MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
SEPTEMBER 30, 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 30, 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.
Submitted for adoption are the minutes of the September 23, 2020 Board meeting.

**ACTION:** BOARD VOTED TO ADOPT THE MINUTES OF THE SEPTEMBER 23, 2020 BOARD MEETING.

**OLD BUSINESS:**

1. **MELISSA DECENCO**
   BOR DKT. 00213322
   Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily. *(This case was tabled on the Board meeting of September 16, 2020 pending a post review.)*

   **ACTION:** BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL.

**SECTION A – HEARING MATTERS**

**A-1 DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW**

1. **JUAN MADERA**
   BOR DKT. 00207769
   Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work.

2. **KATHLEEN SPOTO**
   BOR DKT. 00211570
   Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, and holding the claimant liable for non-fraud refund. *(Board voted to table to a future agenda to send claimant correspondence to see whether the claimant received the Appeal Tribunal decision.)*

3. **MELISSA SCOTTODICARLO**
   BOR DKT. 00186844
   Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and ineligible for benefits under ability to work.
4. MARIA DURAN BOR DKT. 00196705

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

5. DELILAH BONNER BOR DKT. 00199695

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

6. GREGORY RYBAKOV BOR DKT. 00211189

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. JONATHAN SANTIAGO VELEZ BOR DKT. 00207792

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

8. DEBORAH EASTBURN BOR DKT. 00180975

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.

9. ANTHONY SELLERS BOR DKT. 00200425

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

10. CHRISTOR OECHSLE BOR DKT. 00212176

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

11. JANE NIVEN BOR DKT. 00201794

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.
12. ANJELIQUE WILLIAMS  
BOR DKT. 00211265

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

13. LEO BOICE  
BOR DKT. 00210143

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. FRANKLYN ORE  
BOR DKT. 00206672

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

15. KIMBERLY RAMOS  
BOR DKT. 00213247

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

16. JUAN MARTINEZ  
BOR DKT. 00209516

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. ANGELICA GONZALES  
BOR DKT. 00199832

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

ACTION: BOARD VOTED TO ACCEPT THE REMAINING 16 CASES AS DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW.

A-2 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. MARIAM BOTROSS  
BOR DKT. 00209876

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and subsequent employment insufficient to remove a voluntary leaving disqualification.
2. SEAN CONNELLY
BOR DKT. 00214057
Claimant appealed decision of the Appeal Tribunal holding a disqualification for leaving the work voluntarily without good cause attributable to such work.

3. KATHLEEN BANKS
BOR DKT. 00213631
Claimant appealed decision of the Appeal Tribunal holding a disqualification for leaving the work voluntarily without good cause attributable to such work.

4. CATLIN MURPHY
BOR DKT. 00213382
Claimant appealed decision of the Appeal Tribunal holding a disqualification for leaving the work voluntarily without good cause attributable to such work and liable for a non-fraud refund.

5. BASIL BLACKWOOD
BOR DKT. 00206514
Claimant appealed a decision of the Appeal Tribunal denying the request to reopen the matter due to non-registration for the hearing.

6. SAKINA MOORE
BOR DKT. 00231502
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and a liability for a non-fraud refund. *(Board voted to table to a future agenda pending a post review.)*

7. ANA VALENTIN
BOR DKT. 00209724
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work.

8. SULAY NUÑEZ
BOR DKT. 00213805
Claimant appealed decision of the Appeal Tribunal holding an ineligibility for benefits as the claimant was not available for work.

