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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
JANUARY 27, 2021**

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

ANDREA JACKSON, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING JANUARY 27, 2021

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A regular meeting of the Board of Review was held on Wednesday, January 27, 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 – JANUARY 27, 2021 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the January 20, 2021 Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE JANUARY 20, 2021 BOARD MEETING.

SECTION A – HEARING MATTERS

A-1 VACATED APPEALS TO THE BOARD OF REVIEW

1. MARIA SANDOVAL BOR DKT. 00219603

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 holding the claimant liable for a non-fraud refund.

2. MARTHA CHICAIZA BOR DKT. 00215804

Claimant is not appealing the decision of the Appeal Tribunal holding her not ineligible for benefits for reporting in accordance with the regulations of the Division, and ineligible for benefits for not reporting in accordance with the regulations of the Division, and remanded the matter of refund to the Deputy.

3. VICTOR BORODIKHIN BOR DKT. 00201271

Claimant's letter was erroneously processed as an appeal to a decision of the Appeal Tribunal holding him disqualified for benefits for leaving work voluntarily without good cause attributable to the work.

4. GERARD LAURINO BOR DKT. 00213424

Claimant submitted a request to cancel his unemployment claim.

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

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A-2 DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW

1. GLEDI PENA BOR DKT. 00211345

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 remanding the matter of eligibility for PUA to the Deputy.

2. MICHAEL WILLIAMS BOR DKT. 00208047

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. TRENACE BANJOMAN BOR DKT. 00205018

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.

4. JOSEFA CASADO BOR DKT. 00155190

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

5. JENNIFER LUGO BOR DKT. 00215937

Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for misconduct connected with the work and the employer liable for benefit charges.

6. MAHESH SHAH BOR DKT. 00221138

Employer appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work and a liability to a non-fraud refund.

7. MYKHAILO PETRYCHUK BOR DKT. 00215614

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

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8. LUSINE ALOYAN BOR DKT. 00220371

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for refusing suitable work.

9. CATHERINE WIGGINS BOR DKT. 00210402

Claimant appealed the decision of the Appeal Tribunal denying the request to reopen the matter 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-3 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. ROBERT LEPORATTI BOR DKT. 00215763

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

2. ROBERT LEPORATTI BOR DKT. 00215754

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

3. WANDALIS MORONTA BOR DKT. 00215831

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 liable for a non-fraud refund.

4. ERMELINDA MARIA BOR DKT. 00211890

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

5. ANNMARIE MOSCHELLA BOR DKT. 00215856

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

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6. CARMEN PEREZ CASTILLO BOR DKT. 00214521

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work. **(Board voted to affirm this case with a rewrite.)**

7. TODD PALMISANO BOR DKT. 00215104

Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed, ineligible for benefits as the claimant had reasonable assurance of reemployment with an educational institution and a liability for a non-fraud refund.

8. GISELA VEGA BOR DKT. 00218026

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for Additional Benefits During Training (ABT). **(Board voted to table this case to a future agenda for further review.)**

9. MARIA STAVRAKIS BOR DKT. 00219830

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms.

10. KATTY PERDOMO BOR DKT. 00216771

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

11. MICHELLE FIATA BOR DKT. 00213316

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

12. SHELLY COHEN BOR DKT. 00201507

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

13. CINDY DEFORGE BOR DKT. 00217190

Claimant appealed the Appeal Tribunal decision holding the unemployment claim valid with a weekly benefit rate of \$263.00. **(Board voted to table this case to a future agenda for further review.)**

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14. DOMINICK PATITUCCI

BOR DKT. 00215207

Claimant appealed the decision of the Appeal Tribunal holding a pension reduction.

15. ISMAIEL ISSA

BOR DKT. 00203142

Claimant appealed a decision of the Appeal Tribunal holding the appeal was filed late with good cause, a one-year disqualification for fraud and liability for fraud refund.

16. NICOLE CAPELO

BOR DKT. 00212242

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

17. HECTOR NUÑEZ

BOR DKT. 00218486

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits as the claimant was employed full-time. **(Board voted to table this case to a future agenda for further review.)**

18. HECTOR NUÑEZ

BOR DKT. 00218493

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits as the claimant was employed full-time. **(Board voted to table this case to a future agenda for further review.)**

19. DOMINICK DECANDIA

BOR DKT. 00215078

Claimant appealed the decision of the Appeal Tribunal which denied the claimant's request for a pre-date of an unemployment claim.

20. DASHON ALEXANDER

BOR DKT. 00218144

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

21. ALI IDDINN

BOR DKT. 00215282

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 holding the claimant liable for refund.

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22. VAUNN LEVERETT

BOR DKT. 00221590

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

23. BLAKE DANIEL

BOR DKT. 00218307

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

24. ASMAA SEREY

BOR DKT. 00221395

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment with an educational institution and a liability for a non-fraud refund.

25. CHRISTINE GARES

BOR DKT. 00216766

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving the job voluntarily without good cause attributable to the work and that subsequent weeks and wages were insufficient to overcome the disqualification imposed.

26. JEFFREY TRAYBER

BOR DKT. 00215996

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

27. ERIN RILEY

BOR DKT. 00210791

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

28. RICHARD DEHART

BOR DKT. 00196849

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

29. JASON DAVIS

BOR DKT. 00215997

Claimant 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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30. DEIFILIA VALENTIN

BOR DKT. 00210053

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

31. JANICE MCNAIR

BOR DKT. 00222491

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

32. ABDEL ABU KHALIL

BOR DKT. 00217742

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

33. ANTHONY DEMAURO

BOR DKT. 00217945

Claimant appealed a decision of the Appeal Tribunal holding the claimant filed a late appeal with good cause and a disqualification of benefits for leaving work voluntarily without good cause attributable to the work.

34. NIKKI ASTIPALITIS

BOR DKT. 00214438

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

35. DAVID HUELBIG

BOR DKT. 00219177

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

36. TYLER BERNSTEIN

BOR DKT. 00222731

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

37. MINDY BERMAN

BOR DKT. 00213959

Claimant appealed the decision of the Appeal Tribunal holding the claimant employed full-time and ineligible for benefits under availability and ability for work.

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38. BETANIA CRUZ

BOR DKT. 00211481

Claimant appealed a decision of the Appeal Tribunal holding the claimant disqualified for benefits for leaving work voluntarily. **(Board voted to remove from the affirm category to the reverse category.)**

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

A-4 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. JOEY BLOCH

BOR DKT. 00197432

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

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

A-5 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. MANNY TUASON

BOR DKT. 00218145

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

2. JACK ZOLTEK

BOR DKT. 00219088

Claimant appealed a decision of the Appeal Tribunal holding no disqualification as the claimant was not discharged for misconduct connected to the work and holding a disqualification as the claimant left the work voluntarily without good cause attributable to the work.

3. PATRICIA WELLE

BOR DKT. 00219092

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

4. LYNN HARTMAN

BOR DKT. 00222255

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

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5. ANGELINA DECARO BOR DKT. 00215524

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 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS.

A-6 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. MD RAFIQUL CHOUDHURY BOR DKT. 00214142

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.

2. ANDREW MCINERNEY BOR DKT. 00217498

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. DALINA TAFILI BOR DKT. 00206130

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

4. ROSSY ESTEVEZ BOR DKT. 00214885

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

5. GLENDA ZAVALA BOR DKT. 00220302

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. PAUL LOPEZ BOR DKT. 00217768

Claimant appealed the decision of the Appeal Tribunal holding an ineligibility as the claimant was not available for work.

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7. DREW ERNST BOR DKT. 00218825

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

8. JOSEPH MOTSON BOR DKT. 00216812

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

9. TIFFANY MCDOWELL BOR DKT. 00217151

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

10. CHRISTOPHER CONSTANTE BOR DKT. 00220138

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

11. MINELA BIRINDZIC BOR DKT. 00219204

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

12. JUSTIN PALEOLOGOS BOR DKT. 00220301

Employer #1 appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily without good cause attributable to the work and no disqualification for benefits for misconduct connected with the work.

13. MARIA ZARY BOR DKT. 00218931

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 REMANDS TO THE APPEAL TRIBUNAL OR THE DEPUTY.

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SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 LESTER REDDICK BOR DKT. 00198179

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

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION WITH A REWRITE TO THE BOARDS DECISION TO CORRECT TYPOGRAPHICAL ERRORS IN THE APPEAL TRIBUNAL DECISION WHICH WITHOUT CORRECTION, WOULD AFFECT A SEPARATE DECISION UNDER DOCKET #DKT00161686.

B-2 LESTER REDDICK BOR DKT. 00161686

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: BOARD VOTED NOT TO REOPEN THIS CASE WITH THE BOARD OF REVIEW. THIS CASE WAS PULLED TO REVIEW IN CONJUNCTION WITH DOCKET #DKT00198179. BOARDS ORDER OF DISMISSAL OF A LATE APPEAL TO THE BOARD OF REVIEW MAILED ON JANUARY 8, 2020, REMAINS IN EFFECT.

B-3 FAWZIA JACOB BOR DKT. 00218790

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal through the week in which the determination was mailed as the appeal was late without good cause and holding the claimant employed full-time. (**Appellate Specialist Jackson**)

ACTION: BOARD VOTED TO TABLE THIS CASE TO A FUTURE AGENDA FOR FURTHER REVIEW OF COMPANION CASE DOCKET #DKT00225168.

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B-4 SAKEENA DAVIS

BOR DKT. 00213861

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

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION DISMISSING THE APPEAL AS LATE WITHOUT GOOD CAUSE AND TO SEND A MEMO TO THE DEPUTY TO DO A REDETERMINATION ON THE TOLL OUT.