MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
MARCH 17, 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 17, 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 MINUTES:

Submitted for adoption are the minutes of the March 10, 2021 Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE MARCH 10, 2021 BOARD MEETING.

OLD BUSINESS:

1. SALEEMA DAVIS  BOR DKT. 00217241

Claimant appealed a decision of the Appeal Tribunal dismissing appeal as late without good cause. (This case was tabled in the meeting of January 20, 2021 for further review to determine if the claimant demonstrated good cause for filing a late appeal.)

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL’S DECISION DISMISSING THE CLAIMANT’S APPEAL AS LATE WITHOUT GOOD CAUSE.

2. DONNAJEAN TULL  BOR DKT. 00220203

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work. (This case was tabled in the meeting of December 30, 2020 for further review after sending correspondence to the claimant for clarification regarding the timeliness of her appeal to the Board of Review.)

ACTION: BOARD VOTED TO DISMISS THE CLAIMANT’S APPEAL TO THE BOARD OF REVIEW AS LATE WITHOUT GOOD CAUSE.

3. SWALAHY MOHAMED  BOR DKT. 00211281

Employer appealed the decision of the Appeal Tribunal dismissing the appeal due to non-registration for the hearing. (The Board voted to remand this case to the Appeal Tribunal for additional testimony in the meeting of July 29, 2020 in order to add availability to the docket and to confront the claimant about the medical evidence.)
ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL’S DECISION.

SECTION A – HEARING MATTERS

A-1 VACATED APPEALS TO THE BOARD OF REVIEW

1. ANGEL LEGARETA MEDINA BOR DKT. 00175207
   Claimant’s correspondence was erroneously processed as an appeal to a decision of the Appeal Tribunal which held the claim for benefits dated October 28, 2018 valid.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS A VACATED APPEAL TO THE BOARD OF REVIEW.

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

1. GILBERTO RUIZ BOR DKT. 00223499
   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. AUTUMN WILLIAMS BOR DKT. 00218499
   Claimant appealed a decision of the Appeal Tribunal dismissing appeal as late without good cause.

3. MOLAR TAWFIK BOR DKT. 00220541
   Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work.

4. ANGELA RAMOS BOR DKT. 00210464
   Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work.

5. SABAHAT MAZHAR BOR DKT. 00223337
   Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work.
6. SUZANNA KOZLOWSKI  
BOR DKT. 00227326

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.

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

**A-3 DISMISSALS OF APPEALS TO THE BOARD OF REVIEW NON-JUSTICIABLE ISSUE**

1. AURA ROJAS  
BOR DKT. 00215624

Claimant appealed a decision of the Appeal Tribunal holding the claimant not liable for a non-fraud refund.

**ACTION:** BOARD VOTED TO ACCEPT THE ABOVE CASE AS A DISMISSAL OF APPEAL TO THE BOARD OF REVIEW FOR NON-JUSTICIABLE ISSUE.

**A-4 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS**

1. NICOLE WORMLEY  
BOR DKT. 00222382

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

2. WILMER GOMEZ  
BOR DKT. 00222081

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

3. EPIFANIA MORGAN  
BOR DKT. 00225913

Claimant appealed a decision of the Appeal Tribunal dismissing the claimant’s appeal as late without good cause through the date of mailing and holding the claimant liable for a non-fraud refund.
4. CINDY FRANCO  
BOR DKT. 00195571

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

5. KENNETH ROGOZA  
BOR DKT. 00225512

Claimant appealed the Appeal Tribunal decision which held a reduction of benefits due to a pension offset and a liability to a non-fraud refund.

6. HEDERLYN MARTINEZ  
BOR DKT. 00215003

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 for non-fraud refund.

7. SHANE SPINGER  
BOR DKT. 00226342

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for benefits for refusing suitable work and a liability to a non-fraud refund.

8. VANEZA ORTEGA  
BOR DKT. 00229317

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

9. DONNA POLLINA  
BOR DKT. 00228183

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 for a non-fraud refund.

