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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
APRIL 28, 2021**

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

MARIA ZOLA, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING APRIL 28, 2021

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A regular meeting of the Board of Review was held on Wednesday, April 28, 2021 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 MINUTES – APRIL 28, 2021 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the April 21, 2021 Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE APRIL 21, 2021, BOARD MEETING.

SECTION A – HEARING MATTERS

A-1 VACATED APPEALS TO THE BOARD OF REVIEW

1. ALEXANDER MIRANDA BOR DKT. 00223708

Claimant's correspondence was erroneously processed as an appeal to a denial of benefits under ability to work.

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

A-2 DISMISSALS OF LATE APPEALS OR NO JUSTICIABLE ISSUE TO THE BOARD OF REVIEW

1. SHAQUEETAH KIDD BOR DKT. 00217188

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

2. DANNY SIERRA, JR. BOR DKT. 00217442

Claimant appealed a decision of the Appeal Tribunal denying a request to vacate the decision dismissing the appeal and scheduling a new hearing.

3. SHEMAR WHITE-SCOTT BOR DKT. 00226917

Claimant appealed a decision of the Appeal Tribunal holding him disqualified for benefits on the ground that he left work voluntarily without good cause attributable to the work.

4. KERRY CIGAS BOR DKT. 00221067

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

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5. ALEXUS ROSE BOR DKT. 00225309

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

6. RASIKA VENKATARAMAN BOR DKT. 00228657

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

7. ANNABELLE GONZALEZ BOR DKT. 00228734

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

8. NATALIE WALTERS BOR DKT. 00202912

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

9. ROBERT BRAYBOY BOR DKT. 00201719

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 non-fraud refund.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS DISMISSALS OF LATE APPEALS OR NO JUSTICIABLE ISSUE TO THE BOARD OF REVIEW.

A-3 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. FRUMIE REISMAN BOR DKT. 00218053

Claimant appealed a decision of the Appeal Tribunal holding the unemployment claim valid based solely on wages earned with the separating employer.

2. ERVIN ROBERTS BOR DKT. 00226230

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

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3. STEPHANIE NAM BOR DKT. 00228254

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

4. KARINA ARAYA BOR DKT. 00228247

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

5. LIZZIE HARRIS BOR DKT. 00228087

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms and liable for non-fraud refund.

6. BIENVENIDO MEJIA BOR DKT. 00226349

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 for a non-fraud refund.

7. ZUNILDA RONDON BOR DKT. 00229404

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

8. JUAN RODRIGUEZ BOR DKT. 00215649

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work and ineligible for Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons and liability for non-fraud refund.

9. AMRISHKUMAR PATEL BOR DKT. 00226980

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

10. ALEXIS POLILLO BOR DKT. 00225449

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

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11. VICTORIA MEAD BOR DKT. 00228685

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

12. ASHLEY ECKEL BOR DKT. 00228737

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

13. BONIFACIO ARANETA BOR DKT. 00228809

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

14. ROXANNE SALMON BOR DKT. 00228155

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility on the ground that the claimant was not unemployed and liable for a non-fraud refund.

15. ANTHONY SCAVUZZO BOR DKT. 00228742

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for regular unemployment benefits under availability for work and ineligible for Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons.

16. LAUREN HUDDLESTON BOR DKT. 00228686

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

17. JAILEIYNE BLACKMON BOR DKT. 00229897

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

18. TIANA GORHAM BOR DKT. 00228784

Claimant appealed the decision of the Appeal Tribunal holding the claimant not ineligible for benefits as the claimant did not have reasonable assurance of reemployment between terms, ineligible for benefits as the claimant was not unemployed, and liable for a non-fraud refund.

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19. ANDREW ROJEK

BOR DKT. 00229842

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.

20. MOHAMMAD ATIQ

BOR DKT. 00229857

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.

21. DANIEL LEANZA

BOR DKT. 00229838

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms. **(Board voted to remove this case from this category and table the matter for further review of claimant's work history).**

22. ANA LUNA

BOR DKT. 00227359

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

23. MANUEL ESCOBEDO

BOR DKT. 00228743

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

24. SUSAN CASTLETON

BOR DKT. 00215449

Claimant appealed a decision of the Appeal Tribunal holding the unemployment claim valid with a reduced monetary and liability for a non-fraud refund.

25. EMILEY SICKLE

BOR DKT. 00212679

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

26. ANDREA CLINE

BOR DKT. 00227241

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

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

A-4 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. ZULEICA MARTINEZ BOR DKT. 00228180

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

2. YOHANNY NUÑEZ BOR DKT. 00231010

Claimant appealed a decision of the Appeal Tribunal holding claimant ineligible under availability for work and active search for work, and liable for a non-fraud refund.

