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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
DECEMBER 8, 2021**

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

ANDREA JACKSON, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING DECEMBER 8, 2021

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A regular meeting of the Board of Review was held on Wednesday, December 8, 2021 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 – DECEMBER 8, 2021 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the November 24, 2021 Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE NOVEMBER 24, 2021 BOARD MEETING.

OLD BUSINESS:

1. WYATT ORTEGA BOR DKT. 00242038

Employer appealed a decision of the Appeal Tribunal holding the claimant filed a timely appeal and no disqualification of benefits for leaving work voluntarily without good cause attributable to the work. **(This case was tabled in the meeting of September 15, 2021 to send correspondence to the employer for additional information regarding the reason the employer failed to register and participate, to ascertain whether the employer had good cause for failing to participate in the hearing.)**

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION HOLDING THE CLAIMANT FILED A TIMELY APPEAL AND NO DISQUALIFICATION OF BENEFITS FOR LEAVING WORK VOLUNTARILY WITHOUT GOOD CAUSE ATTRIBUTABLE TO THE WORK.

2. DEREK DRIOTTEZ BOR DKT. 00234960

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work. **(This case was tabled in the meeting of August 18, 2021 to send correspondence to the claimant to ascertain timeliness of the appeal.)**

ACTION: BOARD VOTED TO DISMISS THE CLAIMANT'S APPEAL TO THE BOARD OF REVIEW AS THE APPEAL WAS FILED LATE WITHOUT GOOD CAUSE.

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SECTION A – HEARING MATTERS

A-1 VACATED APPEALS TO THE BOARD OF REVIEW

1. JULIA TORRES BOR DKT. 00238707

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

2. SUNGKI KIM BOR DKT. 00247520

Claimant appealed the decision of the Appeal Tribunal holding no ineligibility for availability for work, no disqualification as the claimant did not leave the work voluntarily without good cause attributable to such work and 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 C.A.R.E.S. Act.

3. ALICE WEIDNER BOR DKT. 00206823

Correspondence submitted on the claimant's behalf was processed as an appeal to a decision of the Appeal Tribunal.

4. DAYANA GARCIA BOR DKT. 00247299

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. FRANCO GIAMMARINO BOR DKT. 00240951

A Form BR-20 submitted by an attorney was processed as an appeal to a decision of the Appeal Tribunal.

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

A-2 DISMISSALS OF LATE APPEALS OR NON-JUSTICIABLE ISSUES TO THE BOARD OF REVIEW

1. KATHERINE REYES BOR DKT. 00242827

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

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2. CLARIBEL ALVAREZ BOR DKT. 00216470

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

3. ALICIA CHAPPELLE BOR DKT. 00208027

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

4. ZINELFI CARBONELL BOR DKT. 00218567

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

5. CYNTHIA BAUMANN BOR DKT. 00245239

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

6. ARMETRIUS WILLIAMS BOR DKT. 00217275

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

7. JUN HOA REN BOR DKT. 00237355

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

8. MARIA SANTOS BOR DKT. 00231441

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

9. URNISES RODRIGUEZ BOR DKT. 00232254

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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10. TAUQEER BOYD

BOR DKT. 00234818

Claimant appealed a 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 under the C.A.R.E.S. Act, and a liability for a non-fraud refund.

11. DONTAYIA RAINNER

BOR DKT. 00242926

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.

12. DONALD SACKS

BOR DKT. 00242119

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

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS DISMISSALS OF LATE APPEALS OR NON-JUSTICIABLE ISSUES TO THE BOARD OF REVIEW.

A-3 DISMISSALS OF APPEALS WITHOUT PREJUDICE TO THE BOARD OF REVIEW

1. TINA BADILLO

BOR DKT. 00250556

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.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS A DISMISSAL OF APPEAL WITHOUT PREJUDICE TO THE BOARD OF REVIEW.

A-4 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. ALEJANDRO MARTE

BOR DKT. 00221797

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 non-fraud refund.

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2. BRANDON MANANSALA **BOR DKT. 00238839**

Claimant appealed a decision of the Appeal Tribunal holding 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 of the COVID-19 related reasons, and liable for a non-fraud refund.

