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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
OCTOBER 21, 2020**

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

SHAHRAZAD A. LEDAN, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING OCTOBER 21, 2020

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A regular meeting of the Board of Review was held on Wednesday, October 21, 2020 at 10:00 a.m., via conference call, in Trenton, New Jersey

PRESENT: Nancy Hunt, Chairperson, William Scaglione, Vice-Chairperson, Shahrazad A. Ledan, Acting Executive Secretary, Keith Austin, Director.

In accordance with L1975, c.231, the Acting 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 – OCTOBER 21, 2020 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the October 14, 2020 Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE OCTOBER 14, 2020 BOARD MEETING.

OLD BUSINESS:

1. DONNA GLOGOZA **BOR DKT. 00213254**

Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed and liable for refund. **(This case was tabled in the Meeting of October 14, 2020. This case should have been affirmed)**

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION.

2. JAMIE PENROSE **BOR DKT. 00213710**

Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily. **(This case was added on to this agenda as Old Business for the Board to confirm their decision.)**

ACTION: BOARD VOTED TO REMAND TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY.

3. MARY MURPHY **BOR DKT. 00213323**

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work. **(This case was added on to this agenda as Old Business for the Board to confirm their decision.)**

ACTION: BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL REGARDING WHETHER OR NOT THE JOB CONSTITUTES EMPLOYMENT UNDER THE C.A.R.E.S. ACT.

BOARD OF REVIEW MINUTES – OCTOBER 21, 2020 MEETING

SECTION A – HEARING MATTERS

A-1 VACATED APPEALS TO THE BOARD OF REVIEW

1. JUAN PARRA BOR DKT. 00192371

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.

2. YEKINA WILLIAMS BOR DKT. 00202574

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

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

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

1. RICHARD BONILLA BOR DKT. 00201724

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

2. MADDISON REINHARDT BOR DKT. 00203295

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

3. MEAGAN MCCOWAT BOR DKT. 00214369

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

4. TUFHEEM NASIR BOR DKT. 00213669

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

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5. ANNE KELLY

BOR DKT. 00209782

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work. **(The Board voted to leave this case in the category for dismissal but add a comment in the decision regarding PUA.)**

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. BRIAN BASKERVILLE

BOR DKT. 00212172

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

2. JILL PRUDE

BOR DKT. 00210152

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work with employer #1 voluntarily without good cause attributable to such work.

3. IAN STERLING

BOR DKT. 00208714

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

4. CHRISTINE ALFINITO

BOR DKT. 00205896

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

5. STACY JOUAUX

BOR DKT. 00213443

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

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6. CLARIBEL VARGAS DUARTE BOR DKT. 00215731

Employer #1 appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily without good cause attributable to such work.

7. CHRISTINE DRAGON BOR DKT. 00214516

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

8. CAROLINA FIGUEROA BOR DKT. 00214844

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

9. MARIAN NAWROCKI BOR DKT. 00205711

Claimant appealed decision of the Appeal Tribunal holding a disqualification for discharge for misconduct connected to the work.

10. KATHIE SARMIENTO BOR DKT. 00216525

Claimant appealed decision of the Appeal Tribunal holding an ineligibility as the claimant was not unemployed and holding a liability for non-fraud refund.

11. MYRIAM NUÑEZ BOR DKT. 00216731

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

12. JOHN WANDS BOR DKT. 00216538

Claimant appealed a decision of the Appeal Tribunal holding the claimant not unemployed and ineligible for benefits.

13. BRANDON FRISCH BOR DKT. 00207547

Employer appealed on March 2, 2020 from a determination of the Deputy, mailed February 19, 2020, holding the claimant eligible for benefits, without disqualification, from January 26, 2020.

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14. ANTHONY PERRONE BOR DKT. 00212539

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

15. STEPHANIE VOGEL BOR DKT. 00214763

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

16. ANTHONY GALASSO BOR DKT. 00215454

Claimant appealed a decision of the Appeal Tribunal holding him ineligible for benefits on the ground that he was not unemployed and liable for a non-fraud refund.

17. ROSANNA THOMPSON BOR DKT. 00207099

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

18. HEATHER THAYER BOR DKT. 00215506

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

19. MARK CIARELLI BOR DKT. 00216008

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

20. DANIEL CARATTINI BOR DKT. 00218035

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work and a liability to a non-fraud refund. **(Board voted to Remand to the Appeal Tribunal to address the claimant's eligibility for PUA.)**

21. JOANN WALKER BOR DKT. 00216168

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

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22. COURTNEY TAYLOR BOR DKT. 00215523

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

23. SARKA ANNUNZIATO BOR DKT. 00216988

Claimant appealed the decision of the Appeal Tribunal holding the unemployment claim invalid and liability for a non-fraud refund.

24. FRANCESCO BRUNO BOR DKT. 00214585

Claimant appealed a pension reduction and a liability to a non-fraud refund.

25. ARMETRIUS WILLIAMS BOR DKT. 00217275

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work, and holding the claimant liable for refund. **(Board voted to table this case pending a post review.)**

26. JOAN LOMBARD BOR DKT. 00216604

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

27. SUZANNE JENNINGS BOR DKT. 00216024

Claimant appealed the decision of the Appeal Tribunal holding her ineligible for benefits under employed full-time and not available for work.

