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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
NOVEMBER 18, 2020**

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

SHAHRAZAD A. LEDAN, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING NOVEMBER 18, 2020

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A regular meeting of the Board of Review was held on Wednesday, November 18, 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.

BOARD OF REVIEW MINUTES – NOVEMBER 18, 2020 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the November 4, 2020 Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE NOVEMBER 4, 2020 BOARD MEETING.

OLD BUSINESS:

1. 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 work voluntarily. **(This case was tabled in the meeting of September 9, 2020 to send a letter to the employer to find out why their appeal was late.)**

ACTION: BOARD VOTED TO REMAND TO THE APPEAL TRIBUNAL FOR A NEW HEARING TO ALLOW THE EMPLOYER OPPORTUNITY TO PARTICIPATE. THE BOARD HELD THE EMPLOYER'S APPEAL LATE WITH GOOD CAUSE.

2. MARY MURPHY BOR DKT. 00213323

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work. **(This case was tabled in the meeting of October 14, 2020 pending further review.)**

ACTION: BOARD VOTED TO REMAND TO THE APPEAL TRIBUNAL TO COMPLETE THE RECORD AND DECIDE THE RULE IF THE CLAIMANT'S JOB WITH A CHURCH CONSTITUTES COVERED EMPLOYMENT OR EXEMPT EMPLOYMENT.

3. JENNIFER WOODINGTON BOR DKT. 00213378

Claimant appealed a decision of the Appeal Tribunal holding the claimant not unemployed and the claim dated April 5, 2020 invalid. **(This case was tabled in**

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the meeting of September 30, 2020 to review how PUA cases involving an invalid claim should be decided.)

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION AND REMAND TO THE DEPUTY TO OPEN A NEW CLAIM WITH THE SAME DATE OF CLAIM AND MAKE A DETERMINATION REGARDING THE CLAIMANT’S ELIGIBILITY FOR PUA.

4. 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. **(This case was tabled in the meeting of September 30, 2020 to send correspondence to the claimant to verify if the claimant received the Appeal Tribunal decision.)**

ACTION: BOARD VOTED TO DISMISS THE APPEAL AS LATE WITHOUT GOOD CAUSE TO THE BOARD OF REVIEW

5. 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. **(This case was tabled in the meeting of September 9, 2020 pending a post review.)**

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION.

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SECTION A – HEARING MATTERS

A-1 DISMISSALS OF LATE APPEALS OR NO JUSTICIABLE ISSUE TO THE BOARD OF REVIEW

1. TAYLOR BITTER **BOR DKT. 00209178**

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

2. LUCKY AFRIN **BOR DKT. 00216347**

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

3. TIZA ASBURY **BOR DKT. 00198009**

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. WAYNE HOLLAND **BOR DKT. 00204599**

Claimant appealed the decision of the Appeal Tribunal holding the unemployment claim valid and liable for a non-fraud refund.

5. BETTY BUNN **BOR DKT. 00202895**

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

6. JULIANA DE LA CRUZ **BOR DKT. 00205268**

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. WILLIAM DEVINE **BOR DKT. 00214935**

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

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8. RUTU PATEL BOR DKT. 00210153

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

9. PRECIOUS HUFF BOR DKT. 00212982

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

10. TIATIRA TORRES BOR DKT. 00213706

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work, and that subsequent employment was insufficient to remove such disqualification.

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

A-2 DENIAL OF REOPENING REQUESTS TO THE BOARD OF REVIEW

1. SHAKEERAH KEMP BOR DKT. 00204892

Claimant is requesting reconsideration of the Board of Review's decision which affirmed the Appeal Tribunal's decision holding the claimant disqualified for benefits for leaving work voluntarily without good cause attributable to such work.

2. GABRIELLE WHITE BOR DKT. 00204153

Claimant is requesting reconsideration of the Board of Review's decision affirming the Appeal Tribunal's decision holding the claimant disqualified for leaving work voluntarily without good cause attributable to the work.

3. JESSICA BORDEN BOR DKT. 00203014

Claimant is requesting reconsideration of the Board of Review's decision affirming the Appeal Tribunal's decision holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work, and holding the claimant liable for a non-fraud refund.

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ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS DENIAL OF REOPENING REQUESTS TO THE BOARD OF REVIEW.

A-3 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. ROBERT FAULKENBURY BOR DKT. 00216091

Claimant appealed decision of the Appeal Tribunal holding the claim invalid as the services performed were not considered covered employment and a liable for a non-fraud refund.

2. DAWN HOUSEWORTH BOR DKT. 00214509

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

3. CATHERINE YOUAMAN BOR DKT. 00216791

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

4. BARBARA MILLER BOR DKT. 00218736

Claimant appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily without good cause attributable to such work, ineligible for benefits under availability for work, and liable for a non-fraud refund.

5. VICTORIA HYMAN BOR DKT. 00217248

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

6. DAWN CAPUTO BOR DKT. 00218294

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

7. GIOVANNI DREYER BOR DKT. 00210476

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

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- 8. DEBBIE ROBINSON** BOR DKT. 00214694

Claimant appealed a decision of the Appeal Tribunal holding the claimant filed a timely appeal, not disqualified for benefits for leaving work voluntarily without good cause attributable to such work, and unavailable for work and ineligible for benefits.

- 9. FERNANDO OLMO** BOR DKT. 00218503

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

- 10. JOLYNN BOYD** BOR DKT. 00218866

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

- 11. ELAINE MICO** BOR DKT. 00219423

Claimant appealed a decision of the Appeal Tribunal holding the claimant's weekly benefit rate reduced due the receipt of a pension, and liable for a non-fraud refund.

- 12. RINKALI SHETH** BOR DKT. 00215115

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

- 13. ANDY PAULUS** BOR DKT. 00219467

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

- 14. JILL VANSCHOICK** BOR DKT. 00217362

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

- 15. FRANK SHUMSKI** BOR DKT. 00216773

Claimant appealed decision of the Appeal Tribunal holding a period of ineligibility on the ground that the claimant was employed full-time and holding a liability for non-fraud refund.

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16. MIRELLI FERNANDEZ

BOR DKT. 00216569

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

17. RHINA AVELAR

BOR DKT. 00219395

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

18. KARIAH MILES

BOR DKT. 00208524

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

19. MEGAN SANDERS

BOR DKT. 00218494

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

20. LAURIE KOON

BOR DKT. 00218190

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

21. DANA JAH HOUSTON

BOR DKT. 00209857

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

22. DAVID KHALIL

BOR DKT. 00217947

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for Pandemic Unemployment Assistance, and liable for a non-fraud refund.

23. RANDI SEKULER

BOR DKT. 00217166

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

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24. MILAGROS CARRASCO BOR DKT. 00216369

Claimant appealed decision of the Appeal Tribunal holding appeal late with good cause, holding no disqualification for leaving the work voluntarily without good cause attributable to such work, holding a period of ineligibility as the claimant was not available for work and holding a liability for a non-fraud refund.

25. AVRAHAM FLEISHER BOR DKT. 00218106

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

26. KAMRAN AHMED BOR DKT. 00217601

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

27. DIMERY SANCHEZ GARCIA BOR DKT. 00215712

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

28. YUN JEONG BOR DKT. 00219483

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

29. FRANCIS LICCARDI BOR DKT. 00217791

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

30. ALPHONSO BOYD BOR DKT. 00208741

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

31. REBECCA OLAMOYEGUN BOR DKT. 00217777

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

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32. VALERIA MORALES

BOR DKT. 00213526

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

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

A-4 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. EDWIN VAZQUEZ

BOR DKT. 00213544

Employer filed an appeal to a decision of the Appeal Tribunal holding that the claimant was not an independent contractor and was not discharged for misconduct connected with the work.

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

A-5 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. JUSTIN HUDACKO

BOR DKT. 00215839

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily, a disqualification of benefits for discharge for misconduct connected with the work, and not liable for a non-fraud refund.

2. MICHELLA KRUCZEK

BOR DKT. 00217161

Claimant appealed the decision of the Appeal Tribunal holding her disqualified for benefits for leaving work voluntarily without good cause attributable to the work, unavailable for work and liable for a non-fraud refund.

3. SHOMARI BEAMON

BOR DKT. 00218869

Claimant appealed a decision of the Appeal Tribunal holding the appeal as late with good cause and ineligible for benefits under ability to work.

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4. MARIA MIRANDA BOR DKT. 00216849

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

5. VICKY SHEPPARD BOR DKT. 00216018

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 ABOVE CASES AS MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS.

A-6 REVERSE AND REMANDED APPEALS TO THE APPEAL TRIBUNAL

1. JUAN MEDEROS GRANADO BOR DKT. 00215793

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

2. RANDY BREITMAN BOR DKT. 00218893

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

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS REVERSE AND REMANDED APPEALS TO THE APPEAL TRIBUNAL.

A-7 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. KURT RABE BOR DKT. 00217258

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

2. ADAM CRAWFORD BOR DKT. 00214676

Claimant appealed decision of the Appeal Tribunal holding an ineligibility for benefits as the claimant was not available for work and liable for a non-fraud refund.

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3. JEFFREY COLLINS BOR DKT. 00214464

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

4. RENEE WILLIAMS BOR DKT. 00216964

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 a liability to a non-fraud refund.

5. GARRETT MILLER BOR DKT. 00215782

Employer appealed a decision of the Appeal holding the claimant was unemployed, eligible for benefits, and not liable for a non-fraud refund.

6. BRIANNA UCCI BOR DKT. 00219570

Claimant appealed a decision of the Appeal Tribunal holding the claimant unavailable for work and ineligible for benefits.

7. JAIME PEREZ BOR DKT. 00217376

Claimant appealed a decision of the Appeal Tribunal holding a period of ineligibility on the ground that the claimant is not available for work.

8. ANTONIO RULLIS BOR DKT. 00212109

Employer appealed a decision of the Appeal Tribunal holding the claimant not ineligible for benefits and able, available and actively seeking work.

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 LESTER REDDICK BOR DKT. 00198179

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work. (**Appellate Specialist Matos**) (**Companion dkt. Dkt. No.: 00161686**)

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ACTION: BOARD VOTED TO TABLE THIS CASE TO A FUTURE AGENDA PENDING FURTHER REVIEW.

B-2 ROMILDA ACOSTA BOR DKT. 00214106

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits under ability to work. (**Appellate Specialist Jackson**)

ACTION: BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL FOR THE EXAMINER TO COMPLETE THE HEARING ON ALL ISSUES.

B-3 JAYNA BYRNES BOR DKT. 00215413

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 Hart**)

ACTION: BOARD VOTED TO MODIFY THE APPEAL TRIBUNAL DECISION TO A NO MISCONDUCT DISQUALIFICATION FROM MARCH 8, 2020 TO MAY 9, 2020 AND HOLDING A VOLUNTARY QUIT DISQUALIFICATION AS OF MAY 10, 2020.

B-4 IVY HANNAH BOR DKT. 00208135

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

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION.

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B-5 ANGELINA DECARO

BOR DKT. 00215524

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work. (**Appellate Specialist Matos**)

ACTION: BOARD VOTED TO TABLE THIS CASE TO A FUTURE AGENDA TO SEND LETTER TO CLAIMANT TO SEE WHEN THE CLAIMANT SENT THE APPEAL.