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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
SEPTEMBER 23, 2020**

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

SHAHRAZAD A. LEDAN, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING SEPTEMBER 23, 2020

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A regular meeting of the Board of Review was held on Wednesday, September 23, 2020 at 10:00 a.m., via conference call, in Trenton, New Jersey

PRESENT: Nancy Hunt, Chairperson, William Scaglione, Vice-Chairperson, Shahrazad A. Ledan, Acting Executive Secretary, Keith Austin, Director.

In accordance with L1975, c.231, the Acting 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 – SEPTEMBER 23, 2020 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the September 16, 2020 Board meeting.

**ACTION: THE BOARD VOTED TO ADOPT THE MINUTES OF THE
SEPTEMBER 16, 2020 BOARD MEETING.**

OLD BUSINESS:

1. KONSTANTINE MAKRYGIANNIS BOR DKT. 00204902

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for leaving the work voluntarily without good cause attributable to such work. **(Appellate Specialist Alverio) (This case was tabled in the September 9, 2020 Agenda for further review).**

**ACTION: BOARD VOTED TO MODIFY THE APPEAL TRIBUNAL
DECISION AND REVERSE THE VOLUNTARY QUIT TO A
MISCONDUCT ALLOWED.**

SECTION A – HEARING MATTERS

A-1 VACATED APPEALS TO THE BOARD OF REVIEW

1. CRYSTAL ORTEGA BOR DKT. 00181201

Claimant appealed from a determination of the Deputy holding the claim dated May 10, 2020 invalid on the ground that she did not have requalifying wages.

**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. BRIAN HOFFMAN BOR DKT. 00198726

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

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2. MICHAEL KOZMAN **BOR DKT. 00210385**

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

3. DARIANGELIZ OLIVO **BOR DKT. 00198660**

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

4. LEWIS SERIO **BOR DKT. 00206822**

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

5. YEIDY GARCIA **BOR DKT. 00195380**

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

6. JAIMIE FAY **BOR DKT. 00194573**

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

7. LAURA PETTIT **BOR DKT. 00202403**

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and dismissing as academic her ineligibility for benefits under availability for work.

8. CRISTAL REYES NUÑEZ **BOR DKT. 00205119**

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

9. VILMA BARRERA **BOR DKT. 00203814**

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

10. HAKEEM BARRETT **BOR DKT. 00206489**

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

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11. MAEVE HAJEK

BOR DKT. 00209809

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

12. NEGEL WALKER

BOR DKT. 00198055

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

13. NAISHA WONGUS

BOR DKT. 00200732

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for benefits for leaving the work voluntarily without good cause attributable to such work and no disqualification as the claimant did not receive remuneration in lieu of notice.

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

A-3 DISMISSALS OF NO JUSTICIABLE ISSUES TO THE BOARD OF REVIEW

1. SHANAE CLARKE

BOR DKT. 00212249

Employer appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily after a hearing in which they did not participate.

2. MYNHAN PALMIERI

BOR DKT. 00213747

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

**ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS
DISMISSALS TO THE BOARD AS NO JUSTICIABLE ISSUE.**

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A-4 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. LAWRENCE BENNETT **BOR DKT. 00211177**

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

2. KATLYN CAMPBELL **BOR DKT. 00198883**

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

3. MARK BACCO **BOR DKT. 00213063**

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefit for leaving work voluntarily, and liable for a non-fraud refund.

4. CHANCELEVIA MBENGONE MENGARA **BOR DKT. 00212511**

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

5. ROSE TEIXEIRA **BOR DKT. 00213119**

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, and holding the claimant liable for refund.

6. GARY AZZOLINI **BOR DKT. 00213650**

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

7. JACQUELINE JOHNSON **BOR DKT. 00206395**

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

8. PAMELA BARRIOS **BOR DKT. 00212015**

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

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9. NICHOLAS GOLKIEWICZ BOR DKT. 00212299

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

10. JAIRO PARRA BOR DKT. 00204581

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

11. BARBARA DEARMAS BOR DKT. 00211987

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work. **(Board voted to table this case to a future agenda for further review.)**

12. ADALGISA PALERMO DELEON BOR DKT. 00213720

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

13. SARAH HERNANDEZ BOR DKT. 00213249

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

14. RAQUEL MARTINEZ BOR DKT. 00209153

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.

15. LASHUNDA DESOUZA BOR DKT. 00206368

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

16. PATRICIA RODRIGUEZ BOR DKT. 00213695

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

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17. MAYLIN FELIZ BOR DKT. 00210996

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

18. KATRINA GRIFFITH BOR DKT. 00213107

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

19. ASHIQ SYED BOR DKT. 00212696

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work. **(The Board voted to modify the Appeal Tribunal decision and hold that the claimant did not voluntarily leave but was on a leave of absence. The Board will not invalidate the claim. The claim should be converted to a PUA claim.)**

20. CARLOS CUEVAS MENDEZ BOR DKT. 00211595

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

21. TRACEY STEPHENS BOR DKT. 00209678

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

22. JAIME FLORES BOR DKT. 00213704

Claimant appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily, and ineligible for benefits from March 15, 2020 through June 27, 2020 under availability for work.

ACTION: BOARD VOTED TO ACCEPT THE REMAINING 20 CASES AS AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS.

A-5 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. MINGHSING HUNG BOR DKT. 00212383

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

2. AHSAD MCFADDEN BOR DKT. 00213215

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

3. NATALIE HERNANDEZ KERLIN BOR DKT. 00209050

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work. **(The Board voted to Remand for further testimony.)**

4. CASSANDRA LESAINE BOR DKT. 00214014

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits from May 3, 2020 through June 20, 2020 under availability for work, and liable for a non-fraud refund. **(The Board voted to Affirm the Appeal Tribunal decision.)**

ACTION: BOARD VOTED TO ACCEPT THE REMAINING 2 CASES AS REVERSALS OF APPEAL TRIBUNAL DECISIONS.

A-6 REQUESTS FOR RECONSIDERATION OR REMAND FROM THE SUPERIOR COURT

1. GERARD LAMOLA BOR DKT. 00196799

Claimant appealed a decision of the Appeal Tribunal holding claimant ineligible for Ex-Servicemen's benefits as the claimant did not have qualifying wages. **(For the Board to consider the Courts motion for a Remand.)**

ACTION: BOARD VOTED TO TAKE THIS CASE BACK TO ALLOW CLAIMANT TO PRESENT ADDITIONAL EVIDENCE ON THIS CASE.

A-7 REMANDS FROM THE SUPERIOR COURT

1. KATHERINE THOMPSON BOR DKT. 00176443

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

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2. JANNA SMITH BOR DKT. 00191380

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefit as the claimant had reasonable assurance of reemployment with an educational institution.

3. JOHN J. LYONS, III BOR DKT. 00182319

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late.

4. FRED M. BURG BOR DKT. 00184393

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS REMANDS FROM THE SUPERIOR COURT. TO BE SENT BACK TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY. THE CASES WILL BE SENT BACK TO THE APPEAL TRIBUNAL.

A-8 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. JEINY MEJIA BOR DKT. 00213865

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

2. SAHEIRA REEVEY BOR DKT. 00215133

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

3. EVELIN CASTILLO BOR DKT. 00213569

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

4. SHAHIDA PARVEEN BOR DKT. 00213380

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

5. ZORAYA FORERO BOR DKT. 00213047

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

6. LIDER MOREIRA BOR DKT. 00208844

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

7. VICTOR RODRIGUEZ BOR DKT. 00213329

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

8. WILLIAM PIZZANO BOR DKT. 00206457

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

9. GEORGINA MENSAH BOR DKT. 00212974

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

10. CHRISTINA IRVING BOR DKT. 00213320

Claimant appealed a decision of the Appeal Tribunal holding the claimant filed a late appeal with good cause, and ineligible for benefits under availability for work.

11. CRYSTAL GRAVES BOR DKT. 00209485

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

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12. EBONY BASS-MCKNIGHT

BOR DKT. 00208121

Claimant appealed the 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 REMANDS TO THE APPEAL TRIBUNAL OR THE DEPUTY.

SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 EDWIN RAMIREZ

BOR DKT. 00213707

Claimant appealed the decision of the Appeal Tribunal holding no disqualification for leaving the work voluntarily without good cause attributable to such work and holding a period of ineligibility as the claimant was not able to work. (**Appellate Specialist Alverio**)

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION WITH THE EXPLANATION AS TO WHY THE CLAIM IS NOT GOING TO BE INVALIDATED, IN ACCORDANCE WITH THE C.A.R.E.S. ACT.

B-2 SARAH CASUSCELLI

BOR DKT. 00212204

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work. (**Appellate Specialist Hart**)

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION WITH THE EXPLANATION AS TO WHY THE CLAIM IS NOT GOING TO BE INVALIDATED IN ACCORDANCE WITH THE C.A.R.E.S. ACT.

B-3 RIHAM RAGHEB

BOR DKT. 00213334

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under ability to work. (**Appellate Specialist Jackson**)

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ACTION: BOARD VOTED TO REMAND TO GET TESTIMONY REGARDING REFUND AND MORE TESTIMONY CONCERNING THE CLAIMANT’S ELIGIBILITY FOR PUA.

B-4 YAJAYRA CASANOVA BOR DKT. 00207188

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and liability to a non-fraud refund. (Appellate Specialist Jackson)

ACTION: BOARD VOTED TO DISMISS THIS CASE AS A LATE APPEAL BUT INDICATE THAT BASED ON DETERMINATION MAILED ON JULY 2, 2020 THE CLAIMANT IS ELIGIBLE FOR PUA.

B-5 ANTHONY OLIVERI BOR DKT. 00214672

Claimant appealed a decision of the Appeal Tribunal dismissing appeal as untimely without good cause through May 30, 2020, and not ineligible for benefits from May 31, 2020 through July 4, 2020. (Appellate Specialist Zola)

ACTION: BOARD VOTED TO REMAND THIS CASE FOR ADDITIONAL TESTIMONY.

B-6 WAFAA LINARES BOR DKT. 00214545

Claimant appealed decision of the Appeal Tribunal holding that the appeal was filed late with good cause and holding the claimant ineligible for benefits as she was not available for work. (Appellate Specialist Alverio)

ACTION: BOARD VOTED TO REMAND FOR ADDITIONAL TESTIMONY REGARDING THE CLAIMANT’S EMPLOYMENT STATUS AND AVAILABILITY FOR WORK.

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B-7 SARAY JAVIER CRUCEY BOR DKT. 00212245

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work. (**Appellate Specialist Matos**)

ACTION: BOARD VOTED TO REMAND FOR ADDITIONAL TESTIMONY AS MORE INFORMATION IS NEEDED.

B-8 DAPHNE MORGANTI BOR DKT. 00210067

Claimant appealed a decision of the Appeal Tribunal denying the request to reopen the matter due to non-registration for the hearing. (**Appellate Specialist Jackson**)

ACTION: BOARD VOTED TO TABLE THIS CASE TO A FUTURE AGENDA TO SEND OUT CORRESPONDENCE TO FIND OUT WHETHER THE CLAIMANT HAD GOOD CAUSE FOR FAILING TO REGISTER FOR THE HEARING.

B-9 MARISSA COFFARO BOR DKT. 00214584

Claimant appealed a decision of the Appeal Tribunal holding that the appeal was filed late with good cause and holding a disqualification for leaving the work voluntarily without good cause attributable to such work. (**Appellate Specialist Alverio**)

ACTION: BOARD VOTED TO MODIFY THE APPEAL TRIBUNAL DECISION HOLDING THE DISQUALIFICATION WITH EMPLOYER #1 AND REMANDING TO THE DEPUTY TO ISSUE A DETERMINATION ON THE STATUS WITH EMPLOYER #2.

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B-10 ADRIENNE SCERBO

BOR DKT. 00213792

Claimant appealed a decision of the Appeal Tribunal dismissing appeal through May 2, 2020 as late without good cause and holding the claimant was unavailable for work and ineligible for benefits. (**Appellate Specialist Zola**)

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