28. SCOTT BORTNICK BOR DKT. 00217097

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

29. JOSE HERRERA BOR DKT. 00215345

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

30. FRANCESCA LEBRON AMARO BOR DKT. 00213150

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

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ACTION: BOARD VOTED TO ACCEPT THE REMAINING 28 CASES AS AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS.

A-4 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. RENE CHOI BOR DKT. 00215473

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. VELICITY PITTS BOR DKT. 00217021

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 REVERSALS OF APPEAL TRIBUNAL DECISIONS.

A-5 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. GOPAL DARJI BOR DKT. 00215389

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 CASE AS A MODIFICATION OF AN APPEAL TRIBUNAL DECISION.

A-6 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. REBECCA SALTERN BOR DKT. 00216508

Claimant appealed the Appeal Tribunal decision holding the unemployment claim invalid and a liability to a non-fraud refund.

2. ANTHONY BAYATE SR. BOR DKT. 00217325

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

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3. SHAYNE STUART BOR DKT. 00205428

Claimant appealed decision of the Appeal Tribunal holding a disqualification for discharge for gross misconduct connected to the work.

4. JOHN VANNESS BOR DKT. 00212492

Claimant appealed a decision of the Appeal Tribunal holding a period of ineligibility on the ground that the claimant was not unemployed.

5. ARTURO BALLARDO BOR DKT. 00206583

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

6. RONALD SANDS BOR DKT. 00216821

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

7. DANTE SMITH BOR DKT. 00216170

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

8. LISA DEGIACOMO BOR DKT. 00215087

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

9. ALEXUS SEXTON BOR DKT. 00211497

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 misconduct connected with the work.

10. MARTIN SMITH BOR DKT. 00216070

Claimant appealed decision of the Appeal Tribunal dismissing the appeal as there was no justiciable issue.

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11. MAURICE HUNT DAVIS

BOR DKT. 00213420

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

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

SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 MOHAMMED ALAM

BOR DKT. 00216320

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible under active search for work. (**Appellate Specialist Jackson**)

ACTION: BOARD VOTED TO REMAND FOR ADDITIONAL TESTIMONY REGARDING WHETHER THE CLAIMANT WAS ON A LEAVE OF ABSENCE, OR IF, THE CLAIMANT WAS AN EMPLOYEE OF THE COMPANY AND TO DETERMINE THE CLAIMANT'S ELIGIBILITY FOR PUA.

B-2 CHERYL CLAUDE

BOR DKT. 00196613

Claimant appealed a decision of the Appeal Tribunal holding no disqualification for discharge for misconduct connected to the work and holding a disqualification for leaving the work voluntarily without good cause attributable to such work. (**Appellate Specialist Alverio**)

ACTION: BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION.

B-3 MIGUEL FIGUEROA

BOR DKT. 00216282

Claimant appealed decision of the Appeal Tribunal holding a disqualification for leaving the work voluntarily without good cause attributable to the work. (**Appellate Specialist Alverio**)

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ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION.

B-4 SUN KIM BOR DKT. 00215706

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. (**Appellate Specialist Zola**)

ACTION: BOARD VOTED TO TABLE THIS CASE TO A FUTURE AGENDA PENDING A POST REVIEW.

B-5 VIOLETA LUCARIELLO BOR DKT. 00216590

Claimant appealed decision of the Appeal Tribunal holding a disqualification for leaving the work voluntarily without good cause attributable to the work and holding no ineligibility for availability for work. (**Appellate Specialist Alverio**)

ACTION: BOARD VOTED TO REMAND TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY.

B-6 THERESA TOLOTTA BOR DKT. 00205483

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for misconduct connected with the work. (**Appellate Specialist Zola**)

ACTION: BOARD VOTED TO TABLE TO A FUTURE AGENDA TO SEND CORRESPONDENCE TO THE EMPLOYER TO FIND OUT WHY THEY DID NOT REGISTER.

B-7 KIMBERLY CHARLES BOR DKT. 00216112

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for Disability During Unemployment benefits on the ground that the claimant left the work voluntarily without good cause attributable to such work. (**Appellate Specialist Alverio**)

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ACTION: BOARD VOTED TO TABLE THIS CASE TO NEXT WEEK'S AGENDA TO LOCATE THE FILE CONTAINING THE ORIGINAL APPEAL LETTER.

B-8 TYLER KORMAN

BOR DKT. 00216762

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work. (**Appellate Specialist Matos**)

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION.

B-9 KIMBERLY HAMADA

BOR DKT. 00216768

Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily without good cause attributable to the work. (**Appellate Specialist Jackson**)

ACTION: BOARD VOTED TO TABLE THIS TO NEXT WEEK'S AGENDA PENDING A POST REVIEW TO CONFIRM IF THE EMPLOYER WAS ALLOWED TO PRESENT A FIRST-HAND WITNESS.

B-10 COLLEEN LULI

BOR DKT. 00207059

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for refusal of suitable work. (**Appellate Specialist Alverio**)

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION.

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B-11 LESLIE VANDENBREE

BOR DKT. 00217131

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. (**Appellate Specialist Matos**)

ACTION: BOARD VOTED TO TABLE THIS CASE TO A FUTURE AGENDA TO SEND CLAIMANT’S ATTORNEY COPY OF THE RECORD.