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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
OCTOBER 28, 2020**

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

SHAHRAZAD A. LEDAN, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING OCTOBER 28, 2020

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A regular meeting of the Board of Review was held on Wednesday, October 28, 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 – OCTOBER 28, 2020 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the October 21, 2020 Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE OCTOBER 21, 2020 MEETING.

OLD BUSINESS:

1. SUN KIM

BOR DKT. 00215706

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work and liable for a non-fraud refund. **(The Board tabled this case in the meeting of October 21, 2020 pending a post review)**

ACTION: BOARD VOTED TO TABLE THIS CASE TO A FUTURE AGENDA PENDING A POST REVIEW AS CLAIMANT'S ATTORNEY SUBMITTED NEW INFORMATION.

2. KIMBERLY CHARLES

BOR DKT. 00216112

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for Disability During Unemployment benefits on the ground that the claimant left the work voluntarily without good cause attributable to such work. **(This case was tabled in the meeting of October 21, 2020 for the Board to locate the file containing the original appeal letter.)**

ACTION: BOARD VOTED TO TABLE THIS CASE TO A FUTURE AGENDA TO LOCATE THE FILE CONTAINING THE ORIGINAL APPEAL LETTER.

3. KIMBERLY HAMADA

BOR DKT. 00216768

Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily without good cause attributable to the work. **(This case was tabled in the meeting of October 21, 2020 pending a post review to confirm if the employer was allowed to present a first-hand witness.)**

BOARD OF REVIEW MINUTES – OCTOBER 28, 2020 MEETING

ACTION: BOARD VOTED TO TABLE TO A FUTURE AGENDA TO CONFIRM IF THE EMPLOYER WAS ALLOWED TO PRESENT A FIRST-HAND WITNESS.

SECTION A – HEARING MATTERS

A-1 WITHDRAWAL OF APPEALS

1. JOANNE NEMOW BOR DKT. 00215386

Claimant appealed a decision of the Appeal Tribunal which held the claimant ineligible for benefits on the ground that the claimant was not available for work.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS A WITHDRAWAL OF AN APPEAL TO THE BOARD OF REVIEW.

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

1. HARMONY DELA CRUZ BOR DKT. 00211296

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

2. NAKESHA SINGH BOR DKT. 00209051

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

3. JENNIFER MALDONADO BOR DKT. 00188018

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

4. ELSA PAREDES BOR DKT. 00192988

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

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5. ROSY DIAZ PEÑA BOR DKT. 00210527

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

6. LYNDA CUBELO BOR DKT. 00198972

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.

7. DENISE DOBSON BOR DKT. 00205561

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. ROSA GUZMAN MOERNO BOR DKT. 00200939

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

9. SALAAM THOMAS BOR DKT. 00211610

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

10. DAVID LEE BOR DKT. 00211792

Claimant appealed a 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 DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW.

A-3 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. JOSEPH SALVIA BOR DKT. 00210872

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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2. OSAMA IJAZ BOR DKT. 00213425

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.

3. FERMIN JIMENEZ NUÑEZ BOR DKT. 00211296

Claimant appealed decision of the Appeal Tribunal holding the appeal was filed late with good cause, 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.

4. JOSEPH PELUZZO BOR DKT. 00215723

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

5. RUQUAIYAH LEWIS BOR DKT. 00217688

Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed and liability for a non-fraud refund.

6. DIANE EASTERBROOK BOR DKT. 00214579

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

7. EHIRIM UCHEOMA BOR DKT. 00215463

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

8. SHEBA SIRLEAF BOR DKT. 00212387

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

9. CHERYL MEYERS BOR DKT. 00217659

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

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10. JAMES SOUTHARD

BOR DKT. 00217042

Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed, and holding the claimant liable for refund

11. RANDEE ZAMBRI

BOR DKT. 00217157

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 holding the claimant liable for refund.

12. DAWN OLSON

BOR DKT. 00217320

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

13. JAMES DONNELLY

BOR DKT. 00216072

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. MARIA ROSARIO

BOR DKT. 00208075

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

15. SHAWN BERGER

BOR DKT. 00218186

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, ineligible for Pandemic Unemployment Assistance (PUA) and liable for a non-fraud refund.

16. RYAN MCGUCKIN

BOR DKT. 00203615

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

17. MELISSA DEGENAARS

BOR DKT. 00217635

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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18. ISSAC MARCANO, JR. BOR DKT. 00216636

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

19. DANIEL JIMENEZ BOR DKT. 00214296

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

20. JOHN CHEN BOR DKT. 00217398

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

21. AJAWAN TOWNES BOR DKT. 00216990

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.

22. ALEXIA WINT BOR DKT. 00212530

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

23. KEVIN GUERRERO BOR DKT. 00216137

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

24. ERIK PORTER BOR DKT. 00214334

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

25. JULIE DENTON BOR DKT. 00216374

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work and a non-fraud refund of \$480 for week ending May 9, 2020.

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26. PATILLE KUPELIAN

BOR DKT. 00215972

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

27. CHRISTINE FRIEDMAN

BOR DKT. 00216664

Claimant appealed a decision of the Appeal Tribunal holding the claimant not unemployed and liability to a non-fraud refund.

28. DENISE RAGOZZINO

BOR DKT. 00215806

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 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS.

A-4 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. TRILOK PATEL

BOR DKT. 00215483

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

2. BRITTNEE GONZALEZ

BOR DKT. 00217827

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

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

A-5 REVERSE AND REMAND TO THE APPEAL TRIBUNAL

1. PERRI BROWN

BOR DKT. 00211191

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

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2. SHALDAE HENDRYX BOR DKT. 00219158

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

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS REVERSALS AND REMANDS TO THE APPEAL TRIBUNAL.

A-6 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. MICHAEL PETILLO BOR DKT. 00215932

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.

2. CATHERINE BELARDO BOR DKT. 00215723

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

3. MAXIMO LANTIGUA-CERDA BOR DKT. 00215984

Claimant appealed a decision of the Appeal Tribunal holding no disqualification for leaving work voluntarily without good cause attributable to the work and the claimant ineligible for benefits on the ground that he was unavailable for work.

4. DAGMAR GROSS BOR DKT. 00207168

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. PATRICK MCGONIGLE BOR DKT. 00213396

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

6. MARY GRAY BOR DKT. 00216354

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

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7. LUCILLE MORGAN BOR DKT. 00214639

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

8. TRACEY STANTON BOR DKT. 00209405

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

9. NELSON PUERTA BOR DKT. 00214067

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

10. KEVIN KELLY BOR DKT. 00217925

Employer appealed a decision of the Appeal Tribunal holding the appeal timely and holding the claimant eligible for benefits on the ground that he was available for work and not liable for non-fraud refund.

11. WAMSLEY SAMUELS BOR DKT. 00216163

Claimant appealed decision of the Appeal Tribunal holding the appeal timely and holding a period of ineligibility as the claimant was not available or actively seeking work.

12. ROBERT JERONOWITZ BOR DKT. 00215808

Claimant appealed a decision of the Appeal Tribunal approving the claimant's request for a withdrawal of the appeal.

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 KATHY SKELLY BOR DKT. 00211085

Claimant appealed a decision of the Appeal Tribunal holding the claimant unavailable for work and ineligible for benefits. (**Appellate Specialist Zola**)

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ACTION: BOARD VOTED TO MAKE THIS CASE A NULLITY AS THE EMPLOYER DID NOT MOVE THIS CASE.

B-2 MARY ANN SAVINSKY BOR DKT. 00214298

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 AFFIRM THE APPEAL TRIBUNAL'S DECISION WITH A REWRITE TO THE BOARD'S DRAFTED DECISION.

B-3 PAOLO TORRICO BOR DKT. 00217433

Claimant appealed decision of the Appeal Tribunal holding no disqualification for leaving the work voluntarily and holding a period of ineligibility as the claimant was not available for work and holding the claim invalid and a liability for non-fraud refund. (**Appellate Specialist Alverio**)

ACTION: BOARD VOTED TO MODIFY THE APPEAL TRIBUNAL DECISION AND HOLD THE CLAIM NOT INVALID.

B-4 ZELMA MASON BOR DKT. 00211556

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work with employer #1. (**Appellate Specialist Jackson**)

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION HOLDING A VOLUNTARY QUIT WITHOUT GOOD CAUSE.

B-5 NATALIE MALDONADO BOR DKT. 00215071

Employer appealed the decision of the Appeal Tribunal holding the claimant not ineligible for benefits under availability for work. (**Appellate Specialist Jackson**)

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ACTION: BOARD VOTED TO REMAND TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY TO COMPLETE THE RECORD.

B-6 GEORGANNA MEYER

BOR DKT. 00207875

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

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION HOLDING A VOLUNTARY QUIT WITHOUT GOOD CAUSE DISQUALIFICATION AND INDICATE THAT THIS WAS LATE WITH GOOD CAUSE TO THE BOARD ON THE BOARD'S DECISION.

B-7 EDISON RECINAS

BOR DKT. 00207554

Claimant appealed decision of the Appeal Tribunal holding a disqualification for leaving the work voluntarily without good cause attributable to such work, holding an ineligibility as the claimant was not able or actively seeking work and holding a liability for a non-fraud refund. (Appellate Specialist Alverio)

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION ON ALL ISSUES.

B-8 SKARLETH REZABALA MOLINA

BOR DKT. 00216582

Claimant appealed decision of the Appeal Tribunal holding no disqualification for leaving the work voluntarily without good cause attributable to the work and holding that the claimant was not unemployed and the claim is invalid.
(Appellate Specialist Alverio)

ACTION: BOARD VOTED TO REMAND TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY REGARDING THE REFUND AND TO DETERMINE WHETHER OR NOT THE CLAIMANT WAS ON A LEAVE OF ABSENCE.

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B-9 EMILIE TRIMM

BOR DKT. 00216835

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work. (**Appellate Specialist Jackson**)

ACTION: BOARD VOTED TO TABLE THIS CASE TO A FUTURE AGENDA PENDING A POST REVIEW.

B-10 MELANIE SALMON

BOR DKT. 00214269

Claimant appealed decision of the Appeal Tribunal holding a disqualification for leaving the work voluntarily without good cause attributable to such work. (**Appellate Specialist Alverio**)

ACTION: BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION AND HOLD A VOLUNTARY LEAVING WITH GOOD CAUSE.