



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lieutenant Governor

State of New Jersey
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
P.O. Box 110
TRENTON, NEW JERSEY 08625-0110

ROBERT ASARO-ANGELO
Commissioner

BOARD OF REVIEW

**MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
OCTOBER 7, 2020**

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

SHAHRAZAD A. LEDAN, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING OCTOBER 7, 2020

OCTOBER 7, 2020

.....
A regular meeting of the Board of Review was held on Wednesday, October 7, 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 – OCTOBER 7, 2020 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the September 30, 2020 Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE SEPTEMBER 30, 2020 BOARD MEETING.

OLD BUSINESS:

1. JOSEPH SANTIAGO **BOR DKT. 00213067**

Employer appealed a decision of the Appeal Tribunal dismissing the appeal as late without good cause. **(This case was on the Board Meeting of September 16, 2020 in the Affirmations of Appeal Tribunal Decisions category. The Board decided to Remand to the Appeal Tribunal for further testimony.)**

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

2. IRIS SOTO **BOR DKT. 00211040**

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for discharge for misconduct connected to the work. **(This case was tabled in the Board meeting of August 12, 2020.)**

ACTION: BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY FROM THE CLAIMANT.

SECTION A – HEARING MATTERS

A-1 WITHDRAWAL OF APPEALS

1. AMANDA MILIAN **BOR DKT. 00216521**

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

BOARD OF REVIEW MINUTES – OCTOBER 7, 2020 MEETING

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS A WITHDRAWAL OF THE CLAIMANT’S APPEAL TO THE BOARD OF REVIEW.

A-2 VACATED APPEALS TO THE BOARD OF REVIEW

1. MATTHEW MENDES BOR DKT. 00215525

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

2. VICTORIA WILSON BOR DKT. 00209761

Claimant appealed a decision of the Appeal Tribunal holding the claimant tolled out a voluntary leaving disqualification prior to date of claim.

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

A-3 DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW

1. MATTHEW OZORIA BOR DKT. 00212117

Claimant appealed decision of the Appeal Tribunal holding an ineligibility for benefits as the claimant was not available for work.

2. ZEV GELLERNTER BOR DKT. 00211771

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. CHANEL MAYO BOR DKT. 00195764

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

4. SHAIHOBARA BOR DKT. 00204572

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

BOARD OF REVIEW MINUTES – OCTOBER 7, 2020 MEETING

5. HOLANDA ZARATE BOR DKT. 00213655

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

6. CHERYL MILLMAN BOR DKT. 00210789

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

7. ROBERT GRAMS BOR DKT. 00212235

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

8. ROSA ENTERSZ BOR DKT. 00209828

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

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

A-4 DISMISSALS OF LATE APPEALS NO JUSTICIABLE ISSUE

1. CHERYL SMITH BOR DKT. 00213038

Claimant appealed decision of the Appeal Tribunal dismissing the appeal as there was no justiciable issue.

2. YLEANA DUARTE BOR DKT. 00214186

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

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

BOARD OF REVIEW MINUTES – OCTOBER 7, 2020 MEETING

A-5 DENIAL OF REOPENING REQUESTS TO THE BOARD OF REVIEW

1. DAMON VELASQUEZ BOR DKT. 00194263

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.

2. TINA CARTER BOR DKT. 00204860

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 such work.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS DENIALS OF REOPENING REQUESTS TO THE BOARD OF REVIEW.

EXECUTIVE SESSION:

10:16 BOARD VOTED TO GO INTO EXECUTIVE SESSION FOR LEGAL ADVICE ON TINA RUSSO COURT CASE. ATTORNEY GENERAL ELIZABETH DAVIES CASE.

10:40 BOARD VOTED TO COME OUT OF EXECUTIVE SESSION AND RESUME THE REGULAR OPEN PUBLIC MEETING.

A-6 REQUEST FOR RECONSIDERATION FROM SUPERIOR COURT

1. TINA RUSSO BOR DKT. 00192143

Claimant appealed to the Superior Court from a decision of the Board of Review which affirmed the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work.

ACTION: BOARD VOTED TO TABLE THIS CASE TO THE AGENDA OF OCTOBER 14, 2020 PENDING A POST REVIEW.

BOARD OF REVIEW MINUTES – OCTOBER 7, 2020 MEETING

A-7 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. BRIAN FRICKER BOR DKT. 00210365

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work and not having sufficient subsequent employment to remove such disqualification, and subject to a pension reduction.

2. ADEM MALLELLARI BOR DKT. 00190348

Claimant appealed a decision of the Appeal Tribunal mailed on June 4, 2020, which dismissed the appeal on the ground that it was filed subsequent to the expiration of the statutory period.

3. KAREN BAXTER BOR DKT. 00207022

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

4. SAKEENA SHAKIR BOR DKT. 00209772

Claimant appealed decision of the Appeal Tribunal holding no disqualification for leaving the work voluntarily without good cause attributable to such work and holding a disqualification for discharge for misconduct connected to the work.

5. CHRISTINA MCLAUGHLIN BOR DKT. 00231680

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

6. JANELLE CLARK BOR DKT. 00214575

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

7. CAMERON HILLS BOR DKT. 00205571

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

BOARD OF REVIEW MINUTES – OCTOBER 7, 2020 MEETING

8. HARLEIGH COSTA BOR DKT. 00202807

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

9. NIKOLAY NIKIFOROV BOR DKT. 00213764

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

10. MOLLY WARD BOR DKT. 00214854

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

11. ROBERT BOYLE BOR DKT. 00214542

Claimant appealed a decision of the Appeal Tribunal holding the claimant was not unemployed and ineligible for benefits.

12. NANCY COBO IZQUIERDO BOR DKT. 00213481

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

13. AMALFI BORRERO BOR DKT. 00213439

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

14. KAIYLYN HOGAN BOR DKT. 00213671

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

15. ANA GARCIA BOR DKT. 00205187

Claimant appealed decision of the Appeal Tribunal dismissing the appeal as it was filed late without good cause and holding the claimant ineligible for benefits as she was not available for work or actively seeking work.

16. FELIX QUINTANA BOR DKT. 00198564

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

BOARD OF REVIEW MINUTES – OCTOBER 7, 2020 MEETING

17. LEONARD MAIOCCO BOR DKT. 00213932

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

18. JOANN MALANGA BOR DKT. 00215594

Claimant appealed a decision of the Appeal Tribunal holding the claimant did not have requalifying wages and the claim invalid.

19. LACHANE CURRY BOR DKT. 00214470

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

20. HARPEET KAUR BOR DKT. 00213793

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

21. SAMANTHA MCCARTHY BOR DKT. 00214445

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

22. RUMANA RAHMAN BOR DKT. 00215623

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

23. JONATHON THOMPSON BOR DKT. 00216224

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

24. KIRSTEN MORRIS BOR DKT. 00216213

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

25. JAMES HARHAI BOR DKT. 00215511

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

BOARD OF REVIEW MINUTES – OCTOBER 7, 2020 MEETING

26. STEPHEN LAZORCHAK BOR DKT. 00214421

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

27. ASHLEY FEE BOR DKT. 00216543

Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed, and holding the claimant liable for refund.

28. IESHA BOWEN BOR DKT. 00216252

Claimant appealed a decision of the Appeal Tribunal holding the claimant unavailable for work and ineligible for benefits.

29. ZUBARIA MURTAZA BOR DKT. 00217138

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

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

A-8 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. AMANDA VIRELLA BOR DKT. 00216325

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

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS A REVERSAL OF AN APPEAL TRIBUNAL DECISION.

A-9 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. FREDERICK POLLEY BOR DKT. 00210485

Claimant appealed decision of the Appeal Tribunal holding a disqualification for discharge for misconduct connected to the work.

BOARD OF REVIEW MINUTES – OCTOBER 7, 2020 MEETING

2. DANIELLE MCGLYNN BOR DKT. 00212220

Claimant filed an appeal from an Appeal Tribunal decision holding an ineligibility as the claimant was not available for work.

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

A-10 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. KASMERE MCCOY BOR DKT. 00211824

Employer appealed decision of the Appeal Tribunal holding no disqualification for discharge for misconduct connected to the work.

2. LISSETTE CHAVEZ BOR DKT. 00211799

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

3. KAREN CRUZ BOR DKT. 00212852

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

4. BRIA WHATLEY BOR DKT. 00212053

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

5. DIANA CARRELO BOR DKT. 00213598

Claimant appealed a decision of the Appeal Tribunal holding the claimant unavailable for work and ineligible for benefits.

6. VICTORIA ESPOSITO BOR DKT. 00215284

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

BOARD OF REVIEW MINUTES – OCTOBER 7, 2020 MEETING

7. ISSAC COOMBS BOR DKT. 00214150

Claimant appealed a decision of the Appeal Tribunal dismissing appeal as untimely and ineligible for benefits under availability for work.

8. ALEXANDER PREZIOSO BOR DKT. 00202242

Claimant appealed decision of the Appeal Tribunal holding the claimant ineligible for Disability During Unemployment benefits on the ground that he was not totally disabled.

9. DANIEL GARRABRANTS BOR DKT. 00213562

Claimant appealed a decision of the Appeal Tribunal holding no disqualification for leaving work voluntarily, not unemployed and claim dated 04/12/20 invalid, and liable for a non-fraud refund.

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 LILLIAN JIMENEZ BOR DKT. 00213722

Claimant appealed a decision of the Appeal Tribunal holding the employer filed a timely appeal, and a disqualification of benefits for leaving work voluntarily without good cause attributable to the work. (**Appellate Specialist Zola**)

ACTION: BOARD VOTED TO TABLE THIS CASE TO A FUTURE AGENDA PENDING A POST REVIEW.

B-2 COLE STEVENS BOR DKT. 00211250

Claimant appealed a decision of the Appeal Tribunal holding no disqualification for discharge for misconduct connected to the work and holding a disqualification for leaving the work voluntarily without good cause attributable to such work. (**Appellate Specialist Alverio**)

BOARD OF REVIEW MINUTES – OCTOBER 7, 2020 MEETING

ACTION: BOARD VOTED TO TABLE THIS CASE TO SEND THE CLAIMANT A LETTER TO ASCERTAIN WHEN HE INITIALLY FILED AN APPEAL TO THE BOARD.

B-3 THOMAS PENDER

BOR DKT. 00212934

Claimant appealed a decision of the Appeal Tribunal holding the claimant unavailable for work and ineligible for benefits. (**Appellate Specialist Zola**)

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION WITH AN EXPLANATION IN THE BOARD'S DECISION THAT WHILE THIS CLAIM WOULD TYPICALLY BE INVALIDATED, BASED ON THE C.A.R.E.S. ACT THE BOARD WILL NOT INVALIDATE THE CLAIM AND ALSO ADD THE CLAIMANT HAS AN UNRESOLVED VOLUNTARY QUIT DISQUALIFICATION STILL IN EFFECT THAT HAS NOT BEEN APPEALED.

B-4 ROBERT CAPERS

BOR DKT. 00214567

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits as he was not unemployed. (**Appellate Specialist Matos**)

ACTION: BOARD VOTED TO TABLE THIS CASES TO A FUTURE AGENDA PENDING A DISCUSSION WITH THE DIRECTOR OF THE APPEAL TRIBUNAL AS TO HOW TO DEAL WITH COMBO DETERMINATIONS.

B-5 ATAHUALPA CUEVAS

BOR DKT. 00213661

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

ACTION: BOARD VOTED TO DISMISS THE APPEAL AS LATE WITHOUT GOOD CAUSE TO THE BOARD AND SEND A MEMO TO THE APPEAL TRIBUNAL TO SET UP FOR THE REFUND.

BOARD OF REVIEW MINUTES – OCTOBER 7, 2020 MEETING

B-6 DAHIANA DIAZ

BOR DKT. 00213952

Claimant appealed the decision of the Appeal Tribunal holding the unemployment claim invalid as the claimant was not unemployed and liability to a non-fraud refund. (**Appellate Specialist Jackson**)

ACTION: BOARD VOTED TO TABLE THIS CASES TO A FUTURE AGENDA PENDING A DISCUSSION WITH THE DIRECTOR OF THE APPEAL TRIBUNAL AS TO HOW TO DEAL WITH COMBO DETERMINATIONS.

B-7 ADAM KOLACY

BOR DKT. 00215757

Claimant appealed a decision of the Appeal Tribunal which denied the claimant's request for a pre-date of an unemployment claim. (**Appellate Specialist Zola**)

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION.

B-8 CARLOS ALMONTE JACQUE

BOR DKT. 00208847

Claimant appealed a decision of the Appeal Tribunal dismissing appeal through March 28, 2020 as late without good cause, and holding the claimant unable to work and ineligible for benefits. (**Appellate Specialist Zola**)

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION.