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**State of New Jersey**  
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT  
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ROBERT ASARO-ANGELO  
*Commissioner*

**BOARD OF REVIEW**

**MINUTES OF REGULAR MEETING OF  
THE BOARD OF REVIEW  
NOVEMBER 30, 2022**

**NANCY HUNT, CHAIRPERSON**

**WILLIAM SCAGLIONE, VICE-CHAIR**

**MARIA ZOLA, ACTING EXECUTIVE SECRETARY**

**BOARD OF REVIEW MEETING NOVEMBER 30, 2022**

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**A regular meeting of the Board of Review was held on Wednesday, NOVEMBER 16, 2022 at 10:00 a.m., via conference call, in Trenton, New Jersey**

**PRESENT: Nancy Hunt, Chairperson, William Scaglione, Vice-Chairperson, MARIA ZOLA, 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 MEETING – NOVEMBER 30, 2022 AGENDA

### BOARD MINUTES:

Submitted for adoption are the minutes of the November 16, 2022, Board meeting.

**ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE NOVEMBER 16, 2022, BOARD MEETING, WITH THE EXCEPTION OF DOCKET # DKT00232648, SECTION A-8 ITEM 2. THIS ITEM WAS REMOVED BECAUSE IT WAS PLACED IN AN INCORRECT CATEGORY.**

### OLD BUSINESS

1. BRIAN KLATSKIN BOR DKT. 00232648

ON 11-16-22 THE BOARD OF REVIEW VOTED TO REVERSE AND HOLD THE CLAIMANT INELIGIBLE FOR PUA.

**ACTION: BOARD VOTED TO MODIFY THE DECISION OF THE APPEAL TRIBUNAL AND HOLD THE CLAIMANT INELIGIBLE FOR PUA BENEFITS FROM APRIL 4, 2020 THROUGH SEPTEMBER 4, 2021.**

### SECTION A – HEARING MATTERS:

#### **A-1 VACATED APPEALS BY THE BOARD OF REVIEW**

1. RHIANNON LUBAS BOR DKT. 00263691

Correspondence was processed as an appeal to a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily without good cause attributable to the work.

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

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

## BOARD OF REVIEW MEETING – NOVEMBER 30, 2022 AGENDA

1. NATESHA WILLIAMS BOR DKT. 00288700  
Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as late without good cause.
2. TUQUANIA EDWARDS BOR DKT. 00289928  
Claimant appealed a decision of the Appeal Tribunal holding an ineligibility of benefits under availability for work.
3. MICHAEL JARBECK BOR DKT. 00291269  
Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.
4. FREDIELLA SCOTLAND-CASIMIR BOR DKT. 00290912  
Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.
5. EPHRAIM EAGLE BOR DKT. 00234626  
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.
6. ROBIN JOHNSON BOR DKT. 00245568  
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.
7. JALEESA BRINSON MCLEAN BOR DKT. 00246627  
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.
8. AVERY MARKARIAN BOR DKT. 00231916  
Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits under refusal of suitable work, an ineligibility for benefits under availability for work and a liability to a refund.
9. DESIREE SHULER BOR DKT. 00219059

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

10. VAISHNAVI BALI BOR DKT. 00246785

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of unemployment benefits for leaving work voluntarily without good cause attributable to the work, an ineligibility for Pandemic Unemployment Assistance (PUA) benefits and a liability to a refund.

11. PATRICIA GREEBY BOR DKT. 00234633

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 non-fraud refund.

12. STEPHANIE BISCARDI BOR DKT. 0028696

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility of benefits under active search for work.

13. JOAO CARVALHO BOR DKT. 00288462

Claimant appealed a decision of the Appeal Tribunal dismissing appeal as late without good cause from May 9, 2021, through 03/12/22.

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

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

1. FREQUAN FOGG BOR DKT. 0257984

Claimant appealed a 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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2. PATRICIA MARSHALL-PARCHMENT BOR DKT. 00257715

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

3. SADIA KHAN BOR DKT. 00266510

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 (PUA) benefits and a liability to a refund.