3. SIMONE TAYLOR **BOR DKT. 00243819**

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under ability to work from November 29, 2020 through December 26, 2020, a disqualification of benefits for leaving work voluntarily without good cause attributable to the work from December 27, 2020, and a denial of Pandemic Unemployment Assistance (PUA) benefits from November 29, 2020 through March 27, 2021, as the claimant's unemployment was not due to one of the COVID-19 related reasons.

4. BRIAN ADAMS **BOR DKT. 00246164**

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.

5. ALFRED CANINO **BOR DKT. 00246061**

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

6. TALIN BARSEMIAN **BOR DKT. 00239222**

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

7. ADAM KHALIL **BOR DKT. 00246198**

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. WILLIAM MCCORMACK **BOR DKT. 00238635**

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

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9. JOANNE AWAD BOR DKT. 00247537

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

10. SAVANNAH SANCHEZ BOR DKT. 00246500

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.

11. SHERI RUNNE BOR DKT. 00246001

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

12. ANTHONY WITHERS BOR DKT. 00246993

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 for Pandemic Unemployment Assistance.

13. NICOLE BARNETT BOR DKT. 00247117

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.

14. MERYL SOSONKO BOR DKT. 00247174

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

15. TIZINA DIMAURO BOR DKT. 00247334

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

16. LARRY BLAND BOR DKT. 00245537

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

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17. NATALIE POPOWICZ

BOR DKT. 00245589

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 liability to a non-fraud refund, and an ineligibility for Pandemic Unemployment Assistance (PUA).

18. NELLY LAKIC

BOR DKT. 00240000

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

19. IVONNE OVIEDO

BOR DKT. 00246961

Claimant appealed 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.

20. JUAN MINAYA

BOR DKT. 00225866

Employer and claimant appealed a decision of the Appeal Tribunal holding the claimant not unemployed and liable for a refund.

21. ROY ROWE

BOR DKT. 00237663

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.

22. ANDREW ARLEQUIN

BOR DKT. 00232463

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.

23. PABLO VARGAS

BOR DKT. 00236462

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work and liable for a non-fraud refund.

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24. MAURICE CARTER

BOR DKT. 00214241

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.

25. JAMES DERRICOTTE

BOR DKT. 00247705

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, and liable for a non-fraud refund.

26. GERSON POLANCO

BOR DKT. 00246906

Claimant appealed 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.

27. WILLIAM MACCHERONIOBOSSO

BOR DKT. 00239324

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.

28. SAMANTHA KULAKOVICH

BOR DKT. 00247245

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

29. NICHOLAS MANOCCHIO

BOR DKT. 00247453

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

30. RAMONA JENKINS

BOR DKT. 00247046

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

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31. BAILA WANE

BOR DKT. 00237176

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

32. CHRISTINA LOMBARDO

BOR DKT. 00247054

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, and liable for a non-fraud refund.

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

A-5 AFFIRMED AND MODIFIED DECISIONS TO THE BOARD OF REVIEW

1. SHULAMITH SARFATY

BOR DKT. 00236717

Claimant appealed a decision of the Appeal Tribunal holding a pension reduction and a liability to a non-fraud refund.

2. NECI LAC

BOR DKT. 00235458

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility under not unemployed, an ineligibility for Pandemic Unemployment Assistance (PUA) benefits and a liability to a refund.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS AFFIRMED AND MODIFIED DECISIONS TO THE BOARD OF REVIEW.

A-6 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. DANIEL STANKER

BOR DKT. 00240675

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

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2. SUZANNA KOZLOWSKI BOR DKT. 00245717

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 REVERSALS OF APPEAL TRIBUNAL DECISIONS.

A-7 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. DORIS SWETLITSCHNYJ BOR DKT. 00246531

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.

2. YOSEF COHEN BOR DKT. 00247369

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 C.A.R.E.S. Act.

3. OVELLA O'NEAL BOR DKT. 00247048

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, ineligible for benefits under availability for work and 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.