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

A-5 AFFIRMED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL OR THE DEPUTY

1. RODRIGO HERNANDEZ BOR DKT. 00221113

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 liable for non-fraud refund.

2. DEBORAH FENNELLY BOR DKT. 00227869

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 AFFIRMED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL OR THE DEPUTY.

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A-6 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. LILLIAN MENDOZA BOR DKT. 00221842

Employer appealed a decision of the Appeal Tribunal holding the claimant not disqualified for leaving work voluntarily without good cause attributable to the work and for misconduct connected with the work.

2. CHARESE ROBINSON BOR DKT. 00228181

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

3. BRADFORD PETRICK BOR DKT. 00227550

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 for a non-fraud refund.

4. LISA ZALASAR BOR DKT. 00228810

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.

5. SHAHINA MONI BOR DKT. 00228929

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

6. SIRVAN SENGUL ISLEK BOR DKT. 00228782

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

7. ROSARIO HERASME BOR DKT. 00229301

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

8. MICHELLE NOLAN BOR DKT. 00229932

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

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9. JOHANNA SANTOS BOR DKT. 00229893

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.

10. JOSE SALMERON BOR DKT. 00228168

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

11. LISA WORTH BOR DKT. 00228924

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

12. SILVO RICO BOR DKT. 00229733

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. **(Board voted to remove this case from this category, affirm the voluntary leaving disqualification, and remand to the Appeal Tribunal the matters of the claimant's eligibility for Pandemic Unemployment Assistance (PUA) benefits and liability for a non-fraud refund).**

13. ELVA ROSARIO BOR DKT. 00227169

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

14. JOSEPH MCLAUGHLIN BOR DKT. 00229820

Claimant appealed denial of Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons, and liable for a non-fraud refund.

15. JOSEPH MARSH BOR DKT. 00228640

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

16. NADINE KIBALO-CARPENTER BOR DKT. 00229907

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.

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17. SAMANTHA PILGRAM

BOR DKT. 00229966

Claimant appealed 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 liable for a non-fraud refund.

18. MARYANN HABERSTROH

BOR DKT. 00228208

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

19. MICHAEL DOWNEY

BOR DKT. 00229934

Claimant appealed denial of Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons, and liable for a non-fraud refund.

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

SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 STEVEN YAROS

BOR DKT. 00228735

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with 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. (**Appellate Specialist Jackson**)

ACTION: BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY REGARDING THE CAUSE FOR THE CLAIMANT'S SEPARATION, TO PLACE THE CLAIMANT ON NOTICE FOR THE ISSUE OF VOLUNTARY LEAVING, AND TO SET ASIDE THE MATTER OF PANDEMIC UNEMPLOYMENT ASSISTANCE, WHICH WAS NOT AN ISSUE BEFORE THE APPEAL TRIBUNAL.

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B-2 CHRISTINA EBERT

BOR DKT. 00226389

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for refusing suitable work. (**Appellate Specialist Hart**)

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

B-3 JOSEPH DILIBERTO

BOR DKT. 00228111

Claimant appealed denial of Pandemic Unemployment Assistance (PUA) benefits as the claimant did not have earnings in 2019 to establish a valid PUA claim and holding the claimant liable for non-fraud refund. (**Appellate Specialist Alverio**)

ACTION: BOARD VOTED TO TABLE THIS CASE FOR A REVIEW OF THE MERITS, AS THE CLAIMANT'S APPEAL WAS TIMELY TO THE BOARD OF REVIEW.

B-4 ANNA SHUSTACK

BOR DKT. 00228722

Claimant appealed the decision of the Appeal Tribunal holding the claimant employed full-time from June 21, 2020 through June 27, 2020, 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. (**Appellate Specialist Jackson**)

ACTION: BOARD VOTED TO TABLE THIS CASE FOR FURTHER REVIEW OF THE PANDEMIC UNEMPLOYMENT ASSISTANCE REGULATIONS.

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B-5 DEBBIE LAURIA

BOR DKT. 00229627

Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed, and liable for a non-fraud refund. (**Appellate Specialist Matos**)

ACTION: BOARD VOTED TO AFFIRM THE DECISION OF THE APPEAL TRIBUNAL, AND REFER THE MATTER OF PANDEMIC UNEMPLOYMENT ASSISTANCE (PUA) TO THE DEPUTY FOR CONSIDERATION.