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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
SEPTEMBER 30, 2020**

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

SHAHRAZAD A. LEDAN, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING SEPTEMBER 30, 2020

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A regular meeting of the Board of Review was held on Wednesday, September 30, 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 – SEPTEMBER 30, 2020 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the September 23, 2020 Board meeting.

**ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE
SEPTEMBER 23, 2020 BOARD MEETING.**

OLD BUSINESS:

1. MELISSA DECENCO BOR DKT. 00213322

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily. **(This case was tabled on the Board meeting of September 16, 2020 pending a post review.)**

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL.

SECTION A – HEARING MATTERS

A-1 DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW

1. JUAN MADERA BOR DKT. 00207769

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

2. KATHLEEN SPOTO BOR DKT. 00211570

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, and holding the claimant liable for non-fraud refund. **(Board voted to table to a future agenda to send claimant correspondence to see whether the claimant received the Appeal Tribunal decision.)**

3. MELISSA SCOTTODICARLO BOR DKT. 00186844

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and ineligible for benefits under ability to work.

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- 4. MARIA DURAN** BOR DKT. 00196705

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

- 5. DELILAH BONNER** BOR DKT. 00199695

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

- 6. GREGORY RYBAKOV** BOR DKT. 00211189

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

- 7. JONATHAN SANTIAGO VELEZ** BOR DKT. 00207792

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

- 8. DEBORAH EASTBURN** BOR DKT. 00180975

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

- 9. ANTHONY SELLERS** BOR DKT. 00200425

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

- 10. CHRISTOR OECHSLE** BOR DKT. 00212176

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

- 11. JANE NIVEN** BOR DKT. 00201794

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

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12. ANJELIQUE WILLIAMS **BOR DKT. 00211265**

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

13. LEO BOICE **BOR DKT. 00210143**

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

14. FRANKLYN ORE **BOR DKT. 00206672**

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

15. KIMBERLY RAMOS **BOR DKT. 00213247**

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 such work.

16. JUAN MARTINEZ **BOR DKT. 00209516**

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

17. ANGELICA GONZALES **BOR DKT. 00199832**

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 REMAINING 16 CASES AS DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW.

A-2 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. MARIAM BOTROSS **BOR DKT. 00209876**

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and subsequent employment insufficient to remove a voluntary leaving disqualification.

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2. SEAN CONNELLY BOR DKT. 00214057

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

3. KATHLEEN BANKS BOR DKT. 00213631

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

4. CATLIN MURPHY BOR DKT. 00213382

Claimant appealed decision of the Appeal Tribunal holding a disqualification for leaving the work voluntarily without good cause attributable to such work and liable for a non-fraud refund.

5. BASIL BLACKWOOD BOR DKT. 00206514

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

6. SAKINA MOORE BOR DKT. 00231502

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and a liability for a non-fraud refund. **(Board voted to table to a future agenda pending a post review.)**

7. ANA VALENTIN BOR DKT. 00209724

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. SULAY NUÑEZ BOR DKT. 00213805

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

9. JOSEPH WRIGHT BOR DKT. 00212600

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

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10. KIERAH HAWKINS BOR DKT. 00231446

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

11. TIFFANY SIMMONS BOR DKT. 00213355

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

12. BRIAN WEBSTER BOR DKT. 00205981

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

13. DORIS CHILDS BOR DKT. 00213891

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

14. RHONDA HORNE BOR DKT. 00213332

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

15. DENNIS CHHIM BOR DKT. 00194409

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

16. YAMAMA ALDARI BOR DKT. 00214114

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause. **(Board voted to affirm the Appeal Tribunal decision with a rewrite to the Board's decision to address the claimant's contention.)**

17. FANNY CARPIO BOR DKT. 00214851

Claimant appealed a decision of Appeal Tribunal holding a period of ineligibility on the ground that the claimant was not available for work.

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18. RANJIT KAUR BOR DKT. 00215542

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

19. ALBERT LOUIS, JR. BOR DKT. 00214280

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

20. RICCO SMITH BOR DKT. 00205407

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

21. ROBERT GILLMAN BOR DKT. 00213847

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

22. LEQUAN FOSTER BOR DKT. 00213361

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

23. COLE MCCARTY BOR DKT. 00214630

Claimant appealed decision of the Appeal Tribunal holding a period of ineligibility as the claimant was not available to work, holding a disqualification for leaving the work voluntarily without good cause attributable to such work and holding the claimant liable for a non-fraud refund.

24. ANA BEZERRA BOR DKT. 00213635

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

25. HAWAWU KASSIMU BOR DKT. 00214079

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

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26. JESSICA CARTER

BOR DKT. 00212639

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

27. JARED LUSTER

BOR DKT. 00214328

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

28. PRATEEK RAI

BOR DKT. 00215443

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

29. RYAN GARCIA

BOR DKT. 00210321

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work with employer #1 voluntarily.

30. DAPHNE GIRDLEY

BOR DKT. 00214230

Employer appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause. **(Board voted to reverse the Appeal Tribunal decision regarding the timeliness and remand the merits to the Appeal Tribunal.)**

31. VIKRAM KARMARKAR

BOR DKT. 00214323

Claimant appealed a decision of the Appeal Tribunal holding the claimant was not unemployed and the claim dated 03/01/20 invalid.

32. NATASHA DUNSTON

BOR DKT. 00216289

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause. **(Board voted to reverse the Appeal Tribunal regarding the timeliness and remand for the merits.)**

33. LILIANNA ALVAREZ

BOR DKT. 00212276

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

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34. WHITNEY ALLEN

BOR DKT. 00216130

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

35. WAYNE HENRY

BOR DKT. 00212006

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

36. SHEILA ARIAS

BOR DKT. 00217159

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

37. ANNY RAMIREZ

BOR DKT. 00217093

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work and liability for a non-fraud refund.

ACTION: BOARD VOTED TO ACCEPT THE REMAINING 33 CASES AS AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS.

A-3 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. KENNETH ADDONE

BOR DKT. 00214091

Claimant appealed a decision of the Appeal Tribunal holding the weekly benefit rate reduced to zero due to a pension offset.

2. DAYNA KEOGH

BOR DKT. 00211426

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

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

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A-4 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. EBONY BASS-MCKNIGHT **BOR DKT. 00208121**

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

2. TAJ MUHAMMAD **BOR DKT. 00212173**

Claimant appealed decision of the Appeal Tribunal holding no disqualification as the claimant did not leave the work voluntarily, holding no ineligibility for benefits as the claimant was unemployed and holding a period of ineligibility as the claimant was not available for work.

3. TIARA YATES **BOR DKT. 00214040**

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. SAKINA DAVIS **BOR DKT. 00213861**

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

5. DEBORAH HANSON **BOR DKT. 00207405**

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

6. TRICIA COSENTINO **BOR DKT. 00213243**

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

7. NICHOLAS CHIMENTI **BOR DKT. 00214048**

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

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8. ALBYN BELESKI BOR DKT. 00214571

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

9. TOMMY WRIGHT BOR DKT. 00216314

Claimant appealed a decision of the Appeal Tribunal reducing the weekly benefit rate due to a pension offset.

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 IRVING FOYE BOR DKT. 00202882

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 REGARDING THE CIRCUMSTANCES LEADING TO THE CLAIMANT'S SEPARATION.

- B-2 SHIRLEY CRUZ HIDALGO BOR DKT. 00213701

Claimant appealed decision of the Appeal Tribunal holding no disqualification for leaving the work voluntarily and holding an ineligibility for benefits as the claimant is not available for work. (**Appellate Specialist Alverio**)

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL AND INDICATE ON THE BOARD DECISION WHY THE BOARD IS NOT GOING TO INVALIDATE THE CLAIM.

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B-3 BRIANNA GONSALVES

BOR DKT. 00213665

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 OF REVIEW VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION AND ISSUE A DECISION INDICATING THE BOARD WILL NOT INVALIDATE THE CLAIM DUE TO THE C.A.R.E.S. ACT AND CONVERT THE CLAIM TO PUA.

B-4 MALEEK BAGBY

BOR DKT. 00213950

Claimant appealed a decision of the Appeal Tribunal holding his claim invalid on the ground that the claimant was not unemployed. (**Appellate Specialist Matos**)

ACTION: BOARD VOTED TO TABLE THIS CASE TO A FUTURE AGENDA TO CONFIRM WITH THE APPELLATE SPECIALIST IF THERE WAS ENOUGH INFORMATION TO MAKE A DETERMINATION REGARDING PUA OR IF IT SHOULD BE REMANDED.

B-5 CANDACE WEBB

BOR DKT. 00213442

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for benefits for refusing suitable work, and holding the claimant ineligible for benefits under availability for work. (**Appellate Specialist Matos**)

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION OF A REFUSAL OF SUITABLE WORK DISQUALIFICATION.

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B-6 JHON CORNIEL BOR DKT. 00213240

Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily. (**Appellate Specialist Matos**)

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION BUT REWRITE THE BOARD DECISION REGARDING ELIGIBILITY FOR PUA.

B-7 MAX FAREZ BOR DKT. 00207902

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for misconduct connected with the work. (**Appellate Specialist Jackson**)

ACTION: BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL TO GIVE THE EMPLOYER AN OPPORTUNITY TO PRODUCE EVIDENCE OF PROGRESSIVE DISCIPLINE ISSUED TO THE CLAIMANT.

B-8 JENNIFER WOODINGTON BOR DKT. 00213378

Claimant appealed a decision of the Appeal Tribunal holding the claimant not unemployed and the claim dated April 5, 2020 invalid. (**Appellate Specialist Jackson**)

ACTION: BOARD VOTED TO TABLE TO A FUTURE AGENDA TO DETERMINE HOW TO RULE ON PUA CASES.

B-9 JEFF DONKIN BOR DKT. 00190840

Claimant appealed the Appeal Tribunal decision holding the unemployment claim invalid on the ground that the claimant did not have sufficient base weeks or wages in employment to establish a valid claim. (**Appellate Specialist Matos**)

ACTION: BOARD VOTED TO TABLE TO A FUTURE AGENDA FOR FURTHER REVIEW.