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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
JANUARY 11, 2023**

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

LISA HART, MEMBER

MARIA ZOLA, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING JANUARY 11, 2023

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A regular meeting of the Board of Review was held on Wednesday, JANUARY 11, 2023 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 – JANUARY 11, 2023, AGENDA

BOARD MINUTES:

Submitted for adoption are the minutes of the JANUARY 4, 2023, Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE JANUARY 4, 2023, BOARD MEETING.

OLD BUSINESS:

1. DEBRA HAGEN BOR DKT. 00266667

Claimant appealed a decision holding a disqualification of benefits for refusing suitable work, an ineligibility of benefits under actively seeking work, an ineligibility 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 liable for a non-fraud refund.

ACTION: BOARD VOTED TO MODIFY THE DECISION OF THE APPEAL TRIBUNAL.

SECTION A – HEARING MATTERS:

A-1 VACATED APPEALS BY THE BOARD OF REVIEW

1. NICHOLAS CORRADO BOR DKT. 00270337

Claimant's correspondence was processed as an appeal to a decision of the Appeal Tribunal holding an ineligibility for benefits under employed full time and a refund liability.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE 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. MICHELLE MILEY BOR DKT. 00247976

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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2. ANDREA ROBBINS BOR DKT. 00263835

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits under availability for work and a liability to a refund.

3. RONNIE LOZADA I BOR DKT. 00310945

Claimant's correspondence was processed as an appeal to the decision of the Appeal Tribunal holding no ineligibility for benefits under reporting requirements.

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. ANGELIQUE PERIAN BOR DKT. 00267453

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits under not unemployed and a liability to a refund.

2. MATTHEW ZABEL BOR DKT. 00262469

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

3. STANLEY PHILIPPE BOR DKT. 00258268

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. PATRICIA LATIMER BOR DKT. 00268126

Claimant appealed a decision from the Appeal Tribunal holding an ineligibility for Pandemic Unemployment Assistance (PUA) benefits.

5. SUSAN MARICONDA BOR DKT. 00268633

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

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6. HIRAM DENIS BOR DKT. 00269111

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

7. SASHA ECHEVARRIA BOR DKT. 00269297

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms and liability to a non-fraud refund.

8. SASHA ECHEVARRIA BOR DKT. 00266027

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms and liability to a non-fraud refund.

9. MARYANN POLUHOVICH BOR DKT. 00266723

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

10. SAMUEL COHEN BOR DKT. 00263276

Claimant appealed the Appeal Tribunal decision holding the unemployment claim invalid, 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 a non-fraud refund.

11. JUAN BAUTISTA BOR DKT. 00266480

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.

12. SHILPA SANGHVI BOR DKT. 00267095

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

13. STEVEN BACHMAN BOR DKT. 00267957

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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.

14. LUCY AVOLA BOR DKT. 00264340

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

15. MARISA LIONE BOR DKT. 270190

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

16. MICHAEL ULRICH BOR DKT. 00277285

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

17. ELIZABETH GARDINER BOR DKT. 00258624

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

18. OSCAR BERMUDEZ NARANJO BOR DKT. 00268108

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

19. NIKI BROOKS BOR DKT. 00261028

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

20. FRANCES DATTOLO BOR DKT. 00258650

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility of unemployment benefits under availability to work, an ineligibility of 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 liable for a non-fraud refund.

21. ISABEL BENAVIDES BOR DKT. 00265804

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

22. RASOOL ABDULLAH

BOR DKT. 00264569

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

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. JOANN CARUCCI

BOR DKT. 00222643

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.

2. JOHN LEWINSKI

BOR DKT. 00268410

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 CARES Act.

3. MARTIN BERSAW

BOR DKT. 00267816

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and reducing the weekly benefit rate due to receipt of a pension from a base year or chargeable employer.

4. MARYANNE ONWUANUMKPE

BOR DKT. 00266838

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

5. RYAN MEHAFFEY

BOR DKT. 00257407

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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.

6. DANA FRIEDMAN BOR DKT. 00267811

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms and liability for non-fraud refund.

7. CARISSA BORRAGGINE BOR DKT. 00239700

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause, Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed and liability for non-fraud refund.

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

A-5 REOPENED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL

1. BIANCA EDME BOR DKT. 00227879

Superior Court of New Jersey Appellate Division remanded the matter of the claimant's entitlement to Pandemic Unemployment Assistance (PUA) benefits to the Board of Review for an initial determination from the Deputy.

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

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

1. MARK CONNELLY BOR DKT. 00261798

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.

2. SIMIONE ZAMBRANO BOR DKT. 00264220

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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.

3. NICHOLAS IDELSON BOR DKT. 00267172

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

4. SHIRIN AFRASYABI BOR DKT. 00266850

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

5. HENRY ACOSTA BOR DKT. 00269196

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

6. ANNY TORO BOR DKT. 00270659

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

7. CHRISTOPHER TRANCHINA BOR DKT. 00268536

Claimant appealed a decision of the Appeal Tribunal holding the claimant liable 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-7 REVERSE DECISIONS TO THE APPEAL TRIBUNAL

1. ANTHONY GREENE BOR DKT. 00266062

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

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2. EDWARD CAICEDO BOR DKT. 00127409

The claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits under refusal of suitable work and a liability to a refund.

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