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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 JANUARY 12, 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 984 776 924#.

AGENDA OF REGULAR MEETING OF

THE BOARD OF REVIEW

JANUARY 12, 2022

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIRPERSON

ANDREA JACKSON, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING –JANUARY 12, 2022 AGENDA

BOARD MINUTES:

Submitted for adoption are the minutes of the January 5, 2022 Board meeting.

ACTION:

SECTION A – HEARING MATTERS:

A-1 WITHDRAWAL OF APPEALS

1. DANIAMARIE RODRIGUEZ BOR DKT. 00258755

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.

2. KHALIL DIFALLAH BOR DKT. 00222763

Claimant appealed the Appeal Tribunal decision holding the unemployment claim valid with a weekly benefit rate of \$398.00 and a maximum benefit amount of \$10,348.00.

3. COLLATA BELGROVE BOR DKT. 00259959

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:

A-2 VACATED APPEALS BY THE BOARD OF REVIEW

1. EDWARD MALLEY BOR DKT. 00236247

Claimant's correspondence was erroneously processed as an appeal to a decision of the Appeal Tribunal holding an ineligibility for Extended Benefits.

2. BARBARA PEPE BOR DKT. 00237909

Claimant's correspondence was erroneously processed as an appeal to a decision of the Appeal Tribunal holding her ineligible for Extended Benefits.

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3. NATYIRA TAVAREZ BOR DKT. 00250618

Claimant's appeal was docketed in error as an appeal to the Board of Review.

4. CRESCENCIO RONDON BOR DKT. 00242058

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

5. MARIA DOMINGUEZ BOR DKT. 00219094

Claimant's appeal was erroneously docketed as an appeal to the Appeal Tribunal decision dismissing her appeal as late without good cause.

6. MARIA DOMINGUEZ BOR DKT. 00229344

Claimant's appeal was erroneously docketed as an appeal to the Appeal Tribunal decision dismissing her appeal as late without good cause.

7. NATHALIE YACHOUH BOR DKT. 00237516

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

8. JAMES VASSANELLA BOR DKT. 00225001

Claimant's letter was erroneously processed as an appeal to the Appeal Tribunal decision.

ACTION:

A-3 DISMISSALS OF LATE APPEALS OR NON-JUSTICIABLE ISSUE BY THE BOARD OF REVIEW

1. JAMIL HALL BOR DKT. 00245855

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

2. DAMARY MELENDEZ BOR DKT. 00248046

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

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3. DONATA ROSADO BOR DKT. 00245777

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

4. RUBIELA RIOS-TORRES BOR DKT. 00223053

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. WANDA DOMZALL BOR DKT. 00252235

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.

6. MARCOS COLON BOR DKT. 00235650

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

7. LUCY ADU BOR DKT. 00241404

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

8. AKHLAQUL CHOUDHURY BOR DKT. 00214244

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

9. ADOLFO ROLON BOR DKT. 00220502

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. FRANCETTE FILS BOR DKT. 00219893

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

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11. FRANCETTE FILS

BOR DKT. 00246411

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

12. ALICIA YANZAPANTZA-CONDOR

BOR DKT. 00235703

Claimant appealed a decision of the Appeal Tribunal denying the request to vacate a prior dismissal of the appeal due to non-appearance and to schedule a new hearing.

13. ALLEN DEBE

BOR DKT. 00227881

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.

14. ANISABEL ESTRADA

BOR DKT. 00213094

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

15. LINDA CASSIN

BOR DKT. 00209402

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

16. AMERICA DE LOS SANTOS

BOR DKT. 00224192

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

17. MIGUEL OSTOLAZA

BOR DKT. 00246333

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of regular unemployment benefits for leaving work voluntarily without good cause attributable to the work, an eligibility for Pandemic Unemployment Assistance (PUA) benefits from May 24, 2020 through March 13, 2021, as the claimant's unemployment was due to one of the COVID-19 related reasons, a denial of Pandemic Unemployment Assistance (PUA) benefits from March 14, 2021, as the claimant's unemployment was not due to one of the COVID-19 related reasons and no liability to a non-fraud refund.

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18. WILLIANS BAEZ **BOR DKT. 00233694**

Claimant appealed a decision of the Appeal Tribunal dismissing a portion of the appeal as late without good cause and holding an ineligibility for benefits under availability for work and an ineligibility for Pandemic Unemployment Assistance (PUA) benefits.

19. ELAINE EMERY **BOR DKT. 00229833**

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits under reasonable assurance between academic terms and a liability to a refund.