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

A-8 REMANDS FROM THE SUPERIOR COURT

1. DZEMAL SEFEDINI BOR DKT. 00191736

The Superior Court of New Jersey, Appellate Division, by a decision mailed December 2, 2021, (Docket No. A-2045-19), having vacated the Board's decision and remanded the matter for a telephone hearing and new decision on the

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merits. **(Board voted to remand this case to the Appeal Tribunal for a new hearing and decision as outlined in the Court remand).**

2. JOAN INGE BOR DKT. 00224299

The Superior Court of New Jersey Appellate Division, by a decision mailed October 13, 2021, remanded the matter to the Board of Review for reconsideration. **(Board voted to table this case for further review to determine whether to remand the matter to the Appeal Tribunal for a new hearing and decision or to modify the decision of the Board of Review).**

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS REMANDS FROM THE SUPERIOR COURT TO THE BOARD OF REVIEW.

A-9 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. ALEKSANDER OCHOCKI BOR DKT. 00240283

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for Pandemic Unemployment Assistance (PUA) benefits on the ground the claimant may be entitled to unemployment benefits in another state, and liable for a non-fraud refund.

2. ARGENY GOMEZ ALMENGOT BOR DKT. 00212814

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. SIDNEY ZELIN BOR DKT. 00230023

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

4. OLIVIA STOCK BOR DKT. 00246047

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 an agency refund.

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5. MARIA MAURICIO BOR DKT. 00248604

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for Pandemic Unemployment Assistance benefits as her unemployment was not due to one of the COVID-19 related reasons under the C.A.R.E.S. Act.

6. KEVIN ORSINI BOR DKT. 00245286

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

7. LINDA VON NORTWICK BOR DKT. 00247099

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

8. PAULA GARCIA BOR DKT. 00245843

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

9. FREDDY MORA BOR DKT. 00211579

Claimant appealed a decision of the Appeal Tribunal dismissing appeal as late without good cause through December 28, 2019, holding a disqualification of benefits for leaving work voluntarily, and a liability for a non-fraud refund.

10. EMILY ALVARADO BOR DKT. 00246808

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.

11. HEROLIND CUCA BOR DKT. 00236555

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

12. SHAWN SULLIVAN BOR DKT. 00235201

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 refusing suitable work, and no liability for a non-fraud refund.

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13. BEVERLY SIMPSON

BOR DKT. 00235222

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for regular 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 C.A.R.E.S. Act, and liable for a non-fraud refund.

14. ANTHONY RODRIGUEZ

BOR DKT. 00236105

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for Pandemic Unemployment Assistance benefits as the claimant could establish a valid unemployment claim in another state, and liable for a non-fraud refund.

15. CHRISTINA LOMBARDO

BOR DKT. 00247054

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, and liable for a non-fraud refund.

16. GHULAM SHAHID

BOR DKT. 00247295

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

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

SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 ANNE ALBANESE

BOR DKT. 00242380

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, holding the claimant ineligible for benefits under availability for work and a liability to an agency refund. (**Appellate Specialist Jackson**)

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ACTION: BOARD VOTED TO MODIFY THE DECISION OF THE APPEAL TRIBUNAL AND HOLD THE CLAIMANT ELIGIBLE FOR PANDEMIC UNEMPLOYMENT ASSISTANCE (PUA) BENEFITS THROUGH JULY 31, 2020 AND REMAND THE MATTER OF THE CLAIMANT'S ELIGIBILITY FOR LATER PERIODS TO THE APPEAL TRIBUNAL FOR FURTHER SUPPORTING MEDICAL DOCUMENTATION.

B-2 RUKSANA PARVIN

BOR DKT. 00241263

Claimant appealed a decision of the Appeal Tribunal holding her disqualified for benefits for misconduct connected with the work. (**Appellate Specialist Hart**)

ACTION: BOARD VOTED TO REVERSE THE DECISION OF THE APPEAL TRIBUNAL AND HOLD NO DISQUALIFICATION OF BENEFITS UNDER N.J.S.A. 43:21-5(b), AS THE CLAIMANT WAS NOT DISCHARGED FOR WILLFUL MISCONDUCT CONNECTED WITH THE WORK.