

Philip D. Murphy Governor

SHEILA Y. OLIVER Lieutenant Governor

DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
P.O. Box 110

Trenton, New Jersey 08625-0110

BOARD OF REVIEW

ROBERT ASARO-ANGELO Commissioner

MINUTES OF REGULAR MEETING OF THE BOARD OF REVIEW MAY 31, 2023

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

LISA HART, MEMBER

MARIA ZOLA, ACTING EXECUTIVE SECRETARY



BOARD OF REVIEW MEETING MAY 31, 2023

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A regular meeting of the Board of Review was held on Wednesday, May 31, 2023, at 10:00 a.m., via conference call, in Trenton, New Jersey

PRESENT: Nancy Hunt, Chairperson, William Scaglione, Vice-Chairperson, Lisa Hart, Member, 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 MINUTES:

Submitted for adoption are the minutes of the May 17, 2023, Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE MAY 17,

2023 BOARD MEETING.

SECTION A – HEARING MATTERS:

A-1 VACATED APPEALS BY THE BOARD OF REVIEW

1. KATHLEEN CASCIO

BOR DKT. 00268858

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

2. ERICKSON FRUELDA

BOR DKT. 00269813

Claimant's letter was docketed in error as an appeal to the Board of Review.

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

A-2 DISMISSED APPEALS BY THE BOARD OF REVIEW DUE TO UNTIMELY FILING OR FOR NON-JUSTICIABLE APPEAL ISSUE

1. GABRIEL OWENS

BOR DKT. 00278197

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

2. TYSHAWN THOMAS

BOR DKT. 00264974

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. PAUL NOTOWICZ

BOR DKT. 00277136

Claimant appealed a decision of the Appeal Tribunal holding a refund liability.

4. JENNIFER ALMEIDA

BOR DKT. 00274577

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

5. KATHERINE DE LEON

BOR DKT. 00316686

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

6. SHADU MOOEW

BOR DKT. 00284870

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

7. LEIDA MARTINEZ

BOR DKT. 00276974

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for unemployment benefits for voluntarily leaving work without good cause attributable to the work, ineligibility for Pandemic Emergency Unemployment Compensation (PEUC) as that program ended under the C.A.R.E.S. ACT, and remand to the Deputy for an initial determination on a transitional benefit claim.

8. ROSEMARIE ROBBINS

BOR DKT. 00280443

Claimant appealed the decision of the Appeal Tribunal disputing the monetary entitlement on a valid claim.

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-3 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW

1. PAMELA NOVA

BOR DKT. 00276496

Claimant appealed the decision of the Appeal Tribunal which modified the claimant's request for a pre-date of an unemployment claim.

2. JULIE KOENIG

BOR DKT. 00267201

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. JOANNE CUGINO

BOR DKT. 00272344

Claimant appealed denial of Pandemic Unemployment Assistance (PUA) benefits under Section 2102(a)93)(A)(ii)(1) of the Coronavirus AID, Relief, and Economic Security (C.A.R.E.S.) Act and liability to for a non-fraud refund.

4. KIARA BAUL

BOR DKT. 00263631

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

5. RHIZLANE KENZAOUI

BOR DKT. 00261542

Claimant appealed denial of Pandemic Unemployment Assistance (PUA) benefits under Section 2102(a)(3)(A)(ii)(l) of the Coronavirus Aid, Relief, and Economic Security Act (C.A.R.E.S.) Act and liability to refund PUA benefits paid.

6. KARLY DICKERSON

BOR DKT. 00309414

Claimant appealed a decision of the Appeal Tribunal which denied the request to vacate a prior dismissal.

7. STEPHANIE WOODFORK

BOR DKT. 00278026

Employer appealed a decision of the Appeal Tribunal holding the claimant not disqualified for unemployment benefits for discharge for misconduct connected with the work.

8. MIA VACCARO

BOR DKT. 00277319

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for unemployment benefits for voluntarily leaving work without good cause attributable to the work, and liability for a non-fraud refund.

9. WILLIAM BOND III

BOR DKT. 00276851

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

attributable to the work, and referral to the Deputy to consider eligibility for Pandemic Unemployment Assistance (PUA) under the C.A.R.E.S. ACT.

10. TYASIA SANDERS

BOR DKT. 00276479

Employer appealed a decision of the Appeal Tribunal holding an ineligibility for benefits during weeks when claimant was employed fulltime, eligibility for benefits during weeks when claimant was not employed full time, liability for a refund, and no liability for a refund.

11. OLGA NAZARIO

BOR DKT. 00279541

Claimant appealed the Appeal Tribunal decision holding the unemployment claim invalid.