10. CARL JONES  
BOR DKT. 00216416

Claimant appealed a decision of the Appeal Tribunal which dismissed the appeal on the ground that the matter was previously addressed under a prior docket.

11. DINA LEOTSAKAS  
BOR DKT. 00225299

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under ability and active search for work, ineligible for PUA benefits, and liable for a non-fraud refund.
12. PETER MULRANEN  
BOR DKT. 00229505

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

13. KRISTOPHER ZACK  
BOR DKT. 00221524

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 PUA, and a liability for a non-fraud refund.

14. ALIYA ROBINSON  
BOR DKT. 00229098

Claimant appealed the 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 for a non-fraud refund.

15. LAUREN WELLS  
BOR DKT. 00214642

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

16. JAMES FRAZIER  
BOR DKT. 00226089

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits on the ground that the claimant’s earnings exceeded his partial benefit rate.

17. FERNANDO CORTES  
BOR DKT. 00222418

Claimant appealed a decision of the Appeal Tribunal holding him disqualified for benefits for leaving work voluntarily without good cause attributable to such work, an ineligibility under availability for work, an ineligibility for Pandemic Unemployment Assistance (PUA) benefits and a liability to a non-fraud refund.

18. KATHERINE TRIMBLE  
BOR DKT. 00225274

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.

19. LISSETTE CHAVEZ  
BOR DKT. 00211799

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work.
20. MD FAKHRUL CHOWDHURY    BOR DKT. 00219239

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and an ineligibility for Pandemic Unemployment Assistance (PUA).

21. TIMOTHY HANLON       BOR DKT. 00218906

Claimant appealed the decision of the Appeal Tribunal holding an ineligibility as the claimant was employed with earnings.

22. GLENDINABEL DELIMA    BOR DKT. 00204501

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

23. LAENA MCDONALD       BOR DKT. 00222709

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 ineligible for benefits under availability for work.

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

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

1. SZILVIA SZEPCSIK       BOR DKT. 00221507

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.

2. CHRISTINA IRVING        BOR DKT. 00213320

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits under availability for work.

**ACTION:** BOARD VOTED TO ACCEPT THE ABOVE CASES AS REVERSALS OF APPEAL TRIBUNAL DECISIONS.
A-5  MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. DAVID MARTINEZ  BOR DKT. 00217870
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 reduction to the weekly benefit rate due to a pension offset.

2. ELIZABETH HOLM  BOR DKT. 00226256
Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed.

3. PATRICK KINNEY  BOR DKT. 00229274
Claimant appealed a decision of the Appeal Tribunal holding a period of ineligibility as the claimant was employed full-time and a liability to a non-fraud refund.

4. NEIL ROSENZWEIG  BOR DKT. 00225680
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.

5. JENNIFER ALVARADO  BOR DKT. 00229182
Claimant appealed 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 non-fraud refund.

6. RUBY MORILLO  BOR DKT. 00217059
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. GINA KONTOULIS  BOR DKT. 00225442
Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under active search for work and a non-fraud refund.

8. BRIAN KANE  BOR DKT. 00217244
Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work and liable for non-fraud refund.
ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS.

A-6 REOPENED AND REMANDED DECISION TO THE APPEAL TRIBUNAL OR DEPUTY

1. JESSICA BORDEN BOR DKT. 00203014

Claimant requests a reopening of a Board of Review decision which held a disqualification for benefits for leaving work voluntarily without good cause attributable to the work.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS A REOPENED AND REMANDED DECISION TO THE APPEAL TRIBUNAL OR DEPUTY.

A-7 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. FREDDY MORA BOR DKT. 00211578

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 for a non-fraud refund.

2. FRANCIOS DUMERANT BOR DKT. 00226098

Claimant filed an appeal to a decision of the Appeal Tribunal holding the regular unemployment claim invalid and the claimant liable for a non-fraud refund.

3. SHARON KOLAS BOR DKT. 00220297

Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed.

4. SHARON KOLAS BOR DKT. 00220296

Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed.