9. JOSEPH WRIGHT
BOR DKT. 00212600
Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause.
<table>
<thead>
<tr>
<th>Claimant</th>
<th>BOR DKT.</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>10. KIERAH HAWKINS</strong></td>
<td>00231446</td>
<td>Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and liable for a non-fraud refund.</td>
</tr>
<tr>
<td><strong>11. TIFFANY SIMMONS</strong></td>
<td>00213355</td>
<td>Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work.</td>
</tr>
<tr>
<td><strong>12. BRIAN WEBSTER</strong></td>
<td>00205981</td>
<td>Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.</td>
</tr>
<tr>
<td><strong>13. DORIS CHILDS</strong></td>
<td>00213891</td>
<td>Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work.</td>
</tr>
<tr>
<td><strong>14. RHONDA HORNE</strong></td>
<td>00213332</td>
<td>Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work.</td>
</tr>
<tr>
<td><strong>15. DENNIS CHHIM</strong></td>
<td>00194409</td>
<td>Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work and active search for work.</td>
</tr>
<tr>
<td><strong>16. YAMAMA ALDARI</strong></td>
<td>00214114</td>
<td>Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause. <em>(Board voted to affirm the Appeal Tribunal decision with a rewrite to the Board’s decision to address the claimant’s contention.)</em></td>
</tr>
<tr>
<td><strong>17. FANNY CARPIO</strong></td>
<td>00214851</td>
<td>Claimant appealed a decision of Appeal Tribunal holding a period of ineligibility on the ground that the claimant was not available for work.</td>
</tr>
</tbody>
</table>
18. RANJIT KAUR      BOR DKT. 00215542

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

19. ALBERT LOUIS, JR.      BOR DKT. 00214280

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

20. RICCO SMITH      BOR DKT. 00205407

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

21. ROBERT GILLMAN      BOR DKT. 00213847

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

22. LEQUAN FOSTER      BOR DKT. 00213361

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

23. COLE MCCARTY      BOR DKT. 00214630

Claimant appealed decision of the Appeal Tribunal holding a period of ineligibility as the claimant was not available to work, holding a disqualification for leaving the work voluntarily without good cause attributable to such work and holding the claimant liable for a non-fraud refund.

24. ANA BEZERRA      BOR DKT. 00213635

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

25. HAWAWU KASSIMU      BOR DKT. 00214079

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work.
<table>
<thead>
<tr>
<th>Claimant Name</th>
<th>DKT.</th>
<th>Description of Appeal</th>
</tr>
</thead>
<tbody>
<tr>
<td>JESSICA CARTER</td>
<td>00212639</td>
<td>Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause.</td>
</tr>
<tr>
<td>JARED LUSTER</td>
<td>00214328</td>
<td>Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause.</td>
</tr>
<tr>
<td>PRATEEK RAI</td>
<td>00215443</td>
<td>Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits as the claimant was not available for work and a liability for non-fraud refund.</td>
</tr>
<tr>
<td>RYAN GARCIA</td>
<td>00210321</td>
<td>Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work with employer #1 voluntarily.</td>
</tr>
<tr>
<td>DAPHNE GIRDLEY</td>
<td>00214230</td>
<td>Employer appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause. (Board voted to reverse the Appeal Tribunal decision regarding the timeliness and remand the merits to the Appeal Tribunal.)</td>
</tr>
<tr>
<td>VIKRAM KARMARKAR</td>
<td>00214323</td>
<td>Claimant appealed a decision of the Appeal Tribunal holding the claimant was not unemployed and the claim dated 03/01/20 invalid.</td>
</tr>
<tr>
<td>NATASHA DUNSTON</td>
<td>00216289</td>
<td>Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause. (Board voted to reverse the Appeal Tribunal regarding the timeliness and remand for the merits.)</td>
</tr>
<tr>
<td>LILIANNA ALVAREZ</td>
<td>00212276</td>
<td>Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work.</td>
</tr>
</tbody>
</table>
34. WHITNEY ALLEN
BOR DKT. 00216130

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

35. WAYNE HENRY
BOR DKT. 00212006

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

36. SHEILA ARIAS
BOR DKT. 00217159

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

37. ANNY RAMIREZ
BOR DKT. 00217093

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.

**ACTION:** BOARD VOTED TO ACCEPT THE REMAINING 33 CASES AS AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS.

**A-3 REVERSALS OF APPEAL TRIBUNAL DECISIONS**

1. KENNETH ADDONE
BOR DKT. 00214091

Claimant appealed a decision of the Appeal Tribunal holding the weekly benefit rate reduced to zero due to a pension offset.

2. DAYNA KEOGH
BOR DKT. 00211426

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

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

1. EBONY BASS-MCKNIGHT BOR DKT. 00208121

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

2. TAJ MUHAMMAD BOR DKT. 00212173

   Claimant appealed decision of the Appeal Tribunal holding no disqualification as the claimant did not leave the work voluntarily, holding no ineligibility for benefits as the claimant was unemployed and holding a period of ineligibility as the claimant was not available for work.

3. TIARA YATES BOR DKT. 00214040

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

4. SAKINA DAVIS BOR DKT. 00213861

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

5. DEBORAH HANSON BOR DKT. 00207405

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

6. TRICIA COSENTINO BOR DKT. 00213243

   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. NICHOLAS CHIMENTI BOR DKT. 00214048

   Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work.
8. ALBYN BELESKI  
BOR DKT. 00214571
Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause.

9. TOMMY WRIGHT  
BOR DKT. 00216314
Claimant appealed a decision of the Appeal Tribunal reducing the weekly benefit rate due to a pension offset.

**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 IRVING FOYE**  
BOR DKT. 00202882
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 THIS CASE TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY REGARDING THE CIRCUMSTANCES LEADING TO THE CLAIMANT’S SEPARATION.

**B-2 SHIRLEY CRUZ HIDALGO**  
BOR DKT. 00213701
Claimant appealed decision of the Appeal Tribunal holding no disqualification for leaving the work voluntarily and holding an ineligibility for benefits as the claimant is not available for work. (Appellate Specialist Alverio)

**ACTION:** BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL AND INDICATE ON THE BOARD DECISION WHY THE BOARD IS NOT GOING TO INVALIDATE THE CLAIM.
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 OF REVIEW VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION AND ISSUE A DECISION INDICATING THE BOARD WILL NOT INVALIDATE THE CLAIM DUE TO THE C.A.R.E.S. ACT AND CONVERT THE CLAIM TO PUA.

---

Claimant appealed a decision of the Appeal Tribunal holding his claim invalid on the ground that the claimant was not unemployed. (Appellate Specialist Matos)

**ACTION:** BOARD VOTED TO TABLE THIS CASE TO A FUTURE AGENDA TO CONFIRM WITH THE APPELLATE SPECIALIST IF THERE WAS ENOUGH INFORMATION TO MAKE A DETERMINATION REGARDING PUA OR IF IT SHOULD BE REMANDED.

---

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for benefits for refusing suitable work, and holding the claimant ineligible for benefits under availability for work. (Appellate Specialist Matos)

**ACTION:** BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION OF A REFUSAL OF SUITABLE WORK DISQUALIFICATION.
Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily. (Appellate Specialist Matos)

**ACTION:** BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION BUT REWRITE THE BOARD DECISION REGARDING ELIGIBILITY FOR PUA.

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

**ACTION:** BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL TO GIVE THE EMPLOYER AN OPPORTUNITY TO PRODUCE EVIDENCE OF PROGRESSIVE DISCIPLINE ISSUED TO THE CLAIMANT.

Claimant appealed a decision of the Appeal Tribunal holding the claimant not unemployed and the claim dated April 5, 2020 invalid. (Appellate Specialist Jackson)

**ACTION:** BOARD VOTED TO TABLE TO A FUTURE AGENDA TO DETERMINE HOW TO RULE ON PUA CASES.

Claimant appealed the Appeal Tribunal decision holding the unemployment claim invalid on the ground that the claimant did not have sufficient base weeks or wages in employment to establish a valid claim. (Appellate Specialist Matos)

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