MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
FEBRUARY 24, 2021

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

LISA HART, ACTING EXECUTIVE SECRETARY
A regular meeting of the Board of Review was held on Wednesday, February 24, 2021 at 10:00 a.m., via conference call, in Trenton, New Jersey.

PRESENT: Nancy Hunt, Chairperson, William Scaglione, Vice-Chairperson, Lisa Hart, 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 – FEBRUARY 24, 2021
MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the February 17, 2021 Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE FEBRUARY 17, 2021 BOARD MEETING.

OLD BUSINESS:

1. FAWZIA JACOB

BOR DKT. 00218790

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal through the week in which the determination was mailed as the appeal was late without good cause and holding the claimant employed full-time. (This case was tabled in the meeting of January 27, 2021 pending further review of companion case Dkt. No.: 00225168.)

ACTION: BOARD VOTED TO AFFIRM AND TO ADD A STATEMENT THAT DKT 225168 DOES NOT ADDRESS THE SAME ISSUE UNDER APPEAL WITH THIS DOCKET.

SECTION A – HEARING MATTERS

A-1 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. WILLIAM DEBLASIO

BOR DKT. 00219905

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

2. COLLEEN CAIN

BOR DKT. 00222568

Claimant appealed a decision of the Appeal Tribunal holding the claimant liable for a non-fraud refund due to being employed with earnings.

3. QUINDELLA YOUNG

BOR DKT. 00213831

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.
<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>DKT. Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.</td>
<td>ELHAM NOSEIR</td>
<td>00218301</td>
<td>Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for misconduct connected with the work, and not liable for a non-fraud refund.</td>
</tr>
<tr>
<td>5.</td>
<td>GEORGE BESHAY</td>
<td>00222825</td>
<td>Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed, and holding the claimant liable for a non-fraud refund.</td>
</tr>
<tr>
<td>6.</td>
<td>LUIS ROSARIO SANCHEZ</td>
<td>00221386</td>
<td>Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work.</td>
</tr>
<tr>
<td>7.</td>
<td>MICHELE RODRIGUEZ</td>
<td>00218867</td>
<td>Claimant appealed the decision of the Appeal Tribunal holding 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 for a non-fraud refund.</td>
</tr>
<tr>
<td>8.</td>
<td>NICHOLAS PALASE</td>
<td>00225167</td>
<td>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 a non-fraud refund of the regular unemployment benefits.</td>
</tr>
<tr>
<td>9.</td>
<td>CHRISTAL WHITT</td>
<td>00224115</td>
<td>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 a non-fraud refund.</td>
</tr>
<tr>
<td>10.</td>
<td>VIRGILIO PLACENCIO</td>
<td>00224708</td>
<td>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 holding the claimant liable for a non-fraud refund.</td>
</tr>
<tr>
<td>11.</td>
<td>HUBERMANN PIERRE-LOUIS</td>
<td>00222183</td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>Name</td>
<td>BOR DKT.</td>
<td>Appeal Details</td>
</tr>
<tr>
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<td>--------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>12.</td>
<td>NATHANIEL CRAWFORD</td>
<td>00215912</td>
<td>Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily without good cause attributable to the work.</td>
</tr>
<tr>
<td>13.</td>
<td>RUDOLPH APPELMANN, JR.</td>
<td>00220377</td>
<td>Claimant appealed the Appeal Tribunal decision reducing his weekly benefit rate to zero due to a pension offset, and holding the claimant liable for a non-fraud refund.</td>
</tr>
<tr>
<td>14.</td>
<td>TESKA FRISBY</td>
<td>00220098</td>
<td>Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work.</td>
</tr>
<tr>
<td>15.</td>
<td>GRACE MASSELL</td>
<td>00221436</td>
<td>Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and a liability to a non-fraud refund.</td>
</tr>
<tr>
<td>16.</td>
<td>SKYE ETHRIDGE</td>
<td>00227107</td>
<td>Claimant appealed a decision of the Appeal Tribunal dismissing appeal as late without good cause.</td>
</tr>
<tr>
<td>17.</td>
<td>STACEY SHAALTIEL</td>
<td>00223410</td>
<td>Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment with an educational institution, was employed full time and a liability for a non-fraud refund.</td>
</tr>
<tr>
<td>18.</td>
<td>AMY PONTORIERO</td>
<td>00223808</td>
<td>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.</td>
</tr>
<tr>
<td>19.</td>
<td>JAMISHAD ALI</td>
<td>00206804</td>
<td>Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work.</td>
</tr>
</tbody>
</table>
20. MADINA JACKSON  BOR DKT. 00220262

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

21. KIMBERLY O’NIEL  BOR DKT. 00223356

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

22. BEKISISA ELIE  BOR DKT. 00222107

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 a non-fraud refund.

23. WILLIAM BOWERS  BOR DKT. 00219425

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 a non-fraud refund.

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

A-2 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. CARA OGULIN  BOR DKT. 00222749

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. THOMAS STOBACK, JR.  BOR DKT. 00222636

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.
3. DREW BARTSCH    BOR DKT. 00222953

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 a non-fraud refund.

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

A-3 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. ADOLFO CARDONA GIRALDO    BOR DKT. 00220319

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.

2. ANN WALSH    BOR DKT. 00213330

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

3. DEBRA LINDSEY    BOR DKT. 00218989

Claimant appealed the decision of the Appeal Tribunal which held the claimant ineligible for benefits as she was not considered unemployed and disqualified for benefits for leaving work voluntarily without good cause attributable to the work.

4. ARNOLD CHU    BOR DKT. 00220515

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for leaving work voluntarily, not ineligible for Pandemic Unemployment Assistance benefits, and liable for a non-fraud refund.

