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DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
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ROBERT ASARO-ANGELO
Commissioner

BOARD OF REVIEW

TAKE NOTICE THAT PURSUANT TO THE OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-6 ET. SEQ., THE NEW JERSEY DEPARTMENT OF LABOR BOARD OF REVIEW HAS SCHEDULED AN OPEN PUBLIC MEETING TO DISCUSS THE ATTACHED AGENDA ON OCTOBER 5, 2022 AT 10:00 AM. THE OPEN PUBLIC MEETING WILL BE HELD VIA TELEPHONE CONFERENCE CALL. THE TELECONFERENCE PHONE NUMBER IS 1 (856) 338-7074 AND THE CONFERENCE ID IS 540 714 231#.

AGENDA OF REGULAR MEETING OF

THE BOARD OF REVIEW

OCTOBER 5, 2022

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIRPERSON

LISA HART, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING – OCTOBER 5, 2022 AGENDA

BOARD MINUTES:

Submitted for adoption are the minutes of the September 21, 2022 Board meeting.

ACTION:

OLD BUSINESS:

1. SONIA LEAL

BOR DKT. 00263077

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of unemployment benefits for leaving work voluntarily, an ineligibility of 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. **(This case was tabled in the meeting of May 18, 2022 for further review by the Board.)**

ACTION:

SECTION A – HEARING MATTERS:

A-1 WITHDRAWAL OF APPEALS

1. ANN NIMBERG

BOR DKT. 00258477

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

2. ETHAN LOEV

BOR DKT. 00261283

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

ACTION:

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A-2 VACATED APPEALS BY THE BOARD OF REVIEW

1. KEVIN KLUTKOWSKI **BOR DKT. 00240300**

Claimant's communication mailed prior to the Appeal Tribunal decision was processed as an appeal to the decision of the Appeal Tribunal which dismissed the appeal as late without good cause.

2. EDWARD GERMADNIG **BOR DKT. 00240085**

Claimant's correspondence was processed as an appeal to a decision of the Appeal Tribunal holding the claimant liable for a refund.

3. ANNA BRUNE **BOR DKT. 00212923**

Claimant's appeal was erroneously processed as an appeal to the Board of Review.

4. ANNE BRUNE **BOR DKT. 00212925**

Claimant's appeal was erroneously processed as an appeal to the Board of Review.

5. TAMARA BILLS **BOR DKT. 00215248**

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

6. MARK RIESENBERG **BOR DKT. 00255094**

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

7. VIRGINIA POWELL **BOR DKT. 00250631**

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

ACTION:

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A-3 DISMISSED APPEALS BY THE BOARD OF REVIEW DUE TO UNTIMELY FILING OR FOR NON-JUSTICIABLE APPEAL ISSUE

1. MICHAEL FLAX BOR DKT. 00261345

Claimant appealed the Appeal Tribunal decision holding a pension reduction and a liability to a non-fraud refund.

2. KYLE SANZ BOR DKT. 00257907

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.

3. REGINA CLIMACOSA BOR DKT. 00221875

Claimant appealed the decision of the Appeal Tribunal holding the claimant employed full-time.

4. REGINA CLIMACOSA BOR DKT. 00221877

Claimant appealed the decision of the Appeal Tribunal holding the claimant employed full-time.

5. ASIA DANIELS BOR DKT. 00217327

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

6. ANGELICA ARIAS BOR DKT. 00157358

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

7. TOMMY QUIÑONES BOR DKT. 00212243

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

8. DIANE PADILLA BOR DKT. 00254815

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

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9. TAJAH MARTIN

BOR DKT. 00262208

Employer appealed a decision a decision of the Appeal Tribunal holding no disqualification of benefits for misconduct connected with the work, leaving work voluntarily without good cause attributable to the work and refusing suitable work.

10. WENDY BROKENBOUGH

BOR DKT. 00180648

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

11. MARIA SEVILLANO

BOR DKT. 00250164

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 C.A.R.E.S. Act and a liability to a non-fraud refund.

