MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
MAY 17, 2023

NANCY HUNT, CHAIRPERSON
WILLIAM SCAGLIONE, VICE-CHAIR
LISA HART, MEMBER
MARIA ZOLA, ACTING EXECUTIVE SECRETARY
A regular meeting of the Board of Review was held on Wednesday, May 17, 2023, at 10:00 a.m., via conference call, in Trenton, New Jersey.

PRESENT: Nancy Hunt, Chairperson, William Scaglione, Vice-Chairperson, Lisa Hart, Member, 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 MINUTES:

Submitted for adoption are the minutes of the May 3, 2023, Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE MAY 3, 2023, BOARD MEETING WITH THE EXCEPTION OF BOARD DKT. 00277851, WHICH WAS PLACED ON THIS AGENDA FOR FURTHER DISCUSSION.

OLD BUSINESS:

1. MARTIN ZEPP

   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 an ineligibility for benefits under ability to work. (This case was mistakenly placed and voted on under Hearing Matters section A-5 (Modifications of Appeal Tribunal Decisions by the Board of Review) on the May 3, 2023 Open Public Meeting Agenda. The matter should have been correctly placed in Section A-4 (Affirmations of Appeal Tribunal Decisions by the Board of Review).

   ACTION: BOARD VOTED TO ACCEPT THIS CASE AS AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW.

SECTION A – HEARING MATTERS:

A-1 WITHDRAWAL OF APPEALS

1. JOSE PEGUERO

   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 THIS CASE AS WITHDRAWAL OF APPEALS.
A-2 Vacated Appeals by the Board of Review

1. ALICE KAPEZYNSKI  BOR DKT. 00274899

Claimant's letter was docketed as an “appeal” by the claimant to the Board of Review.

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

A-3 Dismissed Appeals by the Board of Review due to untimely filing or for non-justiciability appeal issue

1. ERIC HUMPHREYS  BOR DKT. 00258789

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. TIMOTHY MUÑIZ  BOR DKT. 00278365

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

3. BOBBY EBRON  BOR DKT. 00271564

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for Pandemic Unemployment Assistance (PUA) 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 liability for a non-fraud refund.

4. KEREON HOWARD  BOR DKT. 00307817

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for a requested pre-date.

5. ANA PEGUERO  BOR DKT. 00254346

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.
6. RACHEAL DAVIS

Claimant appealed a decision of the Appeal Tribunal holding her disqualified for benefits for refusing suitable work.

7. JENNIFER TORRES

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.

8. MARVINA BROWN

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal for no justiciable issue due to the exhaustion of benefit entitlement.

9. CHRISTOPHER LEVERSON

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

10. JACARA MARTIN

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

11. JACARA MARTIN

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.

12. SALVATORE MARSICO

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

13. ANTHONY PUGLISI

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as untimely and there was no good cause for the late filing.

14. APRIL ACQUAVIVA

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits as claimant was not unemployed, and liability for a non-fraud.
15. TIARA MILLER  
BOR DKT. 00308810

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

16. NICOLE HOLLOWAY  
BOR DKT. 00273194

Employer appealed the decision of the Appeal Tribunal, mailed December 15, 2021, holding no disqualification for benefits for misconduct connected with the work, not ineligible for benefits from May 2, 2021 through May 29, 2021 as she was unemployed and not liable to refund of benefits paid.

17. ANTHONY RIOS  
BOR DKT. 00276787

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

**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-4 DENIAL OF REOPENING REQUESTS TO THE BOARD OF REVIEW**

1. MICHAEL CONOVER  
BOR DKT. 00253965

The claimant appealed from a determination of the Deputy imposing a disqualification for benefits from December 20, 2020 on the ground that the claimant left work voluntarily without good cause attributable to such work.

**ACTION:** BOARD VOTED TO ACCEPT THIS CASE AS DENIAL OF REOPENING REQUESTS TO THE BOARD OF REVIEW.

**A-5 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW**

1. EVAN BLAIR  
BOR DKT. 00277342

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for unemployment benefits for voluntarily leaving work without good cause attributable to the work.
2. MARY BELTHOFF  
BOR DKT. 00278219

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as untimely and there was no good cause for the late filing.

3. MARK ERRICKSON  
BOR DKT. 00276330

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

4. ROBERT MILLER  
BOR DKT. 00264113

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.

5. LUCAS YANG  
BOR DKT. 00260418

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

6. SHINAH TAYLOR  
BOR DKT. 00278552

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 liability for non-fraud refund.

7. RALPH CHIARELLA  
BOR DKT. 00271723

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

8. LUCIE BOTCHORMELI-ELIAS  
BOR DKT. 00278976

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.
9. PALMER STIMAX  
BOR DKT. 00279011

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

10. SAMANTHA SILFIES  
BOR DKT. 00268710

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

11. PAULETTE ETHRIDGE  
BOR DKT. 00278515

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

12. ANDREA COX  
BOR DKT. 00278222

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as untimely and there was no good cause for the late filing.

13. MARISOL VARGAS  
BOR DKT. 00278183

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for extended unemployment benefits on the ground that claimant did not establish during the base year twenty (20) base weeks nor earn forty (40) the weekly times the weekly benefit rate.

14. STEPHANIE CRUZ  
BOR DKT. 00278656

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

15. NATALIE BAEZ  
BOR DKT. 00278919

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.

16. KAITLIN SOTO  
BOR DKT. 00276636

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as late without good cause.
17. RACHEL SECEMSKI  
BOR DKT. 00278763

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for partial unemployment benefits as her earnings exceeded the partial weekly benefit rate, and liable for a non-fraud refund.

18. JESSE RUSSELL  
BOR DKT. 00255360

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.

19. ROBIN CLINTON  
BOR DKT. 00277883

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

20. PATRICK DELUCA  
BOR DKT. 00280189

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for Extended Benefits (EB).

21. THERESA GORE  
BOR DKT. 00276365

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the 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 under the C.A.R.E.S. Act, and a liability for a non-fraud refund.

22. PAULA MCMILLEN  
BOR DKT. 00273628

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.

23. TIFFANY LAZOS  
BOR DKT. 00278820

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.
24. ROSIBEL CUETO  
BOR DKT. 00279018

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.

25. SAMANTHA MILETTA  
BOR DKT. 00259930

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and not having sufficient subsequent employment to remove such disqualification, 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 C.A.R.E.S. Act, and liable for a non-fraud refund.

26. ANTHONY CACACE  
BOR DKT. 00278714

Claimant appealed the decision of the Appeal Tribunal holding the claimant employed full-time and liability for a non-fraud refund.

27. SUZANNE GARCIA  
BOR DKT. 00279977

Claimant appealed a decision of the Appeal Tribunal holding a liability to a refund.

28. KELLY JIMENEZ  
BOR DKT. 00278393

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

29. BRANDON AGALABA  
BOR DKT. 00273543

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.

30. ARIANNA DAVIS  
BOR DKT. 00273374

Claimant appealed a decision of the Appeal Tribunal denying the request to reopen the matter due to non-registration for the hearing.
31. DIANY GOMEZ TORIBIO BOR DKT. 00279798

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

32. MIC BERISHA BOR DKT. 00244869

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for 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.

33. TAIBA EIDELMAN BOR DKT. 00279096

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

34. GABRIELLE ALLEN BOR DKT. 00279433

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

35. NADIRAH THURSTON BOR DKT. 00261362

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

36. RACHEL BRYANT BOR DKT. 00276007

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

37. GARY RAMBO BOR DKT. 00278153

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

38. CIERA JAMES BOR DKT. 00274329

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily without good cause attributable to the work, and no disqualification for misconduct connected with the work.
39. STEVE BURKHARDT BOR DKT. 00273075

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

40. SEAN SEYMOUR BOR DKT. 00271421

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.

41. KALEEM WILLIAMS BOR DKT. 00261785

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

42. NIEVE OLIVA BOR DKT. 00227973

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

43. JARELL HARRIS BOR DKT. 00279407

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

44. JOSEPH SILVERSTEIN BOR DKT. 00278674

Claimant appealed a decision of the Appeal Tribunal holding the unemployment claim invalid, and a liability for a non-fraud refund.

45. YOGESH ADHIA BOR DKT. 00278593

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

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW.
A-6 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW

1. MAGATTE GUEYE BOR DKT. 00260820

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for unemployment benefits as there were less than seven eligible days during weeks of claimed benefits, ineligible for Pandemic Unemployment Assistance (PUA) 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, remand to the Deputy to consider claimant’s separation from employment, remand to the Deputy to determine whether claimant was employed full-time, and liable for a non-fraud refund.

2. MATTHEW POST BOR DKT. 00257182

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

3. DAVID ROSE BOR DKT. 00261678

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 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.

4. MARIA VILLAR BOR DKT. 00276153

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for PUA benefits as the claimant’s unemployment was not due to one of the COVID-19 reasons identified under the C.A.R.E.S. Act, and liable for a non-fraud refund.

5. MARIA VILLAR BOR DKT. 00276156

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for PUA benefits as the claimant’s unemployment was not due to one of the COVID-19 reasons identified under the CARES Act, and liable for a non-fraud refund.

6. LAURA RIASCOS BOR DKT. 00274178

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

7. ISAA WALTERS

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

8. MARGARET DIGUGLIELMO

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. ALIMERT IRMAK

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.

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

A-7 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW

1. MI’QUANAE JOHNSON

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.

2. JOANN PUGLIO

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

3. KENDRA TALIAFERO

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for misconduct connected with the work, and no liability for a non-fraud refund.
4. FREDERICK LEE        BOR DKT. 00279013

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

5. TIFFANI VAUGHN       BOR DKT. 00278090

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

6. JONATHAN SPANGLER    BOR DKT. 00282678

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

7. LUIS SOJOS           BOR DKT. 00271702

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. PATRICIA BUCKMAN     BOR DKT. 00272178

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

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

**A-8 REVERSED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL**

1. TAMIKA HENDERSON      BOR DKT. 00276533

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

**ACTION:** BOARD VOTED TO ACCEPT THIS CASE AS REVERSED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL.
A-9  **REVERSED DECISIONS OF THE APPEAL TRIBUNAL AND/OR THE DEPUTY BY THE BOARD OF REVIEW**

1. MICHAEL SNYDER  
BOR DKT. 00274480

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 liability for non-fraud refund.

2. RONALD KIST  
BOR DKT. 00302997

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

3. DENISE FERNANDEZ  
BOR DKT. 00295551

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

4. CAROLINE SASS  
BOR DKT. 00278130

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

5. CAITLYN COOMBS  
BOR DKT. 00278673

Claimant appealed a 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 REVERSED DECISIONS OF THE APPEAL TRIBUNAL/OR DEPUTY BY THE BOARD OF REVIEW.

A-10  **REOPENED BOARD OF REVIEW DECISIONS, MODIFIED APPEAL TRIBUNAL DECISION AND REMANDED TO THE DEPUTY FOR INITIAL DETERMINATION**

1. JASMIL RIVAS  
BOR DKT. 00251936

Superior Court of New Jersey, Appellate Division, remanded the matter of the claimant’s timeliness of appeal to the Appeal Tribunal for further review.
ACTION: BOARD VOTED TO ACCEPT THIS CASE AS REOPENED BOARD OF REVIEW DECISIONS, MODIFIED APPEAL TRIBUNAL DECISION AND REMANDED TO THE DEPUTY FOR INITIAL DETERMINATION.