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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 21, 2022**

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

LISA HART, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING SEPTEMBER 21, 2022

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A regular meeting of the Board of Review was held on Wednesday, SEPTEMBER 21, 2022 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 – SEPTEMBER 21, 2022 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the September 7, 2022 Board meeting.

**ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE
SEPTEMBER 7, 2022 BOARD OF REVIEW MEETING.**

SECTION A – HEARING MATTERS:

A-1 VACATED APPEALS BY THE BOARD OF REVIEW

1. BRIAN RODGERS BOR DKT. 00253377

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, and remanding the claimant's eligibility for Pandemic Unemployment Assistance (PUA) and liability for a non-fraud refund to the Deputy.

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

A-2 DISMISSED APPEALS BY THE BOARD OF REVIEW DUE TO UNTIMELY FILING OR FOR NON-JUSTICIABLE APPEAL ISSUE

1. MICHELE TURNER BOR DKT. 00257847

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.

2. SHANNON CONKLIN BOR DKT. 00258737

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

3. LISETH CAROLLO BOR DKT. 00228311

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.

BOARD OF REVIEW MINUTES – SEPTEMBER 21, 2022 MEETING

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS DISMISSED APPEALS DUE TO UNTIMELY FILING OR FOR NON-JUSTICIABLE APPEAL ISSUE.

A-3 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW

1. ALLEN ZAYAS BOR DKT. 00260253

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

2. ANDRAIA BRIDGE BOR DKT. 00253892

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

3. JEAN CHOI BOR DKT. 00260942

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

4. LOUIS MONACO BOR DKT. 00277400

Claimant appealed the Appeal Tribunal decision holding the unemployment claim invalid as there were insufficient weeks and wages in the base year period.

5. DANA MOORE-MCCAFFERTY BOR DKT. 00278559

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

6. BELINDA MENDEZ BOR DKT. 00256947

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility of Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reason identified under the C.A.R.E.S. Act, and a liability for a non-fraud refund.

7. DYLAN KANSON BOR DKT. 00258882

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily, no disqualification of benefits for failing to accept or apply for suitable work, and no liability for a non-fraud refund.

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8. STEVEN HARRIS BOR DKT. 00260883

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

9. MENA FARAG BOR DKT. 00259079

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.

10. DESIRAE KIMBLE-ROSA BOR DKT. 00259232

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 refund.

11. ELIZABETH LYNCH BOR DKT. 00255018

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

12. DEVIN BERNIZ BOR DKT. 00254286

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

13. RAHEEM BYERS BOR DKT. 00219980

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

14. CARLOS SIME BOR DKT. 00260491

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 a non-fraud refund.

15. CHRISTIAN CLARK I BOR DKT. 00260319

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for Pandemic Unemployment Assistance (PUA) benefits as the

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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.

16. ANDRES BERMUDEZ BOR DKT. 00255837

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.

17. JOHN SCHATZ BOR DKT. 00260897

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

18. ANTHONY PIERCE BOR DKT. 00257894

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.

19. GERARD PERRELLA BOR DKT. 00255348

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

20. JEREMY PUCCIARELLI BOR DKT. 00253825

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

21. VALERIE GRANBERRY BOR DKT. 00253940

Claimant appealed a decision of the Appeal Tribunal holding the claimant liable for a non-fraud refund. The Board of Review affirmed the Appeal Tribunal in a decision mailed on 8/24/2022. The matter was reopened to review new information.

22. SONY FREEMAN BOR DKT. 00256962

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

BOARD OF REVIEW MINUTES – SEPTEMBER 21, 2022 MEETING

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

A-4 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW

1. KATHLEEN CONNOR BOR DKT. 00258338

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

2. MICHAELLE DANNA BOR DKT. 00258621

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

3. TRACY KUKAN BOR DKT. 00260522

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 liability for a non-fraud refund.

4. DOCKOTHY DAVIS BOR DKT. 00257936

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

5. BRIAN MISKAR BOR DKT. 00257485

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 benefits and a liability to a refund.

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

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A-5 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW

1. PATRIECE RICCI BOR DKT. 00258926

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

2. AUGUST MIKLAVCIC BOR DKT. 00248976

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

3. CAROLYN BUCCI BOR DKT. 00257915

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

4. NEFTALI RUIZ FLORES BOR DKT. 00256479

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily, no disqualification of benefits for discharge for misconduct connected with the work, and no liability for a non-fraud refund.

5. MAJIDAH ABDELJABER BOR DKT. 00260512

Claimant appealed a decision of the Appeal Tribunal withdrawing the appeal.

6. SANDRA BITTNER BOR DKT. 00258332

Claimant appealed the 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 in the CARES Act and a liability to a non-fraud refund.

7. CAITLIN LALLY BOR DKT. 00262254

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.

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8. JOHN BITLISLI BOR DKT. 00260533

Claimant appealed the 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 in the CARES Act and a liability to a non-fraud refund.

9. REBECCA HARDEN BOR DKT. 00288994

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

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

A-6 REVERSED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL

1. KENNETH WISNIESKI BOR DKT. 00198324

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

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