12. ERICK MALPARTIDA

BOR DKT. 00209484

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

13. AUTUMN DESANTO

BOR DKT. 00216201

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

14. KEYWAN BANNER GREEN

BOR DKT. 00246304

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

15. MAXWELL CORONEL

BOR DKT. 00191951

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.

16. HICHAM DOUKALI

BOR DKT. 00238660

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for Extended Benefits.

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ACTION:

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

1. JAVIER NIEVES BOR DKT. 00256669

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. MICHAEL NELSON BOR DKT. 00254545

Employer appealed a decision of the Appeal Tribunal holding no ineligibility under availability for work.

3. JAMES VERRONE BOR DKT. 00257183

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. GRISANDY RODRIGUEZ BOR DKT. 00254796

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

5. DANIEL SARZYNSKI BOR DKT. 00252715

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

6. DANIELLE SAXTON BOR DKT. 00260593

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

7. EDGAR LEON BOR DKT. 00259320

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

8. DEBORAH BARNES BOR DKT. 00248637

Claimant requested a reopening of a decision of the Board of Review affirming the Appeal Tribunal's decision holding a disqualification for benefits under leaving

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work voluntarily without good cause attributable to the work and a liability to a refund.

9. MARTA MARTE DE FERNANDEZ BOR DKT. 00253337

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal to the disqualification of benefits under leaving work voluntarily without good cause attributable to the work and an ineligibility for Pandemic Unemployment Assistance (PUA) benefits.

10. RAYMOND SCHAFFER BOR DKT. 00265556

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

11. KAYLA CROSTOFOLETTI BOR DKT. 00230322

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 claimant not unemployed, 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.

12. CHAYA GERSTEN BOR DKT. 00263076

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.

13. JOEL ROSENKRANTZ BOR DKT. 00258917

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

14. EARL WALTERS BOR DKT. 00278881

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

15. BRANDON ALLENTOFF BOR DKT. 00270385

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

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16. KAMILAH MOORE

BOR DKT. 00259413

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

17. NANA ADUSEI

BOR DKT. 00259047

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. JOSEPH TERNOSKY

BOR DKT. 00262104

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

19. MARGARET RICCHIUTTI

BOR DKT. 00261172

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

20. KAREEM WILLIAMS

BOR DKT. 00260097

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 benefits under not unemployed and a liability to a refund.

21. LIZ VALLADARES

BOR DKT. 00251511

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as late without good cause and holding an ineligibility for benefits under availability for work.

22. LYNN SCAPICCHIO

BOR DKT. 00245087

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits under refusal of suitable work and a liability to a refund.

23. CASEY HAWRYLKO

BOR DKT. 00246212

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

24. NORISBEL MADERA

BOR DKT. 00260727

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

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25. HOPE CORDASCO

BOR DKT. 00261625

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.

26. JAMES CAMPION

BOR DKT. 00259961

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

27. ANGELA RIVERA

BOR DKT. 00225030

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits under not unemployed, a disqualification for benefits under leaving work voluntarily without good cause attributable to the work, an ineligibility for benefits under availability for work and an ineligibility for Pandemic Unemployment Assistance (PUA) benefits.

28. DEAN O'DONNELL

BOR DKT. 00261896

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

29. SOFIA SKINNER

BOR DKT. 00256693

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 denial of Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons.

30. VANESSA RIVERA

BOR DKT. 00257365

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 the non-fraud refund.

31. JUAN JIMENEZ-SANCHEZ

BOR DKT. 00292629

Claimant appealed a decision of the Appeal Tribunal holding an invalid Unemployment Compensation Ex-Servicemen's claim.

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32. MELISSA HOLOD

BOR DKT. 00221177

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

33. MARGARET SAGETT

BOR DKT. 00257318

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of unemployment benefits for leaving work voluntarily, an ineligibility of Pandemic Unemployment Assistance (PUA) benefits from 02/28/21 through 08/14/21 as the claimant's unemployment was not due to one of the COVID-19 related reasons identified under the C.A.R.E.S. Act, and liable for a non-fraud refund.