**ACTION:** BOARD VOTED TO ACCEPT THE ABOVE CASES AS MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS.
A-4 Remands to the Appeal Tribunal or Deputy

1. RYAN WASHINGTON    BOR DKT. 00221578

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.

2. VINCENT DRAGONETTI  BOR DKT. 00221085

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

3. CAROLYNE KISIANGANI BOR DKT. 00219368

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

4. MATTHEW MERCADO     BOR DKT. 00221349

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. RONALD WHITE        BOR DKT. 00215877

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 non-fraud refund.

6. MARGO BERNET        BOR DKT. 00222410

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

7. OSCAR HERNANDEZ    BOR DKT. 00221136

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 a non-fraud refund.

8. RITA FLORES         BOR DKT. 00221917

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. TAMORRA DAVIS  BOR DKT. 00220261

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for regular and Pandemic Unemployment Assistance (PUA) benefits under ability to work and for a liability to a non-fraud refund.

10. SANDRA PIKULINSKI  BOR DKT. 00219051

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 holding the claimant liable for a non-fraud refund.

11. JOSE MONTESINOS  BOR DKT. 00219836

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.

12. ADRIANA LAVARCO  BOR DKT. 00221282

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

13. EDNA RAMIN-ZENGERLE  BOR DKT. 00222782

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under ability to work and ineligible for Pandemic Unemployment Assistance (PUA) benefits. The claimant also appealed a liability to a non-fraud refund.

14. CHANTEL TURBI  BOR DKT. 00221316

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

15. TRACIE ROMAN  BOR DKT. 00221940

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

16. JUANITA MONEY  BOR DKT. 00225610

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.
17. MICHAEL ARWAY  
BOR DKT. 00224843

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

18. LEAH DIAZ  
BOR DKT. 00220518

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

19. CHRISTINE SCALISI  
BOR DKT. 00220105

Claimant appealed the decision of the Appeal Tribunal holding a pension reduction and a liability to a non-fraud refund.

20. DAVID TORTU  
BOR DKT. 00220876

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 a non-fraud refund.

21. BREANNE PERNA  
BOR DKT. 00210107

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 a non-fraud refund.

22. DEBBIE RONESS  
BOR DKT. 00223232

Claimant appealed the decision of the Appeal Tribunal holding her ineligible for benefits on the ground that she was not deemed unemployed.

23. BEVERLY WOJCHECHOWSKI  
BOR DKT. 00223686

Claimant appealed a denial of Pandemic Unemployment Assistance (PUA) benefits as the claimant failed to provide proof of her self-employment earnings and a liability for a non-fraud refund. (Board voted to table for a subsequent meeting in order to discuss whether the claimant qualifies for regular UI or PUA.)
Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work and holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work.

25. JIMMY LIU

BOR DKT. 00216980

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

26. OLIVIA HIRALALL

BOR DKT. 00225107

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

**ACTION:** BOARD VOTED TO ACCEPT THE REMAINING 25 CASES AS REMANDS TO THE APPEAL TRIBUNAL.

**A-5 REVERSE AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL**

1. MADELINE ARITA

BOR DKT. 00222745

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

2. SHARO GONZALEZ

BOR DKT. 00216581

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 REVERSED REMANDED APPEALS TO THE APPEAL TRIBUNAL.
A-6   **AFFIRMED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL OR THE DEPUTY.**

1. **BRITTANY PIETROPOLO**

   BOR DKT. 00216806

   Claimant filed an appeal to a decision of the Appeal Tribunal holding the claimant ineligible for benefits as she was not considered unemployed.

   **ACTION:** BOARD VOTED TO ACCEPT THE ABOVE CASE AS AN AFFIRMED AND REMANDED APPEAL TO THE APPEAL TRIBUNAL OR THE DEPUTY.

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

**B-1** **KOHIE NAKAJI**

BOR DKT. 00225107

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, 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 for a non-fraud refund. (*Appellate Specialist Jackson*)

**ACTION:** BOARD VOTED TO AFFIRM AND TO ADD A STATEMENT THAT THE CLAIMANT SHOULD FILE FOR PUA IN THE STATE WHERE HE WAS WORKING.

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**B-2** **MUKHTIAR SINGH**

BOR DKT. 00223932

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for 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 AFFIRM THE DENIAL OF REGULAR BENEFITS UNDER N.J.S.A. 43:21-4(C)(1) AND TO HOLD THAT PORTION OF THE APPEAL TRIBUNAL DECISION HOLDING THE CLAIMANT INELIGIBLE FOR PUA BENEFITS A NULLITY AND TO REINSTATE THE DEPUTY’S DETERMINATION ALLOWING PUA BENEFITS.
Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause. (Appellate Specialist Jackson)

**ACTION:** BOARD VOTED TO AFFIRM THE DISMISSAL OF THE APPEAL TO THE APPEAL TRIBUNAL AND TO ADD A STATEMENT THAT THE CLAIMANT’S CONTENTION ON APPEAL THAT HE FILED HIS APPEAL WITHIN 7 DAYS OF RECEIPT IS SELF-SERVING SINCE THERE WAS NO TESTIMONY TO THAT EFFECT.

Claimant appealed a decision of the Appeal Tribunal holding the claimant filed a late appeal with good cause, no disqualification of benefits for leaving work voluntarily without good cause attributable to the work, and ineligible for benefits under availability for work. (Appellate Specialist Zola)

**ACTION:** BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION HOLDING THE APPEAL TIMELY AND TO REINSTATE THE DEPUTY’S DETERMINATION.

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, 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 non-fraud refund. (Appellate Specialist Alverio)

**ACTION:** BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION WITH ADDITIONAL STATEMENTS ADDRESSING THE CLAIMANT’S CONTENTIONS ON APPEAL.