12. ANZOR MAMIYEK

BOR DKT. 00271475

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

13. SAMARA KRAFT

BOR DKT. 00155363

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

14. ANTHONY INFANTOLINO

BOR DKT. 00266286

Claimant appealed a decision of the Appeal Tribunal holding the unemployment claim invalid and liability for a refund.

15. KYLE VALENTINE

BOR DKT. 00279673

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.

16. DONALD GILSON

BOR DKT. 00266105

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

17. MICHELLE HERNANDEZ

BOR DKT. 00279170

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

18. ALLISON DINAPOLI

BOR DKT. 00278216

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. ALICIA WALKER-CARMAN

BOR DKT. 00266754

Claimant appealed the amended decision of the Appeal Tribunal holding a disqualification for unemployment benefits for voluntarily leaving work without good cause attributable to the work and ineligibility for Pandemic Unemployment Compensation (PUC).

20. LEXY REID BOR DKT. 00279397

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.

21. VIVIAN WRIGHT

BOR DKT. 00259974

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as untimely and there was no good cause for the late filing.

22. SANTA ROSARIO

BOR DKT. 00281541

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. STEPHANIE BIGLIN

BOR DKT. 00281260

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.

24. NAISHA SIMON

BOR DKT. 00278494

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

25. MICHELLE SAYER

BOR DKT. 00278825

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

26. JOSHUA KIM

BOR DKT. 00278104

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

27. ANDREA PONCE

BOR DKT. 00277894

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 for a non-fraud refund.

28. NATALIE BERMENDER

BOR DKT. 00279862

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

29. SHAROLIN SANDERS

BOR DKT. 00278339

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

30. TAMMY BROWN

BOR DKT. 00282655

Claimant appealed the Appeal Tribunal decision holding the unemployment claim invalid.

31. CHRISTOPHER OTANO

BOR DKT. 00278163

Claimant appealed the Appeal Tribunal decision holding the unemployment claim invalid.

32. ALLEN HURLEY

BOR DKT. 00280910

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits for failure to meet reporting requirements in accordance with Division regulations.

33. EDDIE CRUZ, JR.

BOR DKT. 00274493

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

34. IRIS TORRES

BOR DKT. 00280616

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

35. JAYSON MATTHEWS

BOR DKT. 00274986

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 for a non-fraud refund.

36. STEVEN BATH

BOR DKT. 00282831

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under not actively seeking work.

37. WILLIAM KERR

BOR DKT. 00281710

Claimant appealed the decision of the Appeal Tribunal holding the claimant 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 C.A.R.E.S. Act and liability for non-fraud refund.

38. TIMOTHY BROUGHTON

BOR DKT. 00318733

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

39. JAHNIYA REYNOLDS

BOR DKT. 00271250

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

40. ELETHIRDW GILZEAN

BOR DKT. 00290152

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

41. VICTOR MANUEL LEBRON ENCARNACION

BOR DKT. 00235580

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for unemployment benefits under availability for work, and liable for a non-fraud refund.

42. VICTOR MANUEL LEBRON ENCARNACION

BOR DKT. 00253581

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for unemployment benefits under availability for work, and liable for a non-fraud refund.

43. JAMES GILL

BOR DKT. 00283866

Claimant appealed the decision of the Appeal Tribunal holding the claimant employed full-time.

44. JAMES GILL

BOR DKT. 00283867

Claimant appealed the decision of the Appeal Tribunal holding the claimant employed full-time.

45. JABRIL BARNES

BOR DKT. 00264784

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

46. MARIA GONZALEZ

BOR DKT. 00277306

Claimant appealed a decision of the Appeal Tribunal holding no disqualification for unemployment benefits for refusing suitable work without good cause, and remand to the Director to recalculate the amount of the refund.

47. AHMED ABDELHALIM

BOR DKT. 00273193

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

48. LILIANA ACOSTA

BOR DKT. 00272421

Claimant appealed a decision of the Appeal Tribunal holding the claimant's appeal late without good cause and the claimant liable for refund.

49. TONY GIRARD

BOR DKT. 00280773

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for Extended Benefits (EB).

50. VANESSA HUTTON

BOR DKT. 00282397

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

51. CYNTHIA SAVAIKO

BOR DKT. 00314115

Claimant appealed from a determination of the Deputy, holding the unemployment claim invalid on the ground that the claimant lacked requalifying wages.

ACTION:

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

A-4 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW

1. AMANDA GILCH

BOR DKT. 00275728

The claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for Pandemic Unemployment Assistance benefits, ineligible for benefits under availability for work, and liable for refund of benefits.

2. MATTHEW TUSTIN

BOR DKT. 00276415

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. BRYAN VAN WYK

BOR DKT. 00278992

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 for a non-fraud refund.

4. SANDRA ESPINAL

BOR DKT. 00278699

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 for a non-fraud refund.

5. ENI CABRERA

BOR DKT. 00278571

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

6. REBECCA SCHAD

BOR DKT. 00279115

Claimant appealed a decision of the Appeal Tribunal holding the claimant not unemployed, disqualified for unemployment 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 C.A.R.E.S. Act, and a liability for a non-fraud refund.

7. JENNIFER KARKOVICE

BOR DKT. 00279539

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

8. JENNIFER KARKIOVICE

BOR DKT. 00279540

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

9. JAMERE TAYLOR

BOR DKT. 00278822

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

10. KALISHA MCGRAW

BOR DKT. 00279385

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 of benefits under ability to work, and a liability for a non-fraud refund.

11. RASHA BASUF

BOR DKT. 00269986

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for unemployment benefits for voluntarily leaving work without good cause attributable to the work, ineligibility for Pandemic Unemployment Assistance (PUA) as the claimant's unemployment was not due to one of the COVID-19 related reasons identified under the C.A.R.E.S. ACT, and liability for a non-fraud refund.

12. MAUREEN ROCHE

BOR DKT. 00257263

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for Pandemic Unemployment Assistance (PUA) as the claimant's unemployment was not due to one of the COVID-19 related reasons identified under the C.A.R.E.S. ACT, and liability for a non-fraud refund.

13. JULIA MARTINEZ

BOR DKT. 00257588

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for unemployment benefits due to unavailability for work, ineligibility as there were less than seven eligible days during a week of claimed benefits, eligibility for benefits for weeks when available for work, eligible for Pandemic Unemployment Assistance (PUA) for weeks when the claimant's unemployment was due to one of the COVID-19 related reasons identified under the C.A.R.E.S. ACT, referral to the Deputy for an initial determination of PUA for other weeks of unemployment, and liability for a non-fraud refund.

14. LIDIA AMADIZ

BOR DKT. 00276903

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and 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 C.A.R.E.S. Act.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS

MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS BY

THE BOARD OF REVIEW.

A-5 AFFIRMED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL BY THE BOARD OF REVIEW

1. ESTALE FERNANDEZ

BOR DKT. 00261364

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

ACTION: BOARD VOTED TO ACCEPT THIS CASE AS AFFIRMED

AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL BY THE BOARD OF REVIEW.

A-6 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW

1. KEVIN KLEMENS

BOR DKT. 00272758

Claimant appealed voluntary leaving determination, ineligibility for PUA, and refund.

2. KIERSTYN HAYDUCKA

BOR DKT. 00259918

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. ZENON NAJDZINOWICZ

BOR DKT. 00280468

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as untimely through 07/31/21, ineligible for benefits under availability for work, and a liability for a non-fraud refund.

4. BRITTANIE ARTHUR-FERGUSON

BOR DKT. 00279820

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

5. DESTINY SEELEY

BOR DKT. 00278932

Claimant appealed a decision of the Appeal Tribunal holding the unemployment claim invalid and liability for a refund.

6. CHRISTINA SANTIAGO

BOR DKT. 00277030

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

7. MOUNIR BEG

BOR DKT. 00324763

Deputy appealed the decision of the Appeal Tribunal holding the claimant eligible for Mixed Earners Unemployment Compensation (MEUC) benefits as the claimant had sufficient self-employment income.

8. KAITLIN HEDBLOM

BOR DKT. 00304716

Deputy appealed the decision of the Appeal Tribunal holding the claimant unemployed.

ACTION:

BOARD VOTED TO ACCEPT THE ABOVE CASES AS REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW.

A-7 REVERSED DECISIONS OF THE APPEAL TRIBUNAL AND/OR THE DEPUTY BY THE BOARD OF REVIEW

1. MACKENZIE ENGLISH

BOR DKT. 00262792

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

2. ROBERT MAZZOCCHI

BOR DKT. 00275341

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

3. ANTHONY BIANCAMANO

BOR DKT. 00280943

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits for failure to meet reporting requirements in accordance with Division regulations.

4. SHOGIK GENTILE

BOR DKT. 00255193

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily. (Board voted to remove this item from

the reversed category and affirm the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily).

5. ROBERT BROOKS-BRULLO

BOR DKT. 00270499

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

ACTION: BOARD VOTED TO ACCEPT THE REMAINING FOUR

CASES AS REVERSED DECISIONS OF THE APPEAL TRIBUNAL AND/OR DEPUTY BY THE BOARD OF

REVIEW.