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State of New Jersey
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
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Commissioner

BOARD OF REVIEW

**MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
MAY 18, 2022**

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

ANDREA JACKSON, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING May 4, 2022

May 4, 2022

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A regular meeting of the Board of Review was held on Wednesday, May 4, 2022 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 –MAY 4, 2022 AGENDA

BOARD MINUTES:

Submitted for adoption are the minutes of the April 20, 2022 Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE APRIL 20, 2022, BOARD MEETING WITH THE EXCEPTION OF BOR DKT. 00249210, WHICH WAS PLACED ON THIS AGENDA FOR FURTHER DISCUSSION.

OLD BUSINESS

1. CHARLITTA REDD

BOR DKT. 00249210

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. (THIS CASE WAS PLACED BACK ON THIS AGENDA FOR FURTHER DISCUSSION BY THE BOARD)

ACTION: BOARD VOTED TO REOPEN THE MATTER, SET ASIDE THE VOLUNTARY LEAVING DISQUALIFICATION, AND REMAND THE MATTER OF AVAILABILITY FOR WORK, PANDEMIC UNEMPLOYMENT ASSISTANCE (PUA), AND NON-FRAUD REFUND TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY FROM THE CLAIMANT REGARDING THOSE ISSUES.

AIDEL WEINTRAUB

BOR DKT. 00251678

Claimant appealed the decision of the Appeal Tribunal which denied the claimant's request for a pre-date of an unemployment claim. (THIS CASE WAS TABLED ON MARCH 23, 2022 FOR FURTHER DISCUSSION BY THE BOARD)

ACTION: BOARD VOTED TO REVERSE THE DECISION OF THE APPEAL TRIBUNAL, HOLD THE CLAIMANT INELIGIBLE FOR BENEFITS FROM MARCH 19, 2020 THROUGH JUNE 27, 2020 AS THE CLAIMANT'S EARNINGS EXCEEDED THE PARTIAL WEEKLY BENEFIT RATE, REFER THE MATTER OF PANDEMIC UNEMPLOYMENT ASSISTANCE TO THE DEPUTY FOR AN INITIAL DETERMINATION, AND FOR THE DEPUTY TO REINSTATE CLAIM DATED JUNE 28, 2020.

SECTION A – HEARING MATTERS:

BOARD OF REVIEW MEETING –MAY 4, 2022 AGENDA

A-1 DISMISSED APPEALS BY THE BOARD OF REVIEW DUE TO UNTIMELY FILING OR FOR NON-JUSTICIABLE APPEAL ISSUE

1. RYAN MOZOLEWSKI BOR DKT. 00264002

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

2. CESAR CABRERA LUDENA BOR DKT. 00237360

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

3. WILENA SIMMONS BOR DKT. 00231936

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

4. MILENA ZAPATA BOR DKT. 00250409

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. JESSICA O'BRIEN BOR DKT. 00250228

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits under employed full-time and a liability to a refund.

6. PETER ABDELMASIH BOR DKT. 00250964

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 Pandemic Unemployment Assistance (PUA) benefits and a liability to a refund.

7. DANIA GROSS BOR DKT. 00254507

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for benefits for refusing suitable work.

8. IYANNAH WASHINGTON BOR DKT. 00249370

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for Pandemic Unemployment Assistance (PUA) benefits and a liability to a refund.

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9. RICHARD WIDMER BOR DKT. 00251796

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 to a non-fraud refund.

10. STEFANIE DALFONSO BOR DKT. 0250588

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

11. SYED ISLAM BOR DKT. 00246455

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

12. KENNETH SWICK BOR DKT. 00235419

Claimant appealed a decision of the Appeal Tribunal holding the regular unemployment claim invalid.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS DISMISSED APPEALS BY THE BOARD OF REVIEW DUE TO UNTIMELY FILING OR FOR NON-JUSTICIABLE APPEAL ISSUE.

A-2 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW

1. RHONDA SMITH BOR DKT. 00278362

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

2. KAITLYN ZEEB BOR DKT. 00237976

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 Pandemic Unemployment Assistance (PUA) benefits and a liability to a refund.

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3. TUYET DE BOO BOR DKT. 00250285

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 to a non-fraud refund.

4. OLIVIA HUDDY BOR DKT. 00251205

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

5. THOMAS SCERBO BOR DKT. 00250460

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 liability to a refund.

6. KERRY CROWLEY BOR DKT. 00250718

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

7. MATTHEW BABICH BOR DKT. 00250683

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for Pandemic Unemployment Assistance (PUA) benefits and a liability to a refund.

8. DONALD INCE BOR DKT. 00251861

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. DIEGO VELAZQUEZ BOR DKT. 00251807

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.

10. KATIANA HERNANDEZ BOR DKT. 00255156

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 liability to a refund.

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11. RYAN ANSON BOR DKT. 00233904

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

12. DYLAN VAN CLEEF BOR DKT. 00256246

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 liability to a refund.

13. MARYEM MEHDI BOR DKT. 00251007

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for Pandemic Unemployment Assistance (PUA) benefits and a liability to a refund.

14. MINA GOF BOR DKT. 00256217

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

15. DAVID CORRADO BOR DKT. 00250932

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 liability to a refund.

16. EUGENE WILLS BOR DKT. 00254463

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

17. AJIA BROWN BOR DKT. 00258774

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.

18. BRIAN KUHRT BOR DKT. 00250968

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

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19. MABELYN PADILLA BOR DKT. 00236610

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

20. SAMANTHA HELMSTETTER BOR DKT. 00262996

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, an ineligibility for Pandemic Unemployment Assistance as the claimant's unemployment was not due to one of the COVID-19 related reason identified under the CARES Act, and a liability for a non-fraud refund.

21. FRANKLIN DAJER BOR DKT. 00263560

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for Pandemic Unemployment Assistance and a liability to a refund.

22. JOSHUA VILLALONGO BOR DKT. 00263374

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily, and no liability for a non-fraud refund.

23. ALYSIA SMITH BOR DKT. 00263549

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.

24. KARYN DAVIS BOR DKT. 00263412

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

25. HEATHER WOODBRIDGE BOR DKT. 00263218

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

26. JAELYN USERY BOR DKT. 00263018

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 liability to a refund.

27. HAQUKA FLEMING BOR DKT. 00225188

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

28. ELINOR HO BOR DKT. 00268967

Claimant appealed a decision of the Appeal Tribunal denying a request to vacate a prior decision which dismissed the appeal for non-appearance.

29. ZOE HARRIS-HOHNE BOR DKT. 00253317

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

30. SHAVONNA LONG BOR DKT. 00258813

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

31. VERNON DENNISON BOR DKT. 00281739

Claimant appealed a decision of the Appeal Tribunal holding him ineligible for Extended Benefits.

32. TIFFANY JAMES BOR DKT. 00251813

Claimant appealed the Appeal Tribunal decision holding the unemployment claim invalid, 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 to an agency refund.

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

A-3 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW

1. AMBER RICE BOR DKT. 00262981

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.

ACTION: BOARD VOTED TO ACCEPT THIS CASE AS MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF

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REVIEW.

A-4 MODIFY AND REVERSE APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW

1. ANDREW SABLE BOR DKT. 00234705

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, holding the claimant not unemployed, ineligible for Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons identified in the CARES Act and liability for non-fraud refund.

ACTION: BOARD VOTED TO ACCEPT THIS CASE AS MODIFY AND REVERSE APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW.

A-5 AFFIRM AND MODIFY DECISIONS OF THE APPEAL TRIBUNAL BY THE BOARD OF REVIEW

1. NICOLE DELA ROSA BOR DKT. 00262511

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

ACTION: BOARD VOTED TO ACCEPT THIS CASE AS AFFIRM AND MODIFY DECISIONS OF THE APPEAL TRIBUNAL BY THE BOARD OF REVIEW.

A-6 AFFIRMED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL BY THE BOARD OF REVIEW

1. DOMINICK DALONGES BOR DKT. 00251569

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

2. DAYANA MARTIN BOR DKT. 00251497

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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.

3. MICHAEL OWUSU BOR DKT. 00250173

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.

4. CYNTHIA CANGRE-RON BOR DKT. 00263563

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

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS AFFIRMED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL BY THE BOARD OF REVIEW.

A-7 REOPENED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL

1. LINDA CRESCENZO BOR DKT. 00245665

Claimant appealed a decision of the Appeal Tribunal holding her ineligible for Pandemic Unemployment Compensation (PEUC) and Extended Benefits (EB) as the claimant could have filed a valid claim in the state of New York, and liable for a non-fraud refund.

2. SWALAHA MOHAMED BOR DKT. 00211281

Employer requested a reopening of a decision of the Board of Review which affirmed the Appeal Tribunal's decision holding no disqualification of benefits for leaving work voluntarily without good cause attributable to the work.

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

A-8 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW

1. JESUS QUILES BOR DKT. 00246159

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

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2. ROBERT JACKEY BOR DKT. 00249731

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 to a non-fraud refund.

3. ISMAEL VERAS JEREZ BOR DKT. 00250097

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.

4. SKYLAR MACKENZIE BOR DKT. 00250433

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for Pandemic Unemployment Assistance (PUA) benefits and a liability to a refund.

5. CARMEN PRIETO BOR DKT. 00249740

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

6. TYASIA MILLER BOR DKT. 00251184

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

7. MARIA SEVILLANO BOR DKT. 00250164

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

8. LIZ GARCETE BOR DKT. 00251152

Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily.

9. TRINA PETTEY BOR DKT. 00254489

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

10. JASON JABLONSKI BOR DKT. 00250882

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Employer appealed a decision of the Appeal Tribunal holding no disqualification for regular benefits and no ineligibility for Pandemic Unemployment Assistance (PUA) benefits.

11. NYKIRAH MUHAMMAD **BOR DKT. 00258766**

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.

12. VICTOR HALL **BOR DKT. 00258345**

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

13. GLORIBEL ALMONTE **BOR BKT. 00250770**

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

14. SHAKIA ADAMS **BOR DKT. 00263092**

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

15. SHAKIA ADAMS **BOR DKT.00247977**

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

16. BARBARA MASCOLA **BOR DKT. 00191706**

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 disqualification of benefits for refusing suitable work.

17. SELAINY FELIZ **BOR DKT. 00240801**

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

18. LIZY CABRERA **BOR DKT. 00268761**

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

19. MARTA CARDOSO

BOR DKT. 00250941

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

20. MICHAEL ONLY

BOR DKT.00253518

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

21. KAYLA GREEN

BOR DKT. 00254570

Claimant appealed 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 ABOVE CASES AS REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW.

A-9 REVERSED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL

1. JOHN GARNER

BOR DKT. 00254511

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

2. NASIRA PARVEEN

BOR DKT. 00250463

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

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

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SECTION B – MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 RYSHAUN CARNEY BOR DKT. 00249933

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal on the disqualification of leaving work voluntarily and non-fraud refund as late without good cause, and ineligible for Pandemic Unemployment Assistance (PUA) as the claimant's unemployment was not due to one of the COVID-19 related reasons identified under the CARES Act. **(Appellate Specialist Zola)**

ACTION: BOARD VOTED TO DISMISS THIS CASE AS A LATE APPEAL TO THE BOARD OF REVIEW.

B-2 JESUS FERRER BOR DKT. 00251118

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work and liability for non-fraud refund. **(Appellate Specialist Alverio)**

ACTION: BOARD VOTED TO AFFIRM THE DECISION OF THE APPEAL TRIBUNAL, WHICH HELD THE CLAIMANT INELIGIBLE FOR BENEFITS UNDER AVAILABILITY FOR WORK AND LIABLE FOR A NON-FRAUD REFUND.

B-3 SYLVIA ASARE BOR DKT. 00262894

Claimant appealed a decision of the Appeal Tribunal dismissing appeal under availability for work as late without good cause, and holding the claimant liable for a non-fraud refund. **(Appellate Specialist Zola)**

ACTION: BOARD VOTED TO AFFIRM THE DECISION OF THE APPEAL TRIBUNAL, HOLDING THE CLAIMANT FILED A LATE APPEAL WITHOUT GOOD CAUSE, WITH RESPECT TO THE MATTER OF AVAILABILITY FOR WORK, LIABLE FOR THE NON-FRAUD REFUND, AND REFER THE MATTER OF PANDEMIC UNEMPLOYMENT ASSISTANCE (PUA) TO THE DEPUTY FOR AN INITIAL DETERMINATION.

B-4 HEATHER DESKO BOR DKT. 0263034

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Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits under employed full-time and a refund liability.

ACTION: BOARD VOTED TO REVERSE THE DECISION OF THE APPEAL TRIBUNAL, HOLD THE CLAIMANT WAS FURLOUGHED, DID NOT RECEIVE PAID LEAVE BANK DAYS, AND NOT LIABLE FOR THE NON-FRAUD REFUND.

B-5 BETH WRISTBRIDGE

BOR DKT. 00256170

Claimant appealed a decision of the Appeal Tribunal dismissing appeal as late without good cause. (**Appellate Specialist Zola**)

ACTION: BOARD VOTED TO TABLE THIS CASE FOR FURTHER REVIEW.