34. SHANEL RICHBURG

BOR DKT. 00257797

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

35. AUSTIN SALVIANO

BOR DKT. 00259244

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

36. YVETTE CID

BOR DKT. 00234111

Claimant appealed the decision of the Appeal Tribunal holding an ineligibility for Extended Benefits as the claimant did not establish 20 base week or earn 40 times the weekly benefit rate during the base year period on the claim.

37. MICHELLE KNAPP

BOR DKT. 00295269

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

38. ASHLEY MINAYA

BOR DKT. 00254883

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

39. JASON GABALDON

BOR DKT. 00255973

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

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the COVID-19 related reasons identified in the C.A.R.E.S. Act and a liability to a non-fraud refund.

ACTION:

A-5 MODIFIED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW

1. ANNA O’KANE BOR DKT. 00259218

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 C.A.R.E.S. Act and a liability to a non-fraud refund.

ACTION:

A-6 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW

1. GERALD NEAVES BOR DKT. 00261565

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.

2. BRYAN TOME BOR DKT. 00260036

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.

3. ZHANE LITTLE BOR DKT. 00257308

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

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4. TARUNA BHATTACHARYA

BOR DKT. 00255565

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, and 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 C.A.R.E.S. Act, and a liability for a non-fraud refund.

ACTION:

A-7 AFFIRMED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL BY THE BOARD OF REVIEW

1. JAMES FALSTROM

BOR DKT. 00262816

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 C.A.R.E.S. Act and liability for non-fraud refund.

ACTION:

A-8 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW

1. RAZAK BUDDHA

BOR DKT. 00252980

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

2. HUGO LOGO, SR.

BOR DKT. 00264240

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

3. ROSA FERNANDEZ

BOR DKT. 00252025

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 an agency refund.

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4. WARDELL BOYD BOR DKT. 00267427

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

5. ANTHONY LAVERY BOR DKT. 00272435

Claimant appealed a decision of the Appeal Tribunal holding the claim ineligible for benefits on the ground that he lacked sufficient base weeks and wages in covered employment for a valid claim.

6. MARIA BRITO BOR DKT. 00232587

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

7. STEVEN KAUFMAN BOR DKT. 00259390

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

8. MANNY ROMAN BOR DKT. 00261130

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

9. MODESTO MARTINEZ BOR DKT. 00250348

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

10. HELEN ALBERTSON BOR DKT. 00229040

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

11. KIMBERLY LEDESMA BOR DKT. 00248318

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

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12. CHARLES BLAS

BOR DKT. 00228039

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

13. MELISSA PIETRANGELO

BOR DKT. 00222655

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

14. MICHELLE NELSON

BOR DKT. 00262236

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 C.A.R.E.S. Act and liable for a non-fraud refund.

ACTION:

A-9 REOPENED AND REMANDED DECISION BY THE SUPERIOR COURT

1. MANNY DEMOYA

BOR DKT. 00192531

The Board of Review affirmed a decision of the Appeal Tribunal holding the claimant disqualified for benefits as of as of April 28, 2019 through June 8, 2019 on the ground that the claimant was discharged for misconduct connected with the work, reduced the claimant's weekly benefit rate from \$696 to \$437 as of August 11, 2019 due to a receipt of a pension, and the employer was not relieved of benefit charges on the claim.

ACTION:

A-10 REVERSED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL

1. TALIN DAGHLIAN

BOR DKT. 00263714

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

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2. DEBORAH TUMINELLO

BOR DKT. 00264916

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

3. GLORIA LANDAVERDE

BOR DKT. 00251975

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

ACTION:

A-11 REQUEST FOR RECONSIDERATION BY THE OFFICE OF ATTORNEY GENERAL

1. ALIA VERONICA RIOFRIO CRUZ

BOR DKT. 00230870

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

ACTION:

SECTION B – MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 CHRISTOPHER BABILONIA

BOR DKT. 00256908

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 Jackson**)

ACTION: