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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
MAY 26, 2021**

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

SONIA MATOS, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING MAY 26, 2021

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A regular meeting of the Board of Review was held on Wednesday, May 26, 2021 at 10:00 a.m., via conference call, in Trenton, New Jersey

PRESENT: Nancy Hunt, Chairperson, William Scaglione, Vice-Chairperson, Sonia Matos, 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 MINUTES – MAY 26, 2021 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the May 19, 2021 Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE MAY 19, 2021, AGENDA MEETING.

SECTION A – HEARING MATTERS

A-1 VACATED APPEALS TO THE BOARD OF REVIEW

1. JOAN SIMON BOR DKT. 00231135

Claimant appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily and holding the claimant ineligible for Pandemic Unemployment Assistance benefits.

2. JONATHAN ARENA BOR DKT. 00231201

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 VACATED APPEALS TO THE BOARD OF REVIEW.

A-2 DISMISSALS OF LATE APPEALS OR NO JUSTICIABLE ISSUE TO THE BOARD OF REVIEW

1. CHRISTINE GNIZDOWSKI BOR DKT. 00218830

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

2. SCOTT SHALETTE BOR DKT. 00233106

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

3. RICHARD SOMMERS BOR DKT. 00230543

Claimant appealed denial of Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons.

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4. RHONDA DURDEN BOR DKT. 00225380

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

5. FRANCIS GREMSPERGER BOR DKT. 00234958

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

6. LAURA BENTIVENGA BOR DKT. 00222113

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

7. NICHOLAS DUVA BOR DKT. 00223613

Claimant appealed a decision of the Appeal Tribunal holding him eligible for regular benefits under availability for work.

8. MARGI BOUTRS BOR DKT. 00232987

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.

**ACTION: BOARD VOTED TO ACCEPT THESE CASES AS
DISMISSALS OF LATE APPEALS OR NO JUSTICIABLE
ISSUE TO THE BOARD OF REVIEW.**

A-3 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. ARMALDO MUNDELL BOR DKT. 00221817

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

2. ROBERT NARDELLO BOR DK. 00221440

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

3. ALEXA KAMINSKI BOR DKT. 00218267

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

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4. ISAURA CERQUEIRA BOR DKT. 00221508

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

5. ABIGAIL MILLER BOR DKT. 00223605

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits on the ground that she was not actively seeking work.

6. JANET MILLER BOR DKT. 00216344

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 non-fraud refund.

7. JOSE HOLGUIN BOR DKT. 00231394

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

8. MICHAEL MCDARBY BOR DKT. 00224104

Claimant filed an appeal to a decision of the Appeal Tribunal which affirmed the monetary entitlement established on the claim.

9. BRYAN DUSHANE BOR DKT. 00231758

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

10. PAULA OTTO BOR DKT. 00233116

Claimant appealed denial of Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons, holding the claimant liable for a non-fraud refund.

11. JAMES GRIBBON BOR DKT. 00213145

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits on the ground that the claimant was not available for work and a liability to a non-fraud refund.

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12. CAROL DAMES BOR DKT. 00223419

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

13. JUSTYNA BALOBLOCKA BOR DKT. 00236476

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 non-fraud refund.

14. ANTHONY GONZALEZ BOR DKT. 00232882

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

15. BRYAN TEMIN BOR DKT. 00223008

Claimant appealed a decision of the appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work, ineligible for Pandemic Unemployment Assistance (PUA) benefits under the CARES Act, and liable for a non-fraud refund.

16. MOWAFAQ SHRAIM BOR DKT.00229912

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

17. RESHMA THAKKAR BOR DKT. 00230683

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

18. MICHAEL HAND BOR DKT. 00220576

Claimant and employer appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work. **(Board voted to remand the matter to the Appeal Tribunal for a limited hearing regarding the allegation of witness tampering and for the Appeal Tribunal to review the text messages).**

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19. TIKEYA SIMPSON

BOR DKT. 00206891

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

20. YURIY VASYLYK

BOR DKT. 00223693

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

21. GINA MALONY

BOR DKT. 00229787

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work. **(Board voted to reverse the voluntary leaving to a refusal of suitable work disqualification and remand the matter of the claimant's availability to the Deputy. The matter of the claimant's eligibility for Pandemic Unemployment Assistance (PUA) will also be referred to the Deputy).**

22. AMADOR CAMPOS

BOR DKT. 00230955

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

23. ARIS SYKES

BOR DKT. 00230929

Claimant appealed the decision of the Appeal Tribunal holding an ineligibility for Extended Benefits as the claimant did not establish 20 base week or earn 40 times the weekly benefit rate during the base year period on the claim.

24. CHERYL BIANCHINO

BOR DKT. 00231159

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

25. MARGI BOUTRS

BOR DKT. 00232987

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. **(Board voted to remove this case from this category and keep it as a dismissal of late appeal to the Board of Review).**

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26. MIRNA AGUILAR

BOR DKT. 00212506

Claimant appealed a 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 REMAINING CASES AS AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS.

A-4 MODIFIED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL OR THE DEPUTY

1. CHRISTOPHER ASCIONE

BOR DKT. 00219133

Claimant appealed a decision dismissing appeal as late without good cause.