20. TONJA LEWIS **BOR DKT. 00202650**

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

21. AGIT YESILOZ **BOR DKT. 00242000**

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

22. HUNTER SHOEMAKER **BOR DKT. 00237313**

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

23. HUNTER SHOEMAKER **BOR DKT. 00243382**

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:

A-4 DENIAL OF REOPENING REQUESTS BY THE BOARD OF REVIEW

1. CERINA CANNON **BOR DKT. 00229130**

Claimant is requesting reconsideration of the Board of Review's decision affirming the Appeal Tribunal's decision which held the claimant ineligible for benefits under availability for work, a denial of pandemic Unemployment

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Assistance (PUA) benefits as the claimant’s unemployment was not due to one the COVID-19 related reasons and liable for a non-fraud refund.

ACTION:

A-5 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. GENESIS ZACARIA BOR DKT. 00247119

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

2. GENESIS ZACARIA BOR DKT. 00247094

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

3. RUBIELA RIOS-TORRES BOR DKT. 00234581

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

4. KATHERINE REILLY BOR DKT. 00239569

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

5. MAYLIN MATOS DE MUÑOZ BOR DKT. 00216230

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

6. DANIELA PETEROVA BOR DKT. 00221057

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

7. MARTHA GRACIA BOR DKT. 00243729

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

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ACTION:

A-6 REMANDED AND MODIFIED DECISIONS TO THE APPEAL TRIBUNAL

1. RAJENDRA SHAH BOR DKT. 00246654

Claimant appealed a 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 under the C.A.R.E.S. Act.

ACTION:

A-7 AFFIRMED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL

1. DAMARIS TAYLOR BOR DKT. 00244730

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 Pandemic Unemployment Assistance (PUA) benefits.

2. WENDY ANDREW BOR DKT. 00247593

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

ACTION:

A-8 MODIFIED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL

1. JENNY GUZNAY BOR DKT. 00240382

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.

ACTION:

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A-9 REMANDS FROM THE SUPERIOR COURT

1. TRACI WILLIS BOR DKT. 00179492

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

ACTION:

A-10 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. VALERIE MACHALANY BOR DKT. 00247036

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

2. ARIELLE BOZINOS BOR DKT. 00246381

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.

3. RONALD MURTHA BOR DKT. 00248034

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

4. PATRICK PENNELL BOR DKT. 00247942

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

5. PATRICK PENNELL BOR DKT. 00247943

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

6. PATRICK PENNELL BOR DKT. 00247944

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

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7. SHAUNA WELCH BOR DKT. 00245281

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.

8. KEVIN KELLY BOR DKT. 00217925

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

9. EUGENE WILES BOR DKT. 00248469

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

10. WANDA DOMZALL BOR DKT. 00252237

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.

11. SHARYELIX VARGAS RIVERA BOR DKT. 00234521

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

12. SYDNEY SMITH BOR DKT. 00241257

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

13. COLIN BARRETT BOR DKT. 00240360

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

14. LAMISHA CARNEY BOR DKT. 00250456

Claimant appealed a decision of the Appeal Tribunal holding the claimant was not unemployed, ineligible for UI benefits under availability for work, ineligible for Pandemic Unemployment Assistance (PUA) as the claimant's unemployment was

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not due to one of the COVID-19 related reasons under the C.A.R.E.S. Act, and liable for a non-fraud refund.

15. IVELLISSE ALICEA BOR DKT. 00261813

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

16. BRIAN KLATSKIN BOR DKT. 00232648

Employer appealed a decision of the Appeal Tribunal holding the claimant eligible for Pandemic Unemployment Assistance (PUA) benefits.

17. CHRISTOPHER HYMAN BOR DKT. 00237499

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

18. MARIO BARTOLE BOR DKT. 00247021

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits under full-time student status, 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.

19. MAUREEN ZINK BOR DKT. 00245616

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

20. SHIRELLE ROSENBAUM BOR DKT. 00238736

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

21. KENNETH NIXON BOR DKT. 00236455

Claimant appealed a decision of the Appeal Tribunal which remanded the matter of the claimant's monetary re-determination to the Deputy for reconsideration and redetermination.

ACTION:

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A-11 REOPENED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL

1. JEFF DONKIN BOR DKT. 00190840

The Superior Court of New Jersey, Appellate Division, remanded the matter of the claimant's appeal of a Board of Review decision holding his unemployment claim invalid.

2. KAREN MOORE BOR DKT. 00188216

The Superior Court of New Jersey, Appellate Division, remanded the matter of the claimant's request for a waiver of debt to the Board of Review for further proceedings.

ACTION:

SECTION B – MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

- B-1 OSAYANDE EBOH BOR DKT. 00245100

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits under leaving work voluntarily without good cause attributable to the work, an ineligibility for Pandemic Unemployment Assistance (PUA) benefits and a liability to a refund. (**Appellate Specialist Hart**)

ACTION:

- B-2 SHARON SMITH BOR DKT. 00239040

Claimant appealed a decision of the Appeal Tribunal which denied the request to vacate a prior dismissal due to the claimant's failure to register for the hearing. (**Appellate Specialist Hart**)

ACTION: