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ROBERT ASARO-ANGELO  
*Commissioner*

**BOARD OF REVIEW**

**MINUTES OF REGULAR MEETING OF  
THE BOARD OF REVIEW  
SEPTEMBER 9, 2020**

**NANCY HUNT, CHAIRPERSON**

**WILLIAM SCAGLIONE, VICE-CHAIR**

**SHARAHZAD A. LEDAN, ACTING EXECUTIVE SECRETARY**

**BOARD OF REVIEW MEETING SEPTEMBER 9, 2020**

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**A regular meeting of the Board of Review was held on Wednesday, September 9, 2020 at 10:00 a.m., via conference call, in Trenton, New Jersey**

**PRESENT: Nancy Hunt, Chairperson, William Scaglione, Vice-Chairperson, Sharahzad 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 OF REVIEW MINUTES – SEPTEMBER 9, 2020 MEETING**

**10:05:** Voted to elect the new chairperson (Nancy Hunt) and Vice-Chairman (William Scaglione, Jr.) into their roles respectively.

### **BOARD MINUTES:**

Submitted for adoption are the minutes of the September 2, 2020 Board meeting.

**ACTION: THE BOARD VOTED TO ADOPTED THE MINUTES OF THE  
SEPTEMBER 2, 2020 BOARD MEETING.**

### **SECTION A – HEARING MATTERS**

#### **A-1 VACATED APPEALS TO THE BOARD OF REVIEW**

1. JAMES SHIVEY BOR DKT. 00210600

Claimant is not appealing the decision of the Appeal Tribunal which held the claimant filed a timely appeal and no disqualification of benefits for leaving work voluntarily without good cause attributable to such work.

2. PAUL HARTNETT BOR DKT. 00209664

Employer #2 appealed the benefit charges on an unemployment claim.

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

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

1. ROBIN BILLAND BOR DKT. 00199647

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

2. PAMELA BAKER BOR DKT. 00196289

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

3. CHRISTINA DEJONGHE BOR DKT. 00212839

## BOARD OF REVIEW MINUTES – SEPTEMBER 9, 2020 MEETING

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily.

4. DARRELL KINARD BOR DKT. 00199511

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

5. THOMAS BUDD BOR DKT. 00198808

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for discharge for misconduct connected to the work and holding an ineligibility period for not being able to work.

6. JAMES DAVIS BOR DKT. 00204880

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

7. JORGE CASTELLANOS BOR DKT. 00197417

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

8. AUDREY KILBOURN BOR DKT. 00203660

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

9. ANDREW MILLIN BOR DKT. 00205969

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

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

## BOARD OF REVIEW MINUTES – SEPTEMBER 9, 2020 MEETING

### A-3 DISMISSALS OF APPEALS TO THE BOARD (NON-JUSTICIABLE ISSUE)

1. JACQUELINE TEXTER BOR DKT. 00214943

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as there was not justiciable issue.

2. JACQUELINE TEXTER BOR DKT. 00214945

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as there was not justiciable issue.

3. JACQUELINE TEXTER BOR DKT. 00214946

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as there was not justiciable issue.

**ACTION: THE BOARD VOTED TO REMOVE THE ABOVE CASES FROM THE DISMISSALS OF LATE APPEALS TO THE BOARD LIST, AND CREATE A NEW CATEGORY FOR DISMISSALS OF APPEALS, NO JUSTICIABLE ISSUE, AND VOTED TO ACCEPT THE ABOVE CASES UNDER THIS NEW CATEGORY AS THE ABOVE CASES WERE DISMISSED FOR NO JUSTICIABLE ISSUE.**

### A-4 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. DENNIS FROHNAPFEL BOR DKT. 00208942

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

2. ROSA KNEZEVICH BOR DKT. 00212230

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

3. KAVITA NARULA BOR DKT. 00206106

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

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4. SAMUEL TORRES BOR DKT. 00209757

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

5. MARIAH HERNANDEZ BOR DKT. 00182331

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

6. MICHELLE MACVICKER BOR DKT. 00211978

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work. **(Board voted to modify the Appeal Tribunal decision and hold the claim invalid because the claimant was not unemployed.)**

7. RABIH SPOTWOOD BOR DKT. 00212312

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

8. RUI GASPAR BOR DKT. 00206209

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

9. MARIA PEREZ BOR DKT. 00209865

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

10. ELLY MEZZADRI BOR DKT. 00212798

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work with employer #1 voluntarily and liability to a non-fraud refund.

11. PATRICIA PALMIERI BOR DKT. 00213304

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under ability, availability and active search for work. **(Board voted to modify the Appeal Tribunal decision and hold the claim invalid as the claimant was not unemployed.)**

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### 12. KIMBERLY VENEZIANO BOR DKT. 00213499

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work and a liability to a non-fraud refund. **(Board voted to table this case, to a future agenda, pending a post review.)**

### 13. RAMON CORNEL BOR DKT. 00206595

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

### 14. CARLA TAVERAS BOR DKT. 00213914

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work. **(Board voted to table this case to a future agenda pending a post review.)**

### 15. PATRICIA MARSANO PRADO BOR DKT. 00212642

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

### 16. GINA DELLAPOLLA BOR DKT. 00212559

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

### 17. DOMINIQUE LONG BOR DKT. 00212554

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.

### 18. MARIA MERCEDES MARTINEZ SOTO BOR DKT. 00212891

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under ability and availability for work. **(Board voted to Modify the Appeal Tribunal decision and hold the claim invalid as the claimant was on an approved leave of absence.)**

### 19. KURT WHILDEN BOR DKT. 00211977

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work. **(Board voted to modify the Appeal Tribunal decision and hold the claim invalid as the claimant was on an approved leave of absence and not unemployed.)**

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20. RHONDA MOEDER BOR DKT. 00213279

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

21. BORDIVENS FRANCOIS BOR DKT. 00208804

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 REMAINING 15 ITEMS AS AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS.**

### A-5 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. BRIAN ALBERS BOR DKT. 00211956

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

2. CHAYA KARMAN BOR DKT. 00212453

Employer appealed a decision of the Appeal Tribunal holding no disqualification as the claimant did not leave the work voluntarily without good cause attributable to such work. **(Board voted to affirm the Appeal Tribunal decision holding no voluntary quit disqualification.)**

**ACTION: BOARD VOTED TO ACCEPT THE REMAINING CASE AS A REVERSAL OF AN APPEAL TRIBUNAL DECISION.**

### A-6 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. SOFIA MARCHENA BOR DKT. 00212688

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

2. JACQUELINE TEXTER BOR DKT. 00214938

Claimant appealed a decision of the Appeal Tribunal holding a period of ineligibility as the claimant is employed full-time and liable for non-fraud refund.



## BOARD OF REVIEW MINUTES – SEPTEMBER 9, 2020 MEETING

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

### A-7 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. YASMINE FATHALLA BOR DKT. 00212586

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily.

2. ELSIE COLON BOR DKT. 00212720

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

3. BRIAN MUELLER BOR DKT. 00212009

Employer appealed a decision of the Appeal Tribunal holding the appeal was filed timely, no disqualification for discharge for misconduct connected to the work and no disqualification for leaving the work voluntarily. **(Board voted to table this case to a future agenda to send out letter to the employer to find out why their appeal was late.)**

4. PRADIP SHAH BOR DKT. 00212120

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

5. OLIVIA MONTVILLE BOR DKT. 00212222

Employer appealed a decision of the Appeal Tribunal holding no disqualification for leaving the work voluntarily without good cause attributable to such work, no disqualification for discharge for misconduct connected to the work and not liable for non-fraud refund.

6. TYRESE HARDEN BOR DKT. 00212791

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

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7. MATTHEW ZEHL BOR DKT. 00212750

Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily.

8. JAYSHRI PATHAK BOR DKT. 00212881

Employer and claimant appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily, the claimant ineligible for benefits under ability and availability for work and liability to a non-fraud refund.

9. LISA MASSEY BOR DKT. 00213286

Claimant appealed a decision of the Appeal Tribunal holding her ineligible for benefits on the ground that she was not unemployed and the claimant's liability to a non-fraud refund.

**ACTION: BOARD VOTED TO ACCEPT THE REMAINING 8 ITEMS AS REMANDS TO THE APPEAL TRIBUNAL OR THE DEPUTY.**

### SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

- B-1 TINA TUCKER BOR DKT. 00209885

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work. (**Appellate Specialist Matos**)

**ACTION: BOARD VOTED TO MODIFY THE APPEAL TRIBUNAL DECISION AND HOLD NO VOLUNTARY LEAVING OR MISCONDUCT DISQUALIFICATIONS AND NO LIABILITY TO REFUND.**

- B-2 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**)

**BOARD OF REVIEW MINUTES – SEPTEMBER 9, 2020  
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**ACTION: BOARD VOTED TO TABLE THIS CASE TO A FUTURE AGENDA TO DETERMINE WHETHER OR NOT THE HENDRICKS COURT CASE APPLIES TO THIS CASE.**

**B-3 JOHN PARNOFIELD**

BOR DKT. 00211377

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause. (**Appellate Specialist Hart**)

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

**B-4 TINA ROBINSON**

BOR DKT. 00212374

Claimant appealed a decision of the Appeal Tribunal holding the claimant was employed full-time. (**Appellate Specialist Zola**)

**ACTION: BOARD VOTED TO MODIFY THE APPEAL TRIBUNAL DECISION AND REVISE THE BOARD'S WRITTEN DECISION.**