5. JOSEPH MELNICK BOR DKT. 00199228

Claimant appealed a decision of the Appeal Tribunal denying the request to reopen the matter due to non-registration for the hearing.
<table>
<thead>
<tr>
<th>Claimant Name</th>
<th>BOR DKT.</th>
<th>Summary of Appeal</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>6. TRICIA SINEGRA</strong></td>
<td>00223127</td>
<td>Appealed decision of the Appeal Tribunal holding claimant ineligible for benefits under availability for work and liability for non-fraud refund.</td>
</tr>
<tr>
<td><strong>7. EILEEN RIJO</strong></td>
<td>00225321</td>
<td>Appealed decision of the Appeal Tribunal holding disqualification of benefits for leaving work voluntarily without good cause attributable to the work.</td>
</tr>
<tr>
<td><strong>8. MATTHEW HOWELL</strong></td>
<td>00226221</td>
<td>Appealed decision of the Appeal Tribunal holding disqualification of benefits for leaving work voluntarily without good cause attributable to such work, denial of Pandemic Unemployment Assistance (PUA) benefits and liability to non-fraud refund.</td>
</tr>
<tr>
<td><strong>9. JENNIFER RODRIGUEZ</strong></td>
<td>00225494</td>
<td>Appealed decision of the Appeal Tribunal holding claim invalid as claimant was not unemployed and liability to non-fraud refund.</td>
</tr>
<tr>
<td><strong>10. CARLOS GONZALEZ SAN LUCAS</strong></td>
<td>00219811</td>
<td>Appealed decision of the Appeal Tribunal holding claimant ineligible for benefits under availability for work and denial of Pandemic Unemployment Assistance (PUA) benefits as claimant's unemployment was not due to COVID-19 related reasons.</td>
</tr>
<tr>
<td><strong>11. SAVANNAH STEWART</strong></td>
<td>00225465</td>
<td>Appealed decision of the Appeal Tribunal holding disqualification of benefits for leaving work voluntarily without good cause attributable to the work and holding claimant ineligible for Pandemic Unemployment Assistance (PUA) benefits.</td>
</tr>
<tr>
<td><strong>12. VIANNY HENRIQUEZ</strong></td>
<td>00222122</td>
<td>Appealed decision of the Appeal Tribunal holding claimant ineligible for benefits under availability for work.</td>
</tr>
<tr>
<td><strong>13. LEIDY PERALTA</strong></td>
<td>00222993</td>
<td>Appealed decision of the Appeal Tribunal dismissing the appeal as late without good cause.</td>
</tr>
</tbody>
</table>
14. LEIDY PERALTA  
BOR DKT. 00222992

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

15. NICOLE DEMAIO  
BOR DKT. 00217540

Employer appealed a decision of the Appeal Tribunal holding the claimant eligible for benefits under availability for work.

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

A-8  **REVERSE AND REMANDED APPEALS TO THE APPEAL TRIBUNAL**

1. FLORENCIO ROSARIO  
BOR DKT. 00217931

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

**ACTION:** BOARD VOTED TO ACCEPT THE ABOVE CASE AS A REVERSAL AND REMANDED APPEAL TO THE APPEAL TRIBUNAL.

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

B-1  JAMES IPEKCI  
BOR DKT. 00223328

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for benefits for refusing suitable work. *(Appellate Specialist Matos)*

**ACTION:** BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL’S DECISION HOLDING NO DISQUALIFICATION UNDER VOLUNTARY LEAVING AND REVERSING THE APPEAL TRIBUNAL’S DECISION HOLDING A DISQUALIFICATION UNDER REFUSAL OF SUITABLE WORK.
MANNY DEMOYA

Employer appealed a decision of the Appeal Tribunal holding that the misconduct disqualification elapsed prior to date of claim. (Appellate Specialist Zola)

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL’S DECISION REGARDING THE SEPARATION AND TO MODIFY THE EMPLOYER’S LIABILITY TO BENEFIT CHARGES AS THE EMPLOYER IS DESIGNATED AS A REIMBURSABLE EMPLOYER.

ANN MAJOR

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 Alverio)

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION.