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DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
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Commissioner

BOARD OF REVIEW

**MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
APRIL 21, 2021**

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

MARIA ZOLA, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING APRIL 21, 2021

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A regular meeting of the Board of Review was held on Wednesday, April 21, 2021 at 10:00 a.m., via conference call, in Trenton, New Jersey

PRESENT: Nancy Hunt, Chairperson, William Scaglione, Vice-Chairperson, Maria Zola, 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 MEETING – APRIL 21, 2021 AGENDA

BOARD MINUTES:

Submitted for adoption are the minutes of the April 14, 2021 Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE APRIL 14, 2021 BOARD MEETING.

OLD BUSINESS:

1. SHANTE CONLEY **BOR DKT. 00221430**

Claimant appealed the 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 February 10, 2021 to send correspondence to the claimant to determine why the claimant didn't answer her phone when called on the date of the hearing.)**

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION.

2. LISA CUNNINGHAM **BOR DKT. 00215488**

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 March 24, 2021 for further review.)**

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION WITH RESPECT TO THE SEPARATION AND REFER THE CLAIMANT'S ELIGIBILITY FOR PANDEMIC UNEMPLOYMENT ASSISTANCE (PUA) TO THE DEPUTY.

SECTION A – HEARING MATTERS

A-1 VACATED APPEALS TO THE BOARD OF REVIEW

1. ELHIZA VARGAS **BOR DKT. 00212027**

Claimant is not appealing a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

BOARD OF REVIEW MEETING – APRIL 21, 2021 AGENDA

2. JOHN RIPLEY BOR DKT. 00204881

Employer is not appealing a decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS VACATED APPEALS TO THE BOARD OF REVIEW.

A-2 DISMISSALS OF LATE APPEALS OR NO JUSTICIABLE ISSUE TO THE BOARD OF REVIEW

1. SHARON GOETTEL BOR DKT. 00227941

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits on the ground that the claimant was employed full-time and liable for a non-fraud refund.

2. LINDA DEFREESE BOR DKT. 00220332

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

3. HEATHER HERMAN BOR DKT. 00228069

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

4. NIKITA JANODIA BOR DKT. 00207924

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily without good cause attributable to such work, no disqualification of benefits for discharge for misconduct connected with the work, and no liability for a non-fraud refund.

5. CRYSTEL STEWART BOR DKT. 00230100

Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily without good cause attributable to the work and no liability for a non-fraud refund.

6. SERWAA AKOTO BOR DKT. 00228651

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

BOARD OF REVIEW MEETING – APRIL 21, 2021 AGENDA

7. DANA WARNIG BOR DKT. 00208909

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under active search for work.
8. IBRAHIM KILIC BOR DKT. 00214528

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.
9. RANDY SINGH BOR DKT. 00208213

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 had sufficient subsequent weeks of employment and wages to toll the disqualification imposed.
10. NIGERIA DAVIS BOR DKT. 00223189

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, ineligible for PUA, and liable for a non-fraud refund.
11. CERINA CANNON BOR DKT. 00229130

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 liable for a non-fraud refund.
12. LAURA JIMENEZ BOR DKT. 00222570

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.
13. ALEXANDRA VENTRE BOR DKT. 00230312

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause.
14. RANDY STITH BOR DKT. 00230183

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

BOARD OF REVIEW MEETING – APRIL 21, 2021 AGENDA

15. LEGIA BATES BOR DKT. 00216406

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.

16. LATIFFA HERRING BOR DKT. 00188367

Claimant appealed the decision of the Appeal Tribunal which dismissed the claimant's appeal due to failure to register and denied the claimant's request for a new hearing.

17. HILDA VANEGAS BOR DKT. 00225461

Claimant appealed a decision of the Appeal Tribunal holding the claimant not unemployed and claim dated May 31, 2020 invalid, and liable for a non-fraud refund.

18. DAMIEN BYRNE BOR DKT. 00214110

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

19. PATRICIA GODOY BOR DKT. 00220461

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

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS DISMISSALS OF LATE APPEALS OR NO JUSTICIABLE ISSUE TO THE BOARD OF REVIEW.

A-3 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. JUSTIN GUZMAN BOR DKT. 00213049

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

2. MARISA BALESTERRI O'CONNELL BOR DKT. 00226904

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

BOARD OF REVIEW MEETING – APRIL 21, 2021 AGENDA

3. LU LIU **BOR DKT. 00225743**

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

4. LINDA BAYUS **BOR DKT. 00228023**

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

5. SEAN JACKSON **BOR DKT. 00227886**

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

6. SHAVVY MCLENAN **BOR DKT. 00228289**

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

7. LATCHMIN AULI **BOR DKT. 00226333**

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.

8. MARILI RODRIGUEZ **BOR DKT. 00227305**

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

9. ALEXANDER GUZMAN **BOR DKT.00221179**

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. MUHAMMAD NASIR **BOR DKT. 00224824**

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

11. JULIUS PIETRI **BOR DKT. 00211535**

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

BOARD OF REVIEW MEETING – APRIL 21, 2021 AGENDA

12. JAMES AMOH BOR DKT. 00230252

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

13. FRANCENA MASON JEGEDE BOR DKT. 00230270

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

14. BRIANNA MUSCO BOR DKT. 00229390

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms from and liable for a non-fraud refund.

15. BRUCE HURDLE BOR DKT. 00222535

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, a liability to a non-fraud refund, and imposing a denial of Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons.

16. DOROTHY SPINA BOR DKT. 00223603

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

17. ZORAIDA MUÑOZ BOR DKT. 00213537

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

18. VITANTONIO RANIERI BOR DKT. 00225108

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. SERGIO JOSEPH BOR DKT. 00224084

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.

BOARD OF REVIEW MEETING – APRIL 21, 2021 AGENDA

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

A-4 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. YANA STREKMAN BOR DKT. 00228537

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for refusing, without good cause, to accept suitable work, and liable for a non- fraud refund.

2. IRA SMULYAN BOR DKT. 00230086

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.

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

A-5 REMANDS FROM THE SUPERIOR COURT

1. JENNIFER ISRAEL BOR DKT. 00166534

Court remanded the hearing due to the insufficiency of the transcript.

2. BERNADETTE DE LEON BOR DKT. 00176894

Court remanded appeal for additional testimony from the claimant.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS REMANDS TO THE APPEAL TRIBUNAL FOR A NEW HEARING AND DECISION.

A-6 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. KWAMERE INGALLSI BOR DKT. 00214781

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

BOARD OF REVIEW MEETING – APRIL 21, 2021 AGENDA

2. NANCY WHITE BOR DKT. 00227612

Claimant appealed a decision of the Appeal Tribunal holding the claimant liable for a non-fraud refund and remanded the calculation of such non-fraud refund to the Director.

3. THERESA ALBINO BOR DKT. 00223019

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

4. THERESA ALBINO BOR DKT. 00223022

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

5. HERMAN ENG BOR DKT. 00229712

Claimant appealed the decision of the Appeal Tribunal holding the unemployment claim valid with a weekly benefit rate of \$148.00 and a maximum benefit amount of \$3,848.00.

6. DEVENEY HERRING BOR DKT. 00213349

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. DANIEL ECHEVARRIA BOR DKT. 00209740

Claimant appealed a decision of the Appeal Tribunal denying the claimant's request for reopening the matter due to non-registration.

8. JENNIFER SADOWSKI BOR DKT. 00229737

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.

9. SABRINA M. PEAN BOR DKT. 00223487

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

BOARD OF REVIEW MEETING – APRIL 21, 2021 AGENDA

10. GODSON UNACHUKWU BOR DKT. 00228363

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 not liable for a non-fraud refund.

11. ANA ORTIZ BOR DKT. 00220963

Employer appealed a decision of the Appeal Tribunal dismissing the claimant's appeal as there was no justiciable issue.

12. WAYNE ACCARDI BOR DKT. 00230174

Claimant appealed the decision of the Appeal Tribunal withdrawing the claimant's appeal.

13. MAYELIN MATOS DE MUÑOZ BOR DKT. 00216230

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

14. YEIMILETH ACEVEDO BOR DKT. 00223218

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

15. JOHN CURRIE BOR DKT. 00226090

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 liability for non-fraud refund.

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

A-7 AFFIRMED AND REMANDED APPEALS TO THE APPEAL TRIBUNAL

1. CHAYA MUNK BOR DKT. 00228085

Claimant appealed a 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, and a liability to a non-fraud refund.

BOARD OF REVIEW MEETING – APRIL 21, 2021 AGENDA

2. MOHAMMED AGHRABA BOR DKT. 00228177

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 and liable for a non-fraud refund.

3. ANTHONY SMITH BOR DKT. 00228170

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.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS AFFIRMED AND REMANDED APPEALS TO THE APPEAL TRIBUNAL.

SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

- B-1 TYSON CUMMINGS BOR DKT. 00233838

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. (**Appellate Specialist Alverio**)

ACTION: BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY ON THE SEPARATION, AND TO PUT THE CLAIMANT ON NOTICE FOR THE ISSUE OF ELIGIBILITY FOR PANDEMIC UNEMPLOYMENT ASSISTANCE (PUA).

- B-2 BRIAN DYE BOR DKT. 00226225

Claimant appealed a decision of the Appeal Tribunal holding the claimant liable for a non-fraud refund and remanded the calculation of such non-fraud refund to the Director. (**Appellate Specialist Alverio**)

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION FOR CLARIFICATION.

BOARD OF REVIEW MEETING – APRIL 21, 2021 AGENDA

B-3 ELENA BAURKOT

BOR DKT. 00223003

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms. (**Appellate Specialist Zola**)

ACTION: BOARD VOTED TO REMAND THIS COMBINED WAGE CLAIM TO THE APPEAL TRIBUNAL TO ADDRESS WHETHER OR NOT THE CLAIMANT HAD SUFFICIENT NON-SCHOOL EMPLOYMENT TO QUALIFY FOR BENEFITS.

B-4 CARMEN CABA

BOR DKT. 00228654

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

ACTION: BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL TO ADDRESS THE ISSUE OF ELIGIBILITY FOR PANDEMIC UNEMPLOYMENT ASSISTANCE (PUA).

B-5 VEENA MURALIDHARA

BOR DKT. 00225742

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work and ability to work, ineligible for PUA, and liable for a non-fraud refund. (**Appellate Specialist Zola**)

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION, BUT THE DECISION MUST BE RE-WRITTEN AS A PORTION OF THE DECISION, REGARDING THE PERIOD OF INELIGIBILITY, HAS TO BE SET ASIDE.