ACTION: BOARD VOTED TO ACCEPT THIS CASE AS A MODIFIED AND REMANDED DECISION DISMISSING THE APPEAL THROUGH THE SATURDAY OF THE WEEK OF MAILING OF THE DEPUTY'S DETERMINATION AND REMANDING THE MATTER OF THE CLAIMANT'S ELIGIBILITY FOR LATER PERIODS TO THE APPEAL TRIBUNAL.

A-5 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. DAVID MOSKOWITZ

BOR DKT. 00223353

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits under reporting requirements.

2. MADELINE HUTZ

BOR DKT. 00192894

Claimant appealed a decision of the Appeal Tribunal holding the claimant liable for a fraud refund and disqualified for benefits for one year from the date of discovery.

3. FINAHYA ZEIGLER

BOR DKT. 00225165

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

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4. DEMITRIA COOPER BOR DKT. 00231429

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

5. SANTINA STEINBRECHER BOR DKT. 00234951

Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily without good cause attributable to the work, holding the claimant ineligible for benefits under ability to work and a denial of Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons.

6. BIAGINA FLIPPIN BOR DKT. 00231691

Claimant appealed the decision of the Appeal Tribunal which held the claimant ineligible for State Plan disability benefits.

7. BETHANY BOWEN BOR DKT. 00234829

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.

8. STEVEN PARKER BOR DKT. 00223352

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits under availability for work, employed full-time and disqualified for leaving work voluntarily without good cause attributable to the work. Claimant also appealed an ineligibility for Pandemic Unemployment Assistance (PUA) benefits and a liability to a non-fraud refund.

9. MICHAEL KELLY BOR DKT. 00204639

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

10. SURAJ BHAN BOR DKT. 00213310

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

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11. DOROTHY KOLB BOR DKT. 00229855

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for benefits for refusing suitable work.

12. ANTHONY MANIACI BOR DKT. 00206103

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

13. REBECCA SANTOS BOR DKT. 00222337

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

14. EBONY BARNES BOR DKT. 00222536

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits on the ground that she was unable to work.

15. MARY BURTON NEWBILL BOR DKT. 00234854

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 liable for a non-fraud refund.

16. STEPHEN ROCCO BOR DKT. 00216019

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.

17. JOSEPH KLOSOWSKI BOR DKT. 00213553

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 ineligible for Pandemic Unemployment Assistance (PUA) benefits.

18. MADELINE GERVASE BOR DKT. 00219215

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily without good cause attributable to the work, and not liable for a non-fraud refund.

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19. CARMEN MCELVEEN BOR DKT. 00207716

Claimant appealed a decision of the Appeal Tribunal which accepted her request to withdraw.

20. LIA RITACCO CROCCO BOR DKT. 00217111

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits under reporting requirements.

21. YOGESH LIMBACHIA BOR DKT. 00232216

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

22. ALIA VERONICA RIOFRIO CRUZ BOR DKT. 00230870

Claimant appealed denial of Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons and liable for non-fraud refund.

23. NIGHAT AFSHAN BOR DKT. 00230950

Employer appealed the decision of the Appeal Tribunal holding the claimant eligible for benefits as the claimant did not have reasonable assurance of reemployment between terms.

24. ANA CUEVAS BOR DKT. 00222038

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

ACTION: BOARD VOTED TO ACCEPT THESE CASES AS REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY.

A-6 REOPENED AND REMANDED APPEALS TO THE APPEAL TRIBUNAL

1. JANELLE CLARK BOR DKT. 00214575

Claimant is requesting reconsideration of the Board of Review's decision affirming the decision of the Appeal Tribunal which held the claimant not unemployed.

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ACTION: BOARD VOTED TO REOPEN AND REWRITE THE DECISION ENDING THE INELIGIBILITY IMPOSED AND REFERRING THE MATTER OF THE CLAIMANT'S ELIGIBILITY FOR LATER PERIODS TO THE DEPUTY.

SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 RYAN EVANS BOR DKT. 00211058

Claimant appealed a disqualification of benefits for discharge for misconduct connected with the work. (**Appellate Specialist Zola**)

ACTION: BOARD VOTED TO REMAND THIS MATTER TO THE APPEAL TRIBUNAL FOR A DUE PROCESS HEARING AS A RECORD OF THE APEAL TRIBUNAL HEARING HELD ON NOVEMBER 30, 2020 IS NOT AVAILABLE FOR REVIEW.

B-2 DOROTHY HESTER BOR DKT. 00234880

Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily without good cause attributable to the work. (**Appellate Specialist Jackson**)

ACTION: BOARD VOTED TO TABLE THIS CASE IN ORDER TO MAIL THE EMPLOYER A NON-APPEARANCE/REGISTRATION QUESTIONNAIRE ASKING THE EMPLOYER TO PROVIDE THE CONFIRMATION NUMBER FOR THEIR REGISTRATION TO PARTICIPATE IN THE HEARING AND EXPLAIN ANY ATTEMPTS TO FIND OUT WHY THEY DID NOT RECEIVE A CALL ON THE DAY OF THE HEARING.

B-3 KATHY SPADE BOR DKT. 00234860

Employer appealed a decision of the Appeal Tribunal holding the claimant not liable for a non-fraud refund. (**Appellate Specialist Jackson**)

ACTION: BOARD VOTED TO DISMISS THIS CASE AS A LATE APPEAL TO THE BOARD OF REVIEW.