MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
MARCH 3, 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, March 3, 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.
Submitted for adoption are the minutes of the February 24, 2021 Board meeting.

**ACTION:** BOARD VOTED TO ADOPT THE MINUTES OF THE FEBRUARY 24, 2021 BOARD MEETING.

**SECTION A – HEARING MATTERS**

**A-1 DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW**

1. **HAKAN GOK**  
   BOR DKT. 00227286  
   Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work with employer #1 and a liability for a non-fraud refund.

   **ACTION:** BOARD VOTED TO ACCEPT THE ABOVE CASE AS A DISMISSAL OF A LATE APPEAL TO THE BOARD OF REVIEW.

**A-2 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS**

1. **ARNOLD SPARACO**  
   BOR DKT. 00225925  
   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. **RUQAYYAH KEMP**  
   BOR DKT. 00220054  
   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. **WALTER NETTLES**  
   BOR DKT. 00225663  
   Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.
4. DEBRA WEINSTEIN  
BOR DKT. 00221164

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

5. ESTHER ORLANDO-SMITH  
BOR DKT. 00222330

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.

6. ADRIEL N. SION  
BOR DKT. 00224802

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work, holding the claimant liable for a non-fraud refund, and ineligible for Pandemic Unemployment Assistance (PUA) benefits as the claimant’s unemployment was not due to one of the COVID-19 related reasons.

7. JUDY TEWIAH  
BOR DKT. 00218347

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. ROBIN SADORSKI TRAVIS  
BOR DKT. 00222167

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.

9. REYNA CRUZ  
BOR DKT. 00221393

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

10. JUSTICE MITCHELL  
BOR DKT. 00223648

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

11. TIFFANY MEDINA  
BOR DKT. 00221973

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal through the date the determination notice was mailed as late without good cause, holding the
claimant ineligible for benefits under availability for work and holding the claimant liable for non-fraud refund.

12. TEJAL TREVIDI  
BOR DKT. 00226091

Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed, liable for refund, and ineligible for Pandemic Unemployment Assistance (PUA) benefits as the claimant’s unemployment was not due to one of the COVID-19 related reasons.

13. CHARMAINE BAPTISTE  
BOR DKT. 00221238

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

14. CRYSTAL GRAVES  
BOR DKT. 00209485

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

15. KARLA JIMBO  
BOR DKT. 00221926

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

16. MARY TAWFILIS  
BOR DKT. 00226324

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 liable for a non-fraud refund.

17. JOEL SCHWARTZ  
BOR DKT. 00226932

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

18. JUDITH SIBILIO  
BOR DKT. 00225200

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

19. ANGELA DUKES  
BOR DKT. 00223111

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and reduction of weekly benefit rate due to receipt of a pension.
20. NUBE CELENTANO

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

21. IMAAN ALI

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

22. KRISTIN BAUTISTA

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

23. YVETTE AGUILAR

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

24. JASON CARLUCCI

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

25. BARBARA WILLIAMS

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.

26. AHMED YOUMANS

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 PUA, and liable for a non-fraud refund. (BOARD VOTED TO AFFIRM THE VOLUNTARY LEAVING DISQUALIFICATION FOR REGULAR BENEFITS AND TO REMAND THE PUA ENTITLEMENT AND REFUND LIABILITY TO THE APPEAL TRIBUNAL SINCE THE CLAIMANT WAS DENIED BY THE DEPUTY.)

27. MARYANN BISNAUTHSING

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.
28. THERESA TARKOWSKI  
BOR DKT. 00218772
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work, reduction of the weekly benefit rate due to receipt of pension and liable for non-fraud refund.

29. ANA REYES  
BOR DKT. 00221983
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.

30. SHELLY JOHNSON  
BOR DKT. 00218536
Claimant appealed a decision of the Appeal Tribunal dismissing appeal as untimely and holding the claimant ineligible for benefits under ability to work.

31. CRYSTAL FUCITO  
BOR DKT. 00223974
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. (BOARD VOTED TO REMOVE THIS CASE FROM THE AFFIRMATION SECTION AND TO MOVE IT TO THE SECTION CONTAINING MODIFICATIONS TO APPEAL TRIBUNAL DECISIONS.)

ACTION: BOARD VOTED TO ACCEPT THE REMAINING 29 CASES AS AFFIRMATIONS OF THE APPEAL TRIBUNAL DECISIONS.

A-3 AFFIRMED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL OR THE DEPUTY

1. NICOLE EGERTON  
BOR DKT. 00225287
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.
2. MICHAEL FARRELL  
BOR DKT. 00223423

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.

3. ADAM FRIEDMAN  
BOR DKT. 00227017

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.

4. ELSSIDDEIG OMER  
BOR DKT. 00221976

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

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

A-4 **Reversals of Appeal Tribunal Decisions**

1. DANNY LOCANTORA  
BOR DKT. 00226165

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits on the ground that he was employed full-time.

2. ALBYN BELSKI  
BOR DKT. 00214571

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

3. MARIE HARSCH  
BOR DKT. 00226364

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

4. KLEDIANY GOMES  
BOR DKT. 00219827

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work.
5. RENEE SMITH  BOR DKT. 00220378

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

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

A-5 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. CHAD SISCO-SCHWARTZ  BOR DKT. 00219864

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

2. ISAAC MANN  BOR DKT. 00221104

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

3. STEPHANIE DAVIS  BOR DKT. 00213421

Claimant appealed a decision of the Appeal Tribunal holding ineligible under availability for work and Pandemic Unemployment Assistance (PUA). (BOARD VOTED TO TABLE THIS CASE FOR FURTHER DISCUSSION.)

4. FERNANDO CORTES  BOR DKT. 00225248

Claimant appealed a decision of the Appeal Tribunal holding the claimant disqualified for benefits for misconduct connected with the work, ineligible for benefits on the ground that he was not available for work, ineligible for Pandemic Unemployment benefits and liable for a non-fraud refund.

5. JAMIE LESCHER  BOR DKT. 00226779

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work, employed full-time and a liability to a non-fraud refund.
6. IBRAHIM KARIM
BOR DKT. 00219728
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.

7. EMILIE Y. HO
BOR DKT. 00220995
Claimant filed an appeal to a decision of the Appeal Tribunal holding her ineligible for Family Leave Insurance (FLI) benefits on the ground that she did not file timely.

ACTION: BOARD VOTED TO ACCEPT THE REMAINING 6 CASES AS MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS.

A-6 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. RUCHAMA KATZ
BOR DKT. 00219083
Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work.

2. SAMANTHA LEFF
BOR DKT. 00222723
Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily without good cause attributable to the work.

3. CYNTHIA WATERMAN
BOR DKT. 00221365
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 the claimant liable for a non-fraud refund.

4. JORGE SOTOLONGO
BOR DKT. 00223657
Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work.

5. DANIEL QUILES
BOR DKT. 00227267
Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work, and liable for a non-fraud refund.
6. YESENIA MONTALVO  BOR DKT. 00228036

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

7. GIANNA DIBLASIO  BOR DKT. 00223287

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 denial of Pandemic Unemployment Assistance (PUA) benefits as the claimant’s unemployment was not due to one of the COVID-19 related reasons.

8. BIANCA OTERO  BOR DKT. 00226937

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 not available for work.

9. MAX FAREZ  BOR DKT. 00207902

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

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

A-7 REVERSED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL OR THE DEPUTY.

1. YAIRALIZ ALAMO  BOR DKT. 00222015

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. MOHAMMAD AFZAL  BOR DKT. 00215616

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 reducing the weekly benefit rate due to receipt of a pension.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS
REVERSED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL OR THE DEPUTY.

SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1   EDWIN GONZALEZ       BOR DKT. 00224385

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

ACTION: BOARD VOTED TO TABLE FOR FURTHER DISCUSSION

B-2   JENNIFER KAHOUN       BOR DKT. 00204133

Deputy appealed a decision of the Appeal Tribunal holding the employer relieved of benefits charges to its experience rating account, and remanding the monetary entitlement to the Deputy for a re-determination.  (Appellate Specialist Zola)

ACTION:  BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION HOLDING THE APPELLATE EMPLOYER NOT LIABLE FOR BENEFIT CHARGES AND REVERSING THE APPEAL TRIBUNAL DECISION WHEN HOLDING THE CLAIMANT AS AN INDEPENDENT CONTRACTOR. THE MATTER OF WHICH EMPLOYER THE CLAIMANT HAS AN EMPLOYER-EMPLOYEE RELATIONSHIP IS REMANDED TO THE DEPUTY.

B-3   MICHAEL DEUS         BOR DKT. 00225430

Claimant appealed a decision of the Appeal Tribunal holding the employer filed a timely appeal, and a disqualification of benefits for misconduct connected with the work.  (Appellate Specialist Zola)

ACTION:  BOARD VOTED TO AFFIRM THE DECISION OF THE APPEAL TRIBUNAL.
Claimant appealed the decision of the Appeal Tribunal dismissing a portion of his appeal as late without good cause. (Appellate Specialist Matos)

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