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DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
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BOARD OF REVIEW

**MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
APRIL 7, 2021**

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

ANDREA JACKSON, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING APRIL 7, 2021

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A regular meeting of the Board of Review was held on Wednesday, April 7, 2021 at 10:00 a.m., via conference call, in Trenton, New Jersey

PRESENT: Nancy Hunt, Chairperson, William Scaglione, Vice-Chairperson, Andrea Jackson, 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 – APRIL 7, 2021 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the March 31, 2021 Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE MARCH 31, 2021, BOARD MEETING WITH THE EXCEPTION OF BOR DKT. 00223277, WHICH WAS PLACED ON THIS AGENDA FOR FURTHER DISCUSSION.

OLD BUSINESS:

1. MARIA ENGEL BOR DKT. 00223277

Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed. **(This case was placed on this agenda for further discussion.)**

ACTION: BOARD VOTED TO TABLE THIS CASE FOR FURTHER REVIEW REGARDING THE REASON FOR THE CLAIMANT’S APPEAL TO THE APPEAL TRIBUNAL.

SECTION A – HEARING MATTERS

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

1. ELMIEDUARDO BOR DKT. 00214936

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

2. TACIANNA BAGOT BOR DKT. 00218274

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. NICOLE GUZZI BOR DKT. 00225739

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for refusing suitable work.

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4. KAWSAR MOHAMMED BOR DKT. 00223701

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

5. DEBRA DORANS BOR DKT. 00230127

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause through the mailing date of the determination, holding the claimant ineligible for regular benefits under availability for work and holding the claimant eligible for Pandemic Unemployment Assistance (PUA) benefits from August 30, 2020 through November 21, 2020, as the claimant's unemployment was due to one of the COVID-19 related reasons.

6. LIBONET FENELUS BOR DKT. 00212546

Claimant appealed a decision of the Appeal Tribunal holding her ineligible for partial PUA under ability to work and availability to work, and liable for a non-fraud refund.

7. DAREE MEWS BOR DKT. 00212621

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

8. DAREE MEWS BOR DKT. 00212622

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

9. MELISSA KING BOR DKT. 00188911

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

10. MELISSA KING BOR DKT. 00188909

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

11. EILEEN CICHETTI BOR DKT. 00217047

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

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12. KIMBERLY RANDOLPH BOR DKT. 00207999

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

13. ELIZABETH ACEVEDO SANTANA BOR DKT. 00219774

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

14. CARON LEE BOR DKT. 00212356

Claimant appealed a 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 DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW.

A-2 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. TORY DAINES BOR DKT. 00226285

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for regular benefits on the ground that she was employed full-time and ineligible for Pandemic Unemployment Assistance (PUA) benefits and liable for a non-fraud refund.

2. SHAMSHER SINGH BOR DKT. 00225447

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

3. NATALIA HUAPAYA-JARA BOR DKT. 00225068

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

4. JOELISSE MARTINEZ BOR DKT. 00217889

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

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5. TIMOTHY MCMAHON BOR DKT. 00229065

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

6. AXCEL CONSTANTINO BOR DKT. 00230188

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

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

A-3 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. TOWKIR NOOR BOR DKT. 00229536

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits for availability for work and a liability to a non-fraud refund. **(Board voted to remove this case from this category and remand to the Appeal Tribunal to address whether the claimant is entitled to PUA benefits).**

ACTION: BOARD VOTED TO REMOVE THIS CASE FROM THIS CATEGORY AND REMAND TO THE APPEAL TRIBUNAL.

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

1. WARREN PARKER BOR DKT. 00206233

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. **(Board previously voted to accept this case as a denial of reopening request to the Board of Review in the March 10, 2021 Board meeting).**

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2. RHINA AVELAR BOR DKT. 00219395

Claimant is requesting reconsideration of the Board of Review's decision, affirming the Appeal Tribunal's decision dismissing the appeal as late without good cause.

3. VASILIOS KARIDIS BOR DKT. 00210854

Claimant is requesting reconsideration of the Board of Review's decision, affirming the Appeal Tribunal's decision which held a disqualification of benefits for leaving work with Employer #1 voluntarily without good cause attributable to the work. **(Board previously voted to accept this case as a denial of reopening request to the Board of Review in the March 10, 2021 Board meeting.)**

4. RICHARD RODRIGUEZ BOR DKT. 00221946

Claimant is requesting reconsideration of the Board of Review's decision, affirming the Appeal Tribunal's decision dismissing the appeal as late without good cause. **(Board previously voted to accept this case as a denial of reopening request to the Board of Review in the March 10, 2021 Board meeting).**

5. DANIEL GARRABRANTS BOR DKT. 00213562

Claimant is requesting reconsideration of the Board of Review's decision, affirming the Appeal Tribunal's decision holding no disqualification of benefits for leaving work voluntarily without good cause attributable to the work, not unemployed and claim dated April 12, 2020 invalid, and liable for a non-fraud refund. **(Board previously voted to accept this case as a denial of reopening request to the Board of Review in the March 10, 2021 Board meeting).**

6. TAMERA SZIJARTO BOR DKT. 00219681

Claimant is requesting reconsideration of the Board of Review's decision, affirming the Appeal Tribunal's decision holding the claimant liable for a non-fraud refund. **(Board voted to remove this case from this category and remand to the Deputy to review additional evidence submitted from the claimant).**

7. VICTORIA REYES-GONZALEZ BOR DKT. 00208157

Claimant is requesting reconsideration of the Board of Review's decision, affirming the Appeal Tribunal's decision denying the claimant's request to reopen the matter due to non-registration for the hearing.

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8. WALTER WRONIUK BOR DKT. 00217670

Claimant is requesting reconsideration of the Board of Review's decision, affirming the Appeal Tribunal's decision denying the claimant's request to reopen the matter due to non-registration for the hearing.

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

A-5 REVERSED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL OR THE DEPUTY

1. RIVKA SOFER BOR DKT. 00226200

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

2. ENRIQUE COETO BOR DKT. 00225710

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

3. ANGELA RIVERA BOR DKT. 00225030

Claimant appealed a decision of the Appeal Tribunal which held the claimant ineligible on the ground that she was not considered unemployed, ineligible for a requested pre-date, ineligible under availability to work and not eligible for Pandemic Unemployment Assistance (PUA) benefits.

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

A-6 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. MICHAEL WULSTEIN BOR DKT. 00229096

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

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2. REBECCA SALTERN BOR DKT. 00216508

Claimant appealed a decision of the Appeal Tribunal holding the claim dated May 3, 2020 invalid and a liability to a non-fraud refund.

3. NEKODA CLARKE BOR DKT. 00216306

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

4. KEVIN KELLY BOR DKT. 00217925

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.

5. CARYN FEDER BOR DKT. 00229238

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

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

SECTION B – MISCELLANEOUS CASES/CASES FOR DISCUSSION

- B-1 ROSANN WASSUM BOR DKT. 00230274

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. (**Appellate Specialist Jackson**)

ACTION: BOARD VOTED TO DISMISS THIS CASE AS A LATE APPEAL TO THE BOARD OF REVIEW AND REFER THE MATTER OF WHETHER THE CLAIMANT IS ENTITLED TO PUA BENEFITS BACK TO THE DEPUTY FOR RECONSIDERATION.