MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
NOVEMBER 4, 2020

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

SHAHRAZAD A. LEDAN, ACTING EXECUTIVE SECRETARY
A regular meeting of the Board of Review was held on Wednesday, November 4, 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 L.1975, 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.
Submitted for adoption are the minutes of the October 28, 2020 Board meeting.

**ACTION:** BOARD VOTED TO ADOPT THE MINUTES OF THE OCTOBER 28, 2020 BOARD MEETING.

**OLD BUSINESS:**

1. BARBARA DEARMAS  
BOR DKT. 00211987

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work. *(This case was tabled in the meeting of September 23, 2020 pending a post review.)*

**ACTION:** BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL TO ADDRESS WHETHER THE CLAIMANT WAS AN EMPLOYEE WITH EARNINGS IN A PROGRAM TO PROVIDE CARE FOR HER FATHER.

2. SAKINA MOORE  
BOR DKT. 00213502

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work, and a liability to a non-fraud refund. *(This case was tabled in the meeting of September 30, 2020 pending a post review.)*

**ACTION:** BOARD VOTED TO REMAND THE CASE TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY TO SUPPLEMENT THE RECORD.

3. RENE RAYNES  
BOR DKT. 00211780

Employer appealed a decision of the Appeal Tribunal holding no disqualification as the claimant was not discharged for misconduct connected to the work.

**ACTION:** THIS CASE WAS PLACED ON THIS AGENDA IN ERROR AS IT WAS DECIDED IN THE MEETING OF SEPTEMBER 2, 2020 MEETING.
4. SUN KIM

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

**ACTION:** BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION.

SECTION A – HEARING MATTERS

A-1 VACATED APPEALS TO THE BOARD OF REVIEW

1. BRIAN MCNEW

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 CASE AS A VACATED APPEAL TO THE BOARD OF REVIEW.

A-2 DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW

1. SHELLEY SOTO

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

2. YEKINA WILLIAMS

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. LAVIETTE WILLINGHAM

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.
4. RICHARD ORDILLE  
BOR DKT. 00209929

Claimant appealed a decision of the Deputy 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 OF LATE APPEALS TO THE BOARD OF REVIEW.

A-3 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. LEVAR PASCHAL  
BOR DKT. 00198989

Claimant appealed a decision of the Appeal Tribunal imposing a fraud disqualification and holding the claimant liable for a fraud refund.

2. TARA RAPATTONI  
BOR DKT. 00212449

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work with employer #1 voluntarily without good cause attributable to such work.

3. SALENA COAXUM  
BOR DKT. 00212938

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

4. JOSEPH CLEMENTE  
BOR DKT. 00213719

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. CAONABO LUCIANO  
BOR DKT. 00214245

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

6. DIANA STEWARD  
BOR DKT. 00216257

Claimant appealed a decision of the Appeal Tribunal holding the claimant not unemployed and liable for a non-fraud refund.
<table>
<thead>
<tr>
<th></th>
<th>Name</th>
<th>DKT</th>
<th>Appeal Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>MARGARET VANHAAK</td>
<td>BOR DKT. 00214211</td>
<td>Claimant appealed a decision of the Appeal Tribunal holding a disqualification for benefits as the claimant left the work voluntarily without good cause attributable to such work.</td>
</tr>
<tr>
<td>8</td>
<td>FRANCES GIACONA</td>
<td>BOR DKT. 00215840</td>
<td>Claimant appealed a decision of the Appeal Tribunal holding the appeal timely and holding the claimant liable for non-fraud refund.</td>
</tr>
<tr>
<td>9</td>
<td>DANIEL HARVAT</td>
<td>BOR DKT. 00215368</td>
<td>Claimant appealed a decision dismissing the appeal through the date the Deputy’s determination was mailed as it was filed late without good cause and holding no ineligibility for subsequent period as the claimant was available for work and holding a liability for non-fraud refund.</td>
</tr>
<tr>
<td>10</td>
<td>CHRISTOPHER MANRIQUE</td>
<td>BOR DKT. 00216191</td>
<td>Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work and a liability to a non-fraud refund.</td>
</tr>
<tr>
<td>11</td>
<td>FELIX DILONE</td>
<td>BOR DKT. 00205420</td>
<td>Claimant appealed the decision of the Appeal Tribunal denying the request to reopen the matter due to non-registration for the hearing.</td>
</tr>
<tr>
<td>12</td>
<td>ANTHONY RUDOLPH</td>
<td>BOR DKT. 00220026</td>
<td>Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause.</td>
</tr>
<tr>
<td>13</td>
<td>JENNIFER GOLLUB</td>
<td>BOR DKT. 00218532</td>
<td>Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause through the mailing date of the determination and ineligible for benefits under active search for work.</td>
</tr>
<tr>
<td>14</td>
<td>JOSEPH BURGO</td>
<td>BOR DKT. 00207239</td>
<td>Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work.</td>
</tr>
</tbody>
</table>
15. JORGE RODRIGUEZ
BOR DKT. 00213132
Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits as the claimant was not available for work.

16. SAMIR VEREEN
BOR DKT. 00218914
Claimant appealed a decision of the Appeal Tribunal holding an ineligibility as the claimant was not able or available to work and holding a liability for non-fraud refund.

17. COURTNEY GREEN
BOR DKT. 00210822
Claimant appealed a decision of the Appeal Tribunal denying the request to reopen the matter due to non-registration for the hearing.

18. ANDREA ADAMS HUGHES
BOR DKT. 00216984
Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed and liable for a non-fraud refund.

19. LINDA EGLEY
BOR DKT. 00215959
Claimant appealed a decision of the Appeal Tribunal holding no disqualification for leaving the work voluntarily without good cause attributable to such work and holding an ineligibility as the claimant was not available for work.

20. DARLENE GARRETSON-FULTON
BOR DKT. 00215466
Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work.

21. GABRIELLE JOHNSON
BOR DKT. 00217685
Employer appealed the decision of the Appeal Tribunal holding the claimant unemployed.

22. JOSEPH REKULAK
BOR DKT. 00214782
Claimant appealed the Appeal Tribunal decision reducing the weekly benefit rate on the claim to zero due to the receipt of a pension from a base year employer.

23. DEBBIE HARRIS
BOR DKT. 00216975
Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed.
24. TRAVIS CLARK, SR.  BOR DKT. 00217009

    Employer #1 appealed the decision of the Appeal Tribunal holding no
disqualification of benefits for leaving work voluntarily.

25. ALEAHA BATTLE  BOR DKT. 00212808

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

26. IMANA MONTGOMERY  BOR DKT. 00215423

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

27. MICHAEL VOZA  BOR DKT. 00215180

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

28. SANDRA PLEDGER  BOR DKT. 00207323

    Claimant appealed a decision of the Appeal Tribunal dismissing appeal on
Additional Benefits During Training (ABT) as such benefits have been exhausted.

29. SUSAN SIBEN  BOR DKT. 00203823

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

ACTION:  BOARD VOTED TO REMOVE #9 ROGER BLANCHETTE
FROM THE AFFIRMATIONS CATEGORY AND ACCEPT
THE REMAINING 29 CASES AS AFFIRMATIONS OF
APPEAL TRIBUNAL DECISIONS.

A-4  MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. ANA MONTES  BOR DKT. 00216726

    Claimant appealed a decision of the Appeal Tribunal holding her ineligible for
benefits on the ground that she was employed full-time.
2. TAMIKI STANLEY
BOR DKT. 00218042

Claimant appealed 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 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS.

**A-5 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY**

1. KATHLEEN VISOCKI
BOR DKT. 00204689

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

2. TINA ANDERSON
BOR DKT. 00208186

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

3. PAULA DOUGHERTY
BOR DKT. 00207585

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. DAWN REEDER
BOR DKT. 00204861

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

5. LYNN BERGHAHN
BOR DKT. 00214520

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily with Employer #1 and Employer #2, and disqualified for Family Leave During Unemployment benefits as the voluntary leaving disqualification was still in effect.

6. FRANCES GIACONA
BOR DKT. 00191710

Claimant appealed decision of the Appeal Tribunal dismissing the appeal as the claimant failed to register to participate in a duly scheduled hearing.
7. ANDREW ANDRZEJCZAK  
BOR DKT. 00216824
Claimant appealed a decision of the Appeal Tribunal holding an ineligibility period as the claimant was not available for work.

8. SUSAN CASTLETON  
BOR DKT. 00215449
Claimant appealed a decision of the Appeal Tribunal holding the unemployment claim valid with a reduced monetary entitlement and liability for a non-fraud refund.

9. REBECCA HOLL  
BOR DKT. 00216031
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause and a non-fraud refund liability.

10. JESSICA PEINADO  
BOR DKT. 00213490
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work, and holding the claimant liable for refund.

11. LAKEMA HALL NEAL  
BOR DKT. 00216863
Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily or misconduct connected with the work.

12. SHAHIN GUMBES  
BOR DKT. 00217501
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and liability for a non-fraud refund.

13. BRIAN ZAWISTOWSKI  
BOR DKT. 00217129
Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause.

14. TIMOTHY ENS  
BOR DKT. 00214889
Claimant appealed a decision of the Appeal Tribunal dismissing appeal as late without good cause.
15. LISA BISSETT  
BOR DKT. 00215309  
Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work.

16. KERRYS CLEARY  
BOR DKT. 00216116  
Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits on the ground that the claimant was not available for work.

17. STEPHEN ROCCO  
BOR DKT. 00216019  
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and liability for a non-fraud refund.

18. LYNDA LIRIANO  
BOR DKT. 00209871  
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 REMANDS TO THE APPEAL TRIBUNAL OR THE DEPUTY.

**SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION**

B-1 IVAYLO TODOROV  
BOR DKT. 00210952  
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 THIS CASE TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY TO DETERMINE THE CLAIMANT’S LAST DAY OF WORK WITH EMPLOYER #1 AND THE START DATE WITH EMPLOYER #2.
Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability and active search for work and liable for a non-fraud refund.  (Appellate Specialist Jackson)

**ACTION:**  BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY AND FOR THE APPEAL TRIBUNAL TO RULE ON THE ACTUAL ISSUE APPEALED.

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 Hart)

**ACTION:**  BOARD VOTED TO TABLE THIS CASE TO A FUTURE AGENDA PENDING FURTHER REVIEW TO DETERMINE JURISDICTION.

Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed.  (Appellate Specialist Jackson)

**ACTION:**  BOARD VOTED TO MODIFY THE APPEAL TRIBUNAL DECISION, INVALIDATE THE CLAIM AND NOTIFY THE DEPUTY TO FILE A NEW CLAIM.

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

**ACTION:**  BOARD VOTED TO REMAND FOR ADDITIONAL TESTIMONY REGARDING THE TIMELINESS OF THE APPEAL AND, IF APPLICABLE TO MAKE A DECISION ON THE MERITS.
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work and a liable for a non-fraud refund. (Appellate Specialist Jackson)

ACTION: BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION AND INCLUDE THE ZAPORITO VS. BOARD OF REVIEW COURT CASE IN THE DECISION.