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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
AUGUST 24, 2022**

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

LISA HART, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING SEPTEMBER 7, 2022

SEPTEMBER 7, 2022

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A regular meeting of the Board of Review was held on Wednesday, SEPTEMBER 7, 2022 at 10:00 a.m., via conference call, in Trenton, New Jersey

PRESENT: Nancy Hunt, Chairperson, William Scaglione, Vice-Chairperson, Lisa Hart, 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 – SEPTEMBER 7, 2022 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the August 24, 2022 Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE AUGUST 24, 2022 BOARD OF REVIEW MEETING.

SECTION A – HEARING MATTERS:

A-1 VACATED APPEALS BY THE BOARD OF REVIEW

1. STACIE GOGO BOR DKT. 00257867

Claimant’s letter was processed as an appeal to a decision of the Appeal Tribunal holding the claimant ineligible for benefits on the ground that she was employed full time.

2. SUSAN BARNES BOR DKT. 00256324

Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed, a denial of Pandemic Unemployment Assistance (PUA) benefits, and a liability to a non-fraud refund.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES 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. SHABANA BABAR BOR DKT. 00255095

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

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS A DISMISSED APPEAL BY THE BOARD OF REVIEW DUE TO UNTIMELY FILING OR FOR NON-JUSTICIABLE APPEAL ISSUE.

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A-3 REOPENED BOARD OF REVIEW APPEALS

1. VALERIE GRANBERRY BOR DKT. 00253940

Claimant appealed a decision of the Appeal Tribunal holding the claimant liable for a non-fraud refund. The Board of Review on August 24, 2022 dismissed the appeal as late to the Board.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS A REOPENED APPEAL TO THE BOARD OF REVIEW

A-4 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW

1. ANTHONY FRANK BOR DKT. 00256481

Claimant appealed the decision of the Appeal Tribunal which denied the claimant's request for a pre-date of an unemployment claim.

2. CARMEN ORTIZ BOR DKT. 00256871

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

3. THOMAS HOLLOWAY BOR DKT. 00256939

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

4. WILLIAM BROADFIELD BOR DKT. 00254928

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

5. CARLA BENCIVENGO BOR DKT. 00251977

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.

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6. LISA TAORMINA BOR DKT. 00255843

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

7. JASON GWALTNEY BOR DKT. 00261089

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

8. RICKY RAMIREZ BOR DKT. 00254743

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

9. JULIAN LANTIGUA BOR DKT. 00259824

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

10. BENJAMIN GARDINER BOR DKT. 00255615

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

11. STANLEY JANOWICZ BOR DKT. 00256825

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for Pandemic Emergency Unemployment Compensation (PEUC) benefits and a liability for a refund.

12. LADRUNDA GARY BOR DKT. 00260602

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

13. AMANDA BAÑUELOS BOR DKT. 00259803

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.

14. JUAN RODRIGUEZ BOR DKT. 00259314

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

15. DANIEL ROMAN BOR DKT. 00259477

Employer appealed a decision of the Appeal Tribunal holding a disqualification of benefits for discharge for misconduct.

16. EMMANUEL ADAM BOR DKT. 00251768

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

17. BRIAN RACEK BOR DKT. 00256099

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.

18. ALFREDO ORAMA BOR DKT. 00257886

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

19. SALOMIN EDWARDS BOR DKT. 00257507

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.

20. BRYAN HICIANO BOR DKT. 00255644

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

21. BRYAN HICIANO BOR DKT. 00255649

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 that subsequent weeks and wages were insufficient to remove the disqualification.

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22. BRYAN HICIANO BOR DKT. 00255646

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 that subsequent weeks and wages were insufficient to remove the disqualification.

23. HOWARD ABBER BOR DKT. 00256495

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 C.A.R.E.S. Act and a liability to a non-fraud refund.

24. HOWARD ABBER BOR DKT. 00260010

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 C.A.R.E.S. Act and a liability to a non-fraud refund.

25. ANTHONY JOHNSON BOR DKT. 00251220

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 no disqualification for benefits for misconduct connected with the work and no liability to a non-fraud refund.

26. BRIAN SCHAD BOR DKT. 00257500

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

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

A-5 REVERSALS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW

1. TYSHON WALKER BOR DKT. 00277369

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.

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2. ALICIA SAMPLE BOR DKT. 00242435

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 benefits under availability for work.

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

A-6 MODIFIED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW

1. WILLIAM WATTS BOR DKT. 00259965

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

2. NITISH DOSANJH BOR DKT. 00258790

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, 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 C.A.R.E.S. Act, and a liability for a non-fraud refund.

3. WADE KALDAWI BOR DKT. 00262253

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

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS MODIFIED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL OR DEPUTY.

A-7 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW

1. SHARON FIGUEROA BOR DKT. 00243377

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, an ineligibility for Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was

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not due to one of the COVID-19 related reasons identified under the C.A.R.E.S. Act, and a liability for a non-fraud refund.

2. CHRISTOPHER GRAY BOR DKT. 00255694

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

3. RASHIDA CASSUBHAI BOR DKT. 00254293

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

4. AMALFI ORTEGA DUARTE BOR DKT. 00254096

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.

5. JULIA MORREALE BOR DKT. 00252454

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for leaving work voluntarily without good cause attributable to the work and an ineligibility for Pandemic Unemployment Assistance (PUA) and liability to a refund.

6. JHON MONTESDEOCA BOR DKT. 00258490

Claimant appealed a decision of the Appeal Tribunal holding a ineligibility under not unemployed.

7. SHAWN LANGSTON BOR DKT. 00257378

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

8. OSKAIRA CRUZ BOR DKT. 00260054

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

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

A-8 AFFIRMED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL BY THE BOARD OF REVIEW

1. DEANDRE MORGAN BOR DKT. 00245194

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

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS AN AFFIRMED AND REMANDED DECISION TO THE APPEAL TRIBUNAL.

A-9 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW

1. KARINA KONCHALSKI BOR DKT. 00257526

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

2. EGIDIO COSCARELLI BOR DKT. 00256843

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

3. CECILIA CASTILLO BOR DKT. 00254956

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 liability for a non-fraud refund.

4. MICHELE MONICO BOR DKT. 00261772

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

5. TAHIRA KHAN BOR DKT. 00257976

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

6. STEPHEN BURGER BOR DKT. 00257055

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

7. DANA MELLOR BOR DKT. 00257541

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits under leaving work voluntarily without good cause attributable to the work and an ineligibility for Pandemic Unemployment Assistance (PUA) benefits.

8. LETICIA VELASQUEZ BOR DKT. 00252105

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

9. ALAN HERNANDEZ BOR DKT. 00259053

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

10. HAIRIYA IDDRISS BOR DKT. 00259796

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.

11. SHANNON COX BOR DKT. 00251869

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, an ineligibility for Pandemic Unemployment benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons identified under the C.A.R.E.S. Act, and a liability for a non-fraud refund.

12. REBECCA GUZMAN BOR DKT. 00258385

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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 and a refund liability.

13. ANNAMARIE PEREZ

BOR DKT. 00259303

Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily without good cause attributable to the work, and no liability for non-fraud refund.

14. WILMARIS MONTANEZ

BOR DKT. 00259498

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, an ineligibility for Pandemic Unemployment Assistance (PUA) as the claimant's unemployment was not due to one of the COVID-19 related reasons identified under the C.A.R.E.S. Act, and a liability for a non-fraud refund.

15. NAIDAA AHMED

BOR DKT. 00242912

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility under not unemployed, not available for work, an ineligibility for Pandemic Unemployment Assistance (PUA) benefits and a liability to a refund.

16. TITUS BACHELOR

BOR DKT. 00260106

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

17. NATALIE AULICINO

BOR DKT. 00255248

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.

18. ADELAIDE MOLINA

BOR DKT. 00257839

Claimant appealed a decision of the Appeal Tribunal holding an ineligible for unemployment benefits under availability for work, ineligible 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 C.A.R.E.S. Act, and liable for a non-fraud refund.

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

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A-10 REVERSED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL

1. ROSEBERTHE MESADIEU BOR DKT. 00256830

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

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS A REVERSED AND REMANDED DECISION TO THE APPEAL TRIBUNAL.

SECTION B – MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

- B-1 BRYAN STEWART BOR DKT. 00260153

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

ACTION: BOARD VOTED TO SET ASIDE THE APPEAL TRIBUNAL'S DECISION HOLDING THE CLAIMANT INELIGIBLE FOR REGULAR BENEFITS AND TO DENY THE CLAIMANT'S REQUEST TO BACKDATE A PUA CLAIM.

- B-2 RAUL BRIJLALL BOR DKT. 00260708

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

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

- B-3 RYAN MCERLEAN BOR DKT. 00259332

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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 an agency refund. (**Appellate Specialist Jackson**)

ACTION: BOARD VOTED TO REVERSE AND TO HOLD THE CLAIMANT ELIGIBLE FOR BENEFITS UNDER REFUSAL OF SUITABLE WORK.

B-4 ROBERT MITZEN

BOR DKT. 00256881

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work, 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 an agency refund. (**Appellate Specialist Jackson**)

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