.**

**5. DAPHNE MORGANTI BOR DKT. 00210067**

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

**ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION DENYING THE REQUEST TO REOPEN AS THE CLAIMANT DID NOT DEMONSTRATE GOOD CAUSE FOR FAILING TO REGISTER FOR THE APPEAL TRIBUNAL HEARING.**

**6. EMILE A TRIMM BOR DKT. 00216835**

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

**ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION HOLDING A DISQUALIFICATION FOR MISCONDUCT CONNECTED WITH THE WORK.**

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7. MARIO KOZIC

BOR DKT. 00217996

Claimant appealed a decision of the Appeal Tribunal which held the claimant ineligible for benefits as the claimant was not available for full-time work.

**ACTION: BOARD VOTED TO MODIFY THE APPEAL TRIBUNAL DECISION AS THE CLAIMANT DID NOT HAVE SUFFICIENT WEEKS OF SUBSEQUENT EMPLOYMENT AND WAGES TO OVERCOME THE IMPOSED VOLUNTARY QUIT DISQUALIFICATION.**

**SECTION A – HEARING MATTERS**

**A-1 WITHDRAWAL OF APPEALS**

1. STEVEN STEINER

BOR DKT. 00206310

Claimant appealed decision of the Appeal Tribunal holding a disqualification for discharge for misconduct connected to the work.

**ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS A WITHDRAWAL OF AN APPEAL TO THE BOARD OF REVIEW.**

**A-2 VACATED APPEALS TO THE BOARD OF REVIEW**

1. TINISHA SIMON

BOR DKT. 00199428

Claimant submitted a letter which was erroneously processed as an appeal to the Board of Review.

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

**A-3 DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW**

1. LISA EVANS

BOR DKT. 00197715

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

2. STEPHANIE BENNETT BOR DKT. 00193600

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. NICOLE SANTOLOCI BOR DKT. 00212112

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work and ineligible for benefits on the ground that the claimant was unavailable for work.

4. HAYES JOHNSON BOR DKT. 00205123

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

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

### A-4 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. THURKA GNANASAKTHY BOR DKT. 00218491

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

2. ALICIA JACKSON BOR DKT. 00219421

Employer appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work. **(Board voted to keep this in the affirmed category.)**

3. TERESA THOMAS BOR DKT. 00218904

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

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### 4. DAVID MARLOWE BOR DKT. 00220006

Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed, and liable for refund. **(Board voted to remand this case to the Appeal Tribunal for additional testimony, to add the issue of independent contractor and to get an auditor to participate in the hearing.)**

### 5. MICHAEL LEWIS BOR DKT. 00217230

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

### 6. MELVIN BUTOR BOR DKT. 00206174

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

### 7. MARC LARAQUE BOR DKT. 00218226

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

### 8. CYNTHIA DOLAN BOR DKT. 00219695

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

### 9. NEHA PATADIA BOR DKT. 00205901

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. CALYN SLACK BOR DKT. 00206754

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

**ACTION: BOARD VOTED TO ACCEPT THE REMAINING 9 CASES AS AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS.**

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### **A-6 REVERSALS OF APPEAL TRIBUNAL DECISIONS**

1. RYAN NELSON BOR DKT. 00217430

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

**ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS A REVERSAL OF AN APPEAL TRIBUNAL DECISION.**

### **A-7 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS**

1. SHOBHNA KHATWANI BOR DKT. 00197711

Claimant appealed a decision of the Appeal Tribunal holding the Disability During Unemployment claim invalid and the claimant liable for the non-fraud refund.

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

### **A-8 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY**

1. KEVIN ENGLISH BOR DKT. 00218172

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

2. ASHLEY ELNAGGER BOR DKT. 00215609

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

3. RACHEL YRRYZARRY BOR DKT. 00215764

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

4. DAIQUELIN OQIENDO LEIVA BOR DKT. 00216450

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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. JOSEPH KLOSOWSKI** BOR DKT. 00213553

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work and ineligible for Pandemic Unemployment Assistance (PUA) benefits.

- 6. NAOMI HOLT** BOR DKT. 00202244

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits on the ground that the claimant was not available for work.

- 7. LAVORN BECKETT** BOR DKT. 00217369

Claimant appealed decision of the Appeal Tribunal holding the appeal was filed timely and holding a period of ineligibility as the claimant was not unemployed.

- 8. MARY SIGL** BOR DKT. 00216674

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

- 9. SURAJ BHAN** BOR DKT. 00213310

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

- 10. YAAKOV SERUYA** BOR DKT. 00216973

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

- 11. EVELYN VOLTOLIN** BOR DKT. 00216815

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

- 12. DEBORAH VASEY** BOR DKT. 00217366



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Claimant appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily without good cause attributable to such work, unable to work and ineligible for benefits, and liable for a non-fraud refund.

13. ESTHEFANY HENRIQUEZ

BOR DKT. 00218372

Claimant appealed a decision of the Appeal Tribunal holding the claimant unavailable for work.

**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 DIANE DEBLOCK

BOR DKT. 00219165

Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed and liable for a non-fraud refund. (**Appellate Specialist Jackson**)

**ACTION: BOARD VOTED TO TABLE THIS CASE TO A FUTURE AGENDA FOR FURTHER REVIEW FOR THE DEPUTY TO POSSIBLY CONSIDER A MONETARY REDETERMINATION.**

### **EXECUTIVE SESSION:**

**10:49: THE BOARD VOTED TO GO INTO EXECUTIVE SESSION FOR LEGAL ADVICE.**

**11:01: THE BOARD VOTED TO COME OUT OF EXECUTIVE SESSION.**