MINUTES OF REGULAR MEETING OF THE BOARD OF REVIEW
SEPTEMBER 23, 2020

NANCY HUNT, CHAIRPERSON
WILLIAM SCAGLIONE, VICE-CHAIR
SHAHRAZAD A. LEDAN, ACTING EXECUTIVE SECRETARY
A regular meeting of the Board of Review was held on Wednesday, September 23, 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 MINUTES:

Submitted for adoption are the minutes of the September 16, 2020 Board meeting.

ACTION: THE BOARD VOTED TO ADOPT THE MINUTES OF THE SEPTEMBER 16, 2020 BOARD MEETING.

OLD BUSINESS:

1. KONSTANTINE MAKRYGIANNIS BOR DKT. 00204902

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for leaving the work voluntarily without good cause attributable to such work. (Appellate Specialist Alverio) (This case was tabled in the September 9, 2020 Agenda for further review).

ACTION: BOARD VOTED TO MODIFY THE APPEAL TRIBUNAL DECISION AND REVERSE THE VOLUNTARY QUIT TO A MISCONDUCT ALLOWED.

SECTION A – HEARING MATTERS

A-1 VACATED APPEALS TO THE BOARD OF REVIEW

1. CRYSTAL ORTEGA BOR DKT. 00181201

Claimant appealed from a determination of the Deputy holding the claim dated May 10, 2020 invalid on the ground that she did not have requalifying wages.

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

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

1. BRIAN HOFFMAN BOR DKT. 00198726

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.
2. MICHAEL KOZMAN  
BOR DKT. 00210385

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

3. DARIANGELIZ OLIVO  
BOR DKT. 00198660

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

4. LEWIS SERIO  
BOR DKT. 00206822

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

5. YEIDY GARCIA  
BOR DKT. 00195380

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

6. JAIMIE FAY  
BOR DKT. 00194573

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

7. LAURA PETTIT  
BOR DKT. 00202403

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and dismissing as academic her ineligibility for benefits under availability for work.

8. CRISTAL REYES NUÑEZ  
BOR DKT. 00205119

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

9. VILMA BARRERA  
BOR DKT. 00203814

Claimant appealed a decision of the Appeal Tribunal holding that the appeal was filed timely and holding a disqualification for benefits for leaving the work voluntarily without good cause attributable to such work.

10. HAKEEM BARRETT  
BOR DKT. 00206489

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work.
11. MAEVE HAJEK  
BOR DKT. 00209809

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

12. NEGEL WALKER  
BOR DKT. 00198055

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

13. NAISHA WONGUS  
BOR DKT. 00200732

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for benefits for leaving the work voluntarily without good cause attributable to such work and no disqualification as the claimant did not receive remuneration in lieu of notice.

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

A-3  DISMISSALS OF NO JUSTICIABLE ISSUES TO THE BOARD OF REVIEW

1. SHANAE CLARKE  
BOR DKT. 00212249

Employer appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily after a hearing in which they did not participate.

2. MYNHAN PALMIERI  
BOR DKT. 00213747

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

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS DISMISSALS TO THE BOARD AS NO JUSTICIABLE ISSUE.
A-4 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. LAWRENCE BENNETT  
BOR DKT. 00211177

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. KATLYN CAMPBELL  
BOR DKT. 00198883

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

3. MARK BACCO  
BOR DKT. 00213063

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

4. CHANCELEVIA MBENGONE MENGARA  
BOR DKT. 00212511

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. ROSE TEIXEIRA  
BOR DKT. 00213119

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, and holding the claimant liable for refund.

6. GARY AZZOLINI  
BOR DKT. 00213650

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

7. JACQUELINE JOHNSON  
BOR DKT. 00206395

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

8. PAMELA BARRIOS  
BOR DKT. 00212015

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. NICHOLAS GOLKIEWICZ  BOR DKT. 00212299

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

10. JAIRO PARRA  BOR DKT. 00204581

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

11. BARBARA DEARMAS  BOR DKT. 00211987

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work. *(Board voted to table this case to a future agenda for further review.)*