4. CINTHIA ZURITA CRUZ BOR DKT. 00255690

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 (PUA) benefits and a liability to a refund.

5. DEBORAH CLARK BOR DKT. 00254898

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

6. OLUWASDEUN ODUKOYA BOR DKT. 00255666

Employer appealed a decision of the Appeal Tribunal holding an eligibility under availability and ability to work.

7. TIMOTHY WADSWORTH BOR DKT. 00265848

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 (PUA) benefits and a liability to a refund.

8. JANELLIE PEREZ BOR DKT. 00269210

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits under availability, ability and active search for work and a liability to a refund.

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9. SEAN ROANE BOR DKT. 00256038

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits under employed full-time and a liability to a refund.

10. JOHN DUNN BOR DKT. 00261927

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

11. JYKIRA BAKER BOR DKT. 00261754

Claimant appealed the Appeal Tribunal decision holding the unemployment claim invalid due to insufficient base weeks and wages.

12. LESLIE LANE BOR DKT. 00267103

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

13. WORTHY WILLIE THOMAS BOR DKT. 00265836

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

14. LUISA HERNANDEZ CABRERA BOR DKT. 00267278

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.

15. TOYA DAVIS BOR DKT. 00253997

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

16. JAMES WELCH BOR DKT. 00257884

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

17. NADIA MATHEWS BOR DKT. 00254048

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

18. JUNG KANG BOR DKT. 00245765

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

19. TIMOTHY NORMET SR. BOR DKT. 00233412

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

20. MONICA ATALLAH BOR DKT. 00246572

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

21. EDMUND SILBERSTEIN BOR DKT. 00234999

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

22. BESMIR LAMA BOR DKT. 00239303

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

23. FRANCES GIELEN BOR DKT. 00299261

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

24. ALLISON FARBER BOR DKT. 00262115

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.

25. JORDAN TORRES BOR DKT. 00261878



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Claimant appealed a decision of the Appeal Tribunal holding an ineligibility of Pandemic Unemployment Assistance (PUA) as the claimant's unemployment was not due to one of the COVID-19 related reasons identified under the CARES Act.

26. ANAM BAIG BOR DKT. 00262076

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

27. VALERIE RUSSELL BOR DKT. 00245628

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

28. NICHOLAS MCMILLEN BOR DKT. 00268701

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

29. JESSICA CIARLANTE BOR DKT. 00246168

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for unemployment benefits under availability for work and liability to a refund.

30. ANITA LEONARD BOR DKT. 00262266

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

31. FREDY SILVA BOR DKT. 00254018

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for Extended Benefits (EB) as the claimant would have established a valid claim in another state, and a liability for a non-fraud refund.

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

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

1. IZIZH PHILLIPS BOR DKT. 00265464

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.

2. ERIKA BERRIOS BOR DKT. 00256550

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

3. PAIGE GOSEWISCH BOR DKT. 00251174

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

4. PAIGE GOSHWISCH BOR DKT. 00270144

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for Pandemic Unemployment Assistance (PUA), and liable for a non-fraud refund.

5. GREGORY LAMBIASE BOR DKT. 00230521

Employer appealed a decision of the Appeal Tribunal holding an eligibility for Pandemic Unemployment Assistance (PUA) benefits and no refund liability.

6. YITZCHOK SPITZER BOR DKT. 00242053

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.

7. BRIANNA BLACKBURN BOR DKT. 00258209

Claimant appealed a decision of the Appeal holding the claimant ineligible for Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the reasons identified under the CARES Act, and liable for a non-fraud refund.

8. THOMAS SKILLMAN BOR DKT. 00267384

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

9. JUAN GUTIERREZ BOR DKT. 00272706

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.

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

### **A-5 AFFIRMED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL BY THE BOARD OF REVIEW**

1. AMBER PERRY BOR DKT. 00267305

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.

**ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS AFFIRMED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL BY THE BOARD OF REVIEW.**

### **A-6 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW**

1. BETSY BRUTUS BOR DKT. 00266030

Claimant appealed a decision of the Appeal Tribunal holding 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.

2. IRA SAMPLE BOR DKT. 00254418

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work, an ineligibility of Pandemic

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Unemployment Assistance (PUA) 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.

3. NANCY RAPOLLA BOR DKT. 00250720

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for Pandemic Unemployment Assistance (PUA) benefits as the claimant was self-employed in another state at the time of becoming unemployed, and liable for a non-fraud refund.

4. MYNHUNG NGUYEN BOR DKT. 00256612

Claimant appealed the 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.

5. VIVIAN GONZALEZ BOR DKT. 00276547

Claimant appealed a decision of the Appeal Tribunal which modified the weekly benefit rate.

6. MELISSA KELLEY BOR DKT. 00243062

Claimant appealed a decision of the Appeal Tribunal denying her request to reopen the decision dismissing her appeal without prejudice and denying her request to schedule a new hearing.

7. CLARA THOMAS BOR DKT. 00258134

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

8. IRINA LATHAM BOR DKT. 00262513

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

9. TAN NGUYEN BOR DKT. 00262147

Claimant appealed a decision of the Appeal Tribunal dismissing portion of the appeal as late without good cause, ineligible for benefits under ability to work, and liable for a non-fraud refund.

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10. RUBEN RIVERA BOR DKT. 00247510

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

11. CHARLES REIGERT BOR DKT. 00279016

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

12. JERRY TORRES BOR DKT. 00255980

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.

13. NAVIN HENAKA RALALAGE BOR DKT. 00262557

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.

14. JOSHUA DOBBINS BOR DKT. 00255673

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.

15. RAMI ELESSAWI BOR DKT. 00262583

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.

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

### **A-7 REVERSED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL**

1. JORGE LOPEZ BOR DKT. 00266537

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

2. JORGE HERNANDEZ-MOLINET BOR DKT. 0266659

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits for failing to report in accordance with Division reporting requirements.

**ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS REVERSED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL.**

### A-8 REVERSE DECISIONS OF THE APPEAL TRIBUNAL BY THE BOARD OF REVIEW

1. BRITNEY THOMPSON-SMITH BOR DKT. 00239804

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. **(Board voted to remove this item from this category, affirm the decision of the Appeal Tribunal holding no disqualification of benefits under voluntary leaving of work, modify the portion of the decision holding the claimant not unemployed, and reverse the portion of the decision holding the claimant ineligible for PUA).**

2. MICHAEL SVOBODA BOR DKT. 00231513

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

3. CIERRA CURRY BOR DKT. 00277425

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

4. RANIA HARTUNG BOR DKT. 00275952

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

5. MOHAMMED RAFI UDDIN BOR DKT. 00252572

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

**ACTION: BOARD VOTED TO ACCEPT THE REMAINING FOUR CASES AS REVERSE DECISIONS OF THE APPEAL TRIBUNAL BY THE BOARD OF REVIEW.**

### SECTION B – MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

**B-1** KAYLIN MADDOX BOR DKT. 00259476

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. (**Appellate Specialist Alverio**)

**ACTION: BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY FROM THE CLAIMANT REGARDING HER JOB DUTIES WITH EMPLOYER #1, IF EMPLOYER #1 WAS LEGALLY REQUIRED TO PROVIDE PPE, WHETHER THE CLAIMANT QUIT WITHOUT GOOD CAUSE ATTRIBUTABLE TO THE WORK, IF THE CLAIMANT'S UNEMPLOYMENT WAS DUE A COVID-19 QUALIFYING REASON, AND WHETHER THE CLAIMANT IS LIABLE TO REFUND THE BENEFITS RECEIVED.**

**B-2** CATHERINE FLEMING BOR DKT. 00260136

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

**ACTION: BOARD VOTED TO REVERSE THE DECISION OF THE APPEAL TRIBUNAL HOLDING THE CLAIMANT DISQUALIFIED FOR BENEFITS UNDER A VOLUNTARY LEAVING OF WORK, AND HOLD THE CLAIMANT DISQUALIFIED FOR BENEFITS FROM AUGUST 30, 2020 THROUGH SEPTEMBER 26, 2020 FOR REFUSING**

**SUITABLE WORK.**