



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lieutenant Governor

State of New Jersey
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
P.O. Box 110
TRENTON, NEW JERSEY 08625-0110

ROBERT ASARO-ANGELO
Commissioner

BOARD OF REVIEW

**MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
MARCH 3, 2021**

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

LISA HART, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING MARCH 3, 2021

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A regular meeting of the Board of Review was held on Wednesday, March 3, 2021 at 10:00 a.m., via conference call, in Trenton, New Jersey

PRESENT: Nancy Hunt, Chairperson, William Scaglione, Vice-Chairperson, Lisa Hart, 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 – MARCH 3, 2021 MEETING

BOARD MINUTES:

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

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

SECTION A – HEARING MATTERS

A-1 DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW

1. HAKAN GOK BOR DKT. 00227286

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work with employer #1 and a liability for a non-fraud refund.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS A DISMISSAL OF A LATE APPEAL TO THE BOARD OF REVIEW.

A-2 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. ARNOLD SPARACO BOR DKT. 00225925

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

2. RUQAYYAH KEMP BOR DKT. 00220054

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. WALTER NETTLES BOR DKT. 00225663

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

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4. DEBRA WEINSTEIN BOR DKT. 00221164

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

5. ESTHER ORLANDO-SMITH BOR DKT. 00222330

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 liable for a non-fraud refund.

6. ADRIEL N. SION BOR DKT. 00224802

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work, holding the claimant liable for a non-fraud refund, and ineligible for Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons.

7. JUDY TEWIAH BOR DKT. 00218347

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. ROBIN SADORSKI TRAVIS BOR DKT. 00222167

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.

9. REYNA CRUZ BOR DKT. 00221393

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

10. JUSTICE MITCHELL BOR DKT. 00223648

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

11. TIFFANY MEDINA BOR DKT. 00221973

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal through the date the determination notice was mailed as late without good cause, holding the

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claimant ineligible for benefits under availability for work and holding the claimant liable for non-fraud refund.

12. TEJAL TREVIDI BOR DKT. 00226091

Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed, liable for refund, and ineligible for Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons.

13. CHARMAINE BAPTISTE BOR DKT. 00221238

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

14. CRYSTAL GRAVES BOR DKT. 00209485

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

15. KARLA JIMBO BOR DKT. 00221926

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

16. MARY TAWFILIS BOR DKT. 00226324

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 liable for a non-fraud refund.

17. JOEL SCHWARTZ BOR DKT. 00226932

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

18. JUDITH SIBILIO BOR DKT. 00225200

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

19. ANGELA DUKES BOR DKT. 00223111

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and reduction of weekly benefit rate due to receipt of a pension.

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20. NUBE CELENTANO

BOR DKT. 00222920

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

21. IMAAN ALI

BOR DKT. 00229367

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

22. KRISTIN BAUTISTA

BOR DKT. 00226182

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

23. YVETTE AGUILAR

BOR DKT. 00223837

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. JASON CARLUCCI

BOR DKT. 00227076

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

25. BARBARA WILLIAMS

BOR DKT. 00223041

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.

26. AHMED YOUMANS

BOR DKT. 00227039

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work, ineligible for PUA, and liable for a non-fraud refund. **(BOARD VOTED TO AFFIRM THE VOLUNTARY LEAVING DISQUALIFICATION FOR REGULAR BENEFITS AND TO REMAND THE PUA ENTITLEMENT AND REFUND LIABILITY TO THE APPEAL TRIBUNAL SINCE THE CLAIMANT WAS DENIED BY THE DEPUTY.)**

27. MARYANN BISNAUTHSING

BOR DKT. 00218702

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.

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28. THERESA TARKOWSKI

BOR DKT. 00218772

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work, reduction of the weekly benefit rate due to receipt of pension and liable for non-fraud refund.

29. ANA REYES

BOR DKT. 00221983

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.

30. SHELLY JOHNSON

BOR DKT. 00218536

Claimant appealed a decision of the Appeal Tribunal dismissing appeal as untimely and holding the claimant ineligible for benefits under ability to work.

31. CRYSTAL FUCITO

BOR DKT. 00223974

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. **(BOARD VOTED TO REMOVE THIS CASE FROM THE AFFIRMATION SECTION AND TO MOVE IT TO THE SECTION CONTAINING MODIFICATIONS TO APPEAL TRIBUNAL DECISIONS.)**

ACTION: BOARD VOTED TO ACCEPT THE REMAINING 29 CASES AS AFFIRMATIONS OF THE APPEAL TRIBUNAL DECISIONS.

A-3 AFFIRMED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL OR THE DEPUTY

1. NICOLE EGERTON

BOR DKT. 00225287

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.

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2. MICHAEL FARRELL BOR DKT. 00223423

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.

3. ADAM FRIEDMAN BOR DKT. 00227017

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 liable for a non-fraud refund.

4. ELSSIDDEIG OMER BOR DKT. 00221976

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, ineligible under availability for work and liable for a non-fraud refund.

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

A-4 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. DANNY LOCANTORA BOR DKT. 00226165

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

2. ALBYN BELSKI BOR DKT. 00214571

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

3. MARIE HARSCH BOR DKT. 00226364

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

4. KLEDIANY GOMES BOR DKT. 00219827

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

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5. RENEE SMITH BOR DKT. 00220378

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

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

A-5 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. CHAD SISCO-SCHWARTZ BOR DKT. 00219864

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

2. ISAAC MANN BOR DKT. 00221104

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

3. STEPHANIE DAVIS BOR DKT. 00213421

Claimant appealed a decision of the Appeal Tribunal holding ineligible under availability for work and Pandemic Unemployment Assistance (PUA). **(BOARD VOTED TO TABLE THIS CASE FOR FURTHER DISCUSSION.)**

4. FERNANDO CORTES BOR DKT. 00225248

Claimant appealed a decision of the Appeal Tribunal holding the claimant disqualified for benefits for misconduct connected with the work, ineligible for benefits on the ground that he was not available for work, ineligible for Pandemic Unemployment benefits and liable for a non-fraud refund.

5. JAMIE LESCHER BOR DKT. 00226779

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work, employed full-time and a liability to a non-fraud refund.

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6. IBRAHIM KARIM BOR DKT. 00219728

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.

7. EMILIE Y. HO BOR DKT. 00220995

Claimant filed an appeal to a decision of the Appeal Tribunal holding her ineligible for Family Leave Insurance (FLI) benefits on the ground that she did not file timely.

ACTION: BOARD VOTED TO ACCEPT THE REMAINING 6 CASES AS MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS.

A-6 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. RUCHAMA KATZ BOR DKT. 00219083

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

2. SAMANTHA LEFF BOR DKT. 00222723

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

3. CYNTHIA WATERMAN BOR DKT. 00221365

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 the claimant liable for a non-fraud refund.

4. JORGE SOTOLONGO BOR DKT. 00223657

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

5. DANIEL QUILES BOR DKT. 00227267

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

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6. YESENIA MONTALVO BOR DKT. 00228036

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. GIANNA DIBLASIO BOR DKT. 00223287

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 denial of Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons.

8. BIANCA OTERO BOR DKT. 00226937

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 not available for work.

9. MAX FAREZ BOR DKT. 00207902

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

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

A-7 REVERSED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL OR THE DEPUTY.

1. YAIRALIZ ALAMO BOR DKT. 00222015

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

2. MOHAMMAD AFZAL BOR DKT. 00215616

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 reducing the weekly benefit rate due to receipt of a pension.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS

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REVERSED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL OR THE DEPUTY.

SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 EDWIN GONZALEZ BOR DKT. 00224385

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and a liability for a non-fraud refund. (Appellate Specialist Jackson)

ACTION: BOARD VOTED TO TABLE FOR FURTHER DISCUSSION

B-2 JENNIFER KAHOUN BOR DKT. 00204133

Deputy appealed a decision of the Appeal Tribunal holding the employer relieved of benefits charges to its experience rating account, and remanding the monetary entitlement to the Deputy for a re-determination. (Appellate Specialist Zola)

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION HOLDING THE APPELLATE EMPLOYER NOT LIABLE FOR BENEFIT CHARGES AND REVERSING THE APPEAL TRIBUNAL DECISION WHEN HOLDING THE CLAIMANT AS AN INDEPENDENT CONTRACTOR. THE MATTER OF WHICH EMPLOYER THE CLAIMANT HAS AN EMPLOYER-EMPLOYEE RELATIONSHIP IS REMANDED TO THE DEPUTY.

B-3 MICHAEL DEUS BOR DKT. 00225430

Claimant appealed a decision of the Appeal Tribunal holding the employer filed a timely appeal, and a disqualification of benefits for misconduct connected with the work. (Appellate Specialist Zola)

ACTION: BOARD VOTED TO AFFIRM THE DECISION OF THE APPEAL TRIBUNAL.

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B-4 SHAHID ABDUS

BOR DKT. 00222014

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

ACTION: BOARD VOTED TO AFFIRM THE DECISION OF THE APPEAL TRIBUNAL.