12. ADALGISA PALERMO DELEON  BOR DKT. 00213720

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

13. SARAH HERNANDEZ  BOR DKT. 00213249

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

14. RAQUEL MARTINEZ  BOR DKT. 00209153

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. LASHUNDA DESOUZA  BOR DKT. 00206368

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

16. PATRICIA RODRIGUEZ  BOR DKT. 00213695

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work.
17. MAYLIN FELIZ               BOR DKT. 00210996

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

18. KATRINA GRIFFITH            BOR DKT. 00213107

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

19. ASHIQ SYED                  BOR DKT. 00212696

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work. (The Board voted to modify the Appeal Tribunal decision and hold that the claimant did not voluntarily leave but was on a leave of absence. The Board will not invalidate the claim. The claim should be converted to a PUA claim.)

20. CARLOS CUEVAS MENDEZ       BOR DKT. 00211595

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

21. TRACEY STEPHENS            BOR DKT. 00209678

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

22. JAIME FLORES               BOR DKT. 00213704

Claimant appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily, and ineligible for benefits from March 15, 2020 through June 27, 2020 under availability for work.

**ACTION:** BOARD VOTED TO ACCEPT THE REMAINING 20 CASES AS AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS.

**A-5 REVERSALS OF APPEAL TRIBUNAL DECISIONS**

1. MINGHSING HUNG              BOR DKT. 00212383
Claimant appealed a decision of the Appeal Tribunal holding a disqualification for leaving the work voluntarily without good cause attributable to such work.

2. AHSAD MCFADDEN
BOR DKT. 00213215

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

3. NATALIE HERNANDEZ KERLIN
BOR DKT. 00209050

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work. (The Board voted to Remand for further testimony.)

4. CASSANDRA LESAINE
BOR DKT. 00214014

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits from May 3, 2020 through June 20, 2020 under availability for work, and liable for a non-fraud refund. (The Board voted to Affirm the Appeal Tribunal decision.)

ACTION: BOARD VOTED TO ACCEPT THE REMAINING 2 CASES AS REVERSALS OF APPEAL TRIBUNAL DECISIONS.

A-6 REQUESTS FOR RECONSIDERATION OR REMAND FROM THE SUPERIOR COURT

1. GERARD LAMOLA
BOR DKT. 00196799

Claimant appealed a decision of the Appeal Tribunal holding claimant ineligible for Ex-Servicemen’s benefits as the claimant did not have qualifying wages. (For the Board to consider the Courts motion for a Remand.)

ACTION: BOARD VOTED TO TAKE THIS CASE BACK TO ALLOW CLAIMANT TO PRESENT ADDITIONAL EVIDENCE ON THIS CASE.

A-7 REMANDS FROM THE SUPERIOR COURT

1. KATHERINE THOMPSON
BOR DKT. 00176443

Claimant appealed the decision of the Appeal Tribunal denying the request to reopen the matter due to non-registration for the hearing.
2. JANNA SMITH  
BOR DKT. 00191380  
Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefit as the claimant had reasonable assurance of reemployment with an educational institution.

3. JOHN J. LYONS, III  
BOR DKT. 00182319  
Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late.

4. FRED M. BURG  
BOR DKT. 00184393  
Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms.

**ACTION:**  
BOARD VOTED TO ACCEPT THE ABOVE CASES AS REMANDS FROM THE SUPERIOR COURT. TO BE SENT BACK TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY. THE CASES WILL BE SENT BACK TO THE APPEAL TRIBUNAL.

A-8 **REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY**

1. JEINY MEJIA  
BOR DKT. 00213865  
Claimant appealed decision of the Appeal Tribunal holding a disqualification for leaving the work voluntarily without good cause attributable to such work.

2. SAHEIRA REEVEY  
BOR DKT. 00215133  
Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause.

3. EVELIN CASTILLO  
BOR DKT. 00213569  
Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily without good cause attributable to such work.

4. SHAHIDA PARVEEN  
BOR DKT. 00213380
Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for misconduct connected with the work.

5. ZORAYA FORERO
BOR DKT. 00213047

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

6. LIDER MOREIRA
BOR DKT. 00208844

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

7. VICTOR RODRIGUEZ
BOR DKT. 00213329

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

8. WILLIAM PIZZANO
BOR DKT. 00206457

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

9. GEORGINA MENSAH
BOR DKT. 00212974

Employer appealed a decision of the Appeal Tribunal holding no disqualification for leaving the work voluntarily and no liability for non-fraud refund.

10. CHRISTINA IRVING
BOR DKT. 00213320

Claimant appealed a decision of the Appeal Tribunal holding the claimant filed a late appeal with good cause, and ineligible for benefits under availability for work.

11. CRYSTAL GRAVES
BOR DKT. 00209485

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as late without good cause.
12. EBONY BASS-MCKNIGHT  BOR DKT. 00208121

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

**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  EDWIN RAMIREZ  BOR DKT. 00213707

Claimant appealed the decision of the Appeal Tribunal holding no disqualification for leaving the work voluntarily without good cause attributable to such work and holding a period of ineligibility as the claimant was not able to work.  (Appellate Specialist Alverio)

**ACTION:**  BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION WITH THE EXPLANATION AS TO WHY THE CLAIM IS NOT GOING TO BE INVALIDATED, IN ACCORDANCE WITH THE C.A.R.E.S. ACT.

B-2  SARAH CASUSCELLI  BOR DKT. 00212204

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work.  (Appellate Specialist Hart)

**ACTION:**  BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION WITH THE EXPLANATION AS TO WHY THE CLAIM IS NOT GOING TO BE INVALIDATED IN ACCORDANCE WITH THE C.A.R.E.S. ACT.

B-3  RIHAM RAGHEB  BOR DKT. 00213334

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under ability to work.  (Appellate Specialist Jackson)
B-4 YAJAYRA CASANOVA
BOR DKT. 00207188

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

ACTION: BOARD VOTED TO DISMISS THIS CASE AS A LATE APPEAL BUT INDICATE THAT BASED ON DETERMINATION MAILED ON JULY 2, 2020 THE CLAIMANT IS ELIGIBLE FOR PUA.

B-5 ANTHONY OLIVERI
BOR DKT. 00214672

(Appellate Specialist Zola)

ACTION: BOARD VOTED TO REMAND THIS CASE FOR ADDITIONAL TESTIMONY.

B-6 WAFAA LINARES
BOR DKT. 00214545

Claimant appealed decision of the Appeal Tribunal holding that the appeal was filed late with good cause and holding the claimant ineligible for benefits as she was not available for work.  
(Appellate Specialist Alverio)

ACTION: BOARD VOTED TO REMAND FOR ADDITIONAL TESTIMONY REGARDING THE CLAIMANT’S EMPLOYMENT STATUS AND AVAILABILITY FOR WORK.
B-7  SARAY JAVIER CRUCHEY  
BOR DKT. 00212245

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 REMAND FOR ADDITIONAL TESTIMONY AS MORE INFORMATION IS NEEDED.

B-8  DAPHNE MORGANTI  
BOR DKT. 00210067

Claimant appealed a decision of the Appeal Tribunal denying the request to reopen the matter due to non-registration for the hearing.  (Appellate Specialist Jackson)

ACTION: BOARD VOTED TO TABLE THIS CASE TO A FUTURE AGENDA TO SEND OUT CORRESPONDENCE TO FIND OUT WHETHER THE CLAIMANT HAD GOOD CAUSE FOR FAILING TO REGISTER FOR THE HEARING.

B-9  MARISSA COFFARO  
BOR DKT. 00214584

Claimant appealed a decision of the Appeal Tribunal holding that the appeal was filed late with good cause and holding a disqualification for leaving the work voluntarily without good cause attributable to such work.  (Appellate Specialist Alverio)

ACTION: BOARD VOTED TO MODIFY THE APPEAL TRIBUNAL DECISION HOLDING THE DISQUALIFICATION WITH EMPLOYER #1 AND REMANDING TO THE DEPUTY TO ISSUE A DETERMINATION ON THE STATUS WITH EMPLOYER #2.
Claimant appealed a decision of the Appeal Tribunal dismissing appeal through May 2, 2020 as late without good cause and holding the claimant was unavailable for work and ineligible for benefits. (Appellate Specialist Zola)

**ACTION:** BOARD VOTED TO TABLE THIS CASE TO A FURTHER AGENDA FOR FURTHER REVIEW.