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DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
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BOARD OF REVIEW

**MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
FEBRUARY 17, 2021**

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

ANDREA JACKSON, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING FEBRUARY 17, 2021

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A regular meeting of the Board of Review was held on Wednesday, February 17, 2021 at 10:00 a.m., via conference call, in Trenton, New Jersey

PRESENT: Nancy Hunt, Chairperson, William Scaglione, Vice-Chairperson, Andrea Jackson, 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 – FEBRUARY 17, 2021 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the February 10, 2021 Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE FEBRUARY 10, 2021 BOARD MEETING.

OLD BUSINESS:

1. ROLAND MORETA **BOR DKT. 00218010**

Claimant appealed a decision of the Appeal Tribunal holding the claimant liable for fraud refund and a disqualification of benefits for illegal receipt or attempted receipt of benefits. **(The Board decided to discuss the case further to determine if the Appeal Tribunal addressed the claimant's eligibility for benefits on the ground that he was not unemployed since filing his claim.)**

ACTION: BOARD VOTED TO AFFIRM THAT PORTION OF THE APPEAL TRIBUNAL'S DECISION HOLDING THE CLAIMANT LIABLE FOR A FRAUD REFUND AND TO REMAND IN ORDER TO ADDRESS THE CLAIMANT'S EMPLOYED FULL-TIME STATUS, AN ADJUSTMENT OF THE MONETARY CALCULATION TO EXCLUDE THE PART-TIME EMPLOYMENT, AND TO DETERMINE IF THE CLAIMANT IS SUBJECTED TO A DENIAL BETWEEN TERMS UNDER REASONABLE ASSURANCE.

SECTION A – HEARING MATTERS

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

1. WESLEY KAMMERER **BOR DKT. 00210022**

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

2. MARIELA JARRETT **BOR DKT. 00210110**

Claimant appealed the 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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- 3. WILVY LYRON** **BOR DKT. 00211624**

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

- 4. BRANDI MURRAY** **BOR DKT. 00222804**

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. TODD SHOCKLIN** **BOR DKT. 00222036**

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

- 6. TAMMY COOK** **BOR DKT. 00218428**

Claimant appealed the decision of the Appeal Tribunal holding the claim valid with an established weekly benefit rate and maximum benefit amount.

- 7. ASHLEY RIVERO** **BOR DKT. 00225825**

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

- 8. NIKITA JANODIA** **BOR DKT. 00207924**

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

- 9. MARYANN MIGLIACCIO** **BOR DKT. 00211516**

Claimant appealed a decision of the Appeal Tribunal holding the claimant not unemployed, and a disqualification of benefits for leaving work voluntarily without good cause attributable to the work.

- 10. SHERRY MEZA** **BOR DKT. 00212802**

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

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ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW.

A-2 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. JENNIFER BLOCK BOR DKT. 00216206

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

2. ANDREW DESAMO BOR DKT. 00219024

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 liable for a non-fraud refund.

3. MARILYN COHEN BOR DKT. 00220273

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms.

4. PATRICIA WOOD BOR DKT. 00213087

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work and Pandemic Unemployment Assistance (PUA) and liable for a non-fraud refund.

5. HELEN MCDERMOTT BOR DKT. 00221412

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 liable for a non-fraud refund.

6. HAROLD O'NEIL BOR DKT. 00224074

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

7. KARINA VARGAS BOR DKT. 00218672

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

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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 non-fraud refund liability.

8. VALERIE HOLLINGSHEAD **BOR DKT. 00214050**

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

9. ALEJANDRO LOPEZ **BOR DKT. 00220498**

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

10. ERIC BEY **BOR DKT. 00223804**

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

11. FERDINAND ORTEGA **BOR DKT. 00221932**

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

12. CHELSEY CRIBB **BOR DKT. 00219387**

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

13. ANDRES GOMEZ **BOR DKT. 00213882**

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

14. NIHARA AYALA **BOR DKT. 00229633**

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

15. ERICA BAEZ **BOR DKT. 00222629**

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

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16. ATISHA LANG BOR DKT. 00222814

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

17. MANPRIT RAUR BOR DKT. 00225133

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

18. CONNER PRICE BOR DKT. 00225562

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

19. ELIZABETH ONYSZCZUK BOR DKT. 00202733

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

20. HASAED GOMEZ BOR DKT. 00223962

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 a non-fraud refund.

21. DOUGLAS BATEMAN BOR DKT. 00221901

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

22. MARIA SAPUTO BOR DKT. 00215982

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.

23. ANA VALVERDE BOR DKT. 00219180

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work. **(Board voted to remand for additional testimony to address the text message exchange submitted by the claimant on appeal.)**

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24. LEEALLISON KLIMANSKY BOR DKT. 00223973

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

25. JOSHUA CHOTO BOR DKT. 00220436

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

26. MARC WEITZ BOR DKT. 00223863

Claimant appealed a decision of the Appeal Tribunal holding the claimant liable for a non-fraud refund. **(Board voted to affirm with an additional statement referring the matter of the claimant's monetary re-determination to the Deputy.)**

27. DOMINIQUE JOYCE BOR DKT. 00223165

Employer appealed a decision of the Appeal Tribunal holding the claimant not ineligible for benefits under availability for work and not liable for a non-fraud refund.

ACTION: BOARD ACCEPTED TO AFFIRM THE REMAINING 26 CASES AS AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS.

A-3 AFFIRMED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL OR DEPUTY

1. JOSETTE BODDIE BOR DKT. 00222795

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 a non-fraud refund.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS AN AFFIRMATION AND REMAND TO THE DEPUTY.

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A-4 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. DEBBIE POLIDORO BOR DKT. 00215101

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

2. BARBARANN MAZZA BOR DKT. 00220115

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.

3. DAMIR MUMIC BOR DKT. 00222726

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

4. GINA CAