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DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
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Commissioner

BOARD OF REVIEW

**MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
SEPTEMBER 15, 2021**

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

ANDREA JACKSON, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING SEPTEMBER 15, 2021

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A regular meeting of the Board of Review was held on Wednesday, September 15, 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 – SEPTEMBER 15, 2021 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the September 1, 2021 Board meeting.

**ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE
SEPTEMBER 1, 2021 MEETING.**

OLD BUSINESS:

1. KEITH SCOTT BOR DKT. 00239897

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 liability for a non-fraud refund. **(This case was tabled in the meeting of September 1, 2021 pending further review. Placed on this agenda for further discussion from the Board.)**

**ACTION: BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL
DECISION WITH RESPECT TO THE TIMELINESS OF
THE APPEAL AND REMAND THE MATTER OF
ELIGIBILITY FOR PANDEMIC UNEMPLOYMENT
ASSISTANCE (PUA) BENEFITS FROM DECEMBER 20,
2020 THROUGH FEBRUARY 27, 2021, TO THE APPEAL
TRIBUNAL.**

SECTION A – HEARING MATTERS

A-1 VACATED APPEALS TO THE BOARD OF REVIEW

1. CARLOS NAVARRO BOR DKT. 00241260

Claimant, erroneously, appealed a decision of the Appeal Tribunal dismissing his appeal as non-justiciable issue.

2. RICHARD HOUSSELL BOR DKT. 00240005

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

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3. JAMES GRIFFIN BOR DKT. 00241635

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 VACATED APPEALS TO THE BOARD OF REVIEW.

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

1. DEBORAH SILBERSTEIN BOR DKT. 00230164

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

2. BIMAL MEHTA BOR DKT. 00233589

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

3. JOHN BENNETT BOR DKT. 00239298

Employer 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 of benefits for refusing suitable work.

4. GARY MCGINNESS BOR DKT. 00238741

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for Extended Benefits (EB) as the claimant did not earn remuneration equal to at least four times the weekly benefit rate on the claim dated 12/01/19, after the effective date of disqualification for misconduct connected with the work was imposed.

5. LINA THOMPSON BOR DKT. 00238812

Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily.

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6. ISAEL RAMOS **BOR DKT. 00203664**

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
DISMISSALS OF LATE APPEALS OR NON-JUSTICIABLE
ISSUES TO THE BOARD OF REVIEW.**

A-3 DENIAL OF REOPENING REQUESTS TO THE BOARD OF REVIEW

1. VLADIMIR PHILIPPE **BOR DKT. 00166666**

Claimant is requesting reconsideration of the Board of Review's decision dismissing the claimant's appeal for late filing without good cause.

2. YEIDY GARCIA **BOR DKT. 00195380**

Claimant is requesting reconsideration of the Board of Review's decision affirming the Appeal Tribunal's decision denying the claimant's request to reopen the matter due to non-registration for the hearing.

3. MARIA DURAN **BOR DKT. 00196705**

Claimant is requesting reconsideration of the Board of Review's decision affirming the Appeal Tribunal's decision holding the claimant disqualified for benefits for leaving work voluntarily without good cause attributable to the work.

4. MARK CIARELLI **BOR DKT. 00216008**

Claimant is requesting reconsideration of the Board of Review's decision affirming the Appeal Tribunal's decision holding the claimant liable for a non-fraud refund.

5. NICHOLAS KINTNER **BOR DKT. 00231343**

Claimant is requesting reconsideration of the Board of Review's decision affirming the Appeal Tribunal's decision holding the claimant disqualified for benefits for leaving work voluntarily without good cause attributable to the work and liable for a non-fraud refund.

BOARD OF REVIEW MINUTES – SEPTEMBER 15, 2021 MEETING

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS DENIAL OF REOPENING REQUESTS TO THE BOARD OF REVIEW.

A-4 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

- 1. AMANDA AMORIM** **BOR DKT. 00241704**

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

- 2. JOCELYN MANZANO** **BOR DKT. 00232448**

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.

- 3. KEN MAMME** **BOR DKT. 00240315**

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for Pandemic Unemployment Assistance (PUA) benefits.

- 4. HOSEN ARMAN** **BOR DKT. 00241466**

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. Claimant also appealed a liability to a non-fraud refund.

- 5. RUSSELL EVANS** **BOR DKT. 00241471**

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

- 6. CHRISTINE JINKS** **BOR DKT. 00240100**

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

- 7. AMBROGIO BALSAMO** **BOR DKT. 00242667**

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

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- 8. PAUL BEAUMONT** BOR DKT. 00218545

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

- 9. GABRIELLE DIEFLICE** BOR DKT. 00242044

Claimant appealed a decision of the Appeal Tribunal holding her ineligible for Pandemic Unemployment Assistance (PUA) benefits from 11/15/20 through 03/13/21 as her unemployment was not for one of the COVID-19 related reasons under the CARES Act, and liable for a non-fraud refund.

- 10. BIANCIA JENKINS** BOR DKT. 00241622

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for EB as her claim is dated prior to May 12, 2019.

- 11. OLGA MOYA** BOR DKT. 00248831

Claimant appealed a decision of the Appeal Tribunal holding a fraud refund.

- 12. MARIAN MAGUIRE** BOR DKT. 00237204

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits under an availability for work, an ineligibility for Pandemic Unemployment Assistance (PUA) benefits and a liability to a non-fraud refund.

- 13. BRUCE CHRISNER** BOR DKT. 00238335

Claimant appealed the decision of the Appeal Tribunal holding the claimant employed with earnings and holding the claimant employed fulltime and a liability for non-fraud refund.

- 14. NA CHENG** BOR DKT. 00240731

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.

- 15. JOHN BENNETT** BOR DKT. 00239295

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.

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16. AMELIA BYRNES

BOR DKT. 00238375

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.

17. IBRAHIM OLANIPEKUN

BOR DKT. 00240423

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 an agency refund.

18. ASIA TURNER

BOR DKT. 00240109

Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed from 04/26/20 through 07/04/20 and from 08/30/20 through 09/12/20, and liable for an agency and non-fraud refund.

19. WALTER VOSS

BOR DKT. 00238963

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 Pandemic Unemployment Assistance (PUA) benefits and liable for a non-fraud refund.

20. RAPHAEL MORDUKHAYEV

BOR DKT. 00239326

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

21. ARKADIUS GOETZ

BOR DKT. 00241346

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

22. JOSEPH HOPKINS

BOR DKT. 00240964

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for 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 in the CARES Act and liability for a non-fraud refund.

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23. KATLYN FITZPATRICK BOR DKT. 00241418

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

24. JESSICA BRUCK BOR DKT. 00242232

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms, and liable for a non-fraud refund.

25. ANNE SAVINO BOR DKT. 00234644

Claimant appealed the Appeal Tribunal decision holding the claim for Pandemic Unemployment Assistance (PUA) benefits valid with the minimum weekly benefit rate.

26. GISEL SANTAMARIA BOR DKT. 00237126

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.

27. HIPOLITO PAREDES BOR DKT. 00239864

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

28. THOMAS PURSELL BOR DKT. 00231966

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

29. JONATHAN CALAMIA BOR DKT. 00241691

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

30. KELY ALONZO CALDERON BOR DKT. 00250923

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

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31. JAIRO LOPEZ

BOR DKT. 00232143

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 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS.

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

1. OMAR CHALACO

BOR DKT. 00241252

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily 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 CASE AS A MODIFIED AND AFFIRMED DECISION TO THE BOARD OF REVIEW.

A-6 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. CELINA PRIETO

BOR DKT. 00239916

Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily.

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

A-7 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. ANE SOARES ROCHA

BOR DKT. 00241793

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

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2. ROBERT JAWORSKI BOR DKT. 00242130

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

3. SHARON MEDINA BOR DKT. 00225794

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, imposing ineligibility for Pandemic Unemployment Assistance (PUA), and a liability to a non-fraud refund.

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

A-8 MODIFIED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL OR DEPUTY

1. JOSEPH WARD BOR DKT. 00241450

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

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS A MODIFIED AND REMANDED DECISION TO THE APPEAL TRIBUNAL OR DEPUTY.

A-9 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. REBECCA SIMPSON BOR DKT. 00241006

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for Pandemic Unemployment Assistance (PUA) benefits under Section 2102(a)(3)(A)(ii)(I) of the CARES Act.

2. MARIA JAKUPI BOR DKT. 00253083

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

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- 3. SHEILA LEBREW** BOR DKT. 00241277

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

- 4. ROCHELL COSGRIFF** BOR DKT. 00233892

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work, ineligibility under availability for work as academic, and ineligibility for Pandemic Unemployment Assistance (PUA) benefits.

- 5. HUMEYRA KARACA** BOR DKT. 00239603

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, and a liability to an agency refund.

- 6. EVAN SCOTESE** BOR DKT. 00235320

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 the employer was not liable for benefit charges on the claim.

- 7. JAKE MORSE** BOR DKT. 00240308

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

- 8. MARIA ANDRADE** BOR DKT. 00239300

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 liable for a non-fraud refund.

- 9. CHRISTIAN CARBAJAL** BOR DKT. 00240806

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

- 10. ALEXIS BERRY** BOR DKT. 00239812

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

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11. PHILLIP QUASCHNIK BOR DKT. 00241152

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

12. MARIA MEDINA BOR DKT. 00242946

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

13. VINCENT PAGLEIE BOR DKT. 00241209

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

14. KAREN OWENS BOR DKT. 00241173

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

15. DYLAN O'DONNELL BOR DKT. 00229863

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.

16. ANTHONY PERRY BOR DKT. 00241402

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

17. JEAN PELEGRIN BOR DKT. 00239785

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, an ineligibility for PUA and a liability to a non-fraud refund.

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

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SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-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. (**Appellate Specialist Zola**)

ACTION: BOARD VOTED TO TABLE THIS CASE TO SEND A LETTER 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.

B-2 MATTIE HUNTER

BOR DKT. 00239775

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

ACTION: BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION AND HOLD NO DISQUALIFICATION OF BENEFITS UNDER N.J.S.A. 43:21-5(B) AS THERE WAS NO EVIDENCE OF WILLFUL MISCONDUCT.

B-3 DONNA JOHNSON

BOR DKT. 00240911

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

ACTION: BOARD VOTED TO AFFIRM THE DECISION OF THE APPEAL TRIBUNAL DISMISSING THE APPEAL AS LATE WITHOUT GOOD CAUSE AND ADD THAT DIVISION RECORDS INDICATE THE DISQUALIFICATION UNDER N.J.S.A. 43:21-5(A), WAS TOLLED EFFECTIVE APRIL 4, 2020 AND THE CLAIMANT WAS PAID BENEFITS BEGINNING APRIL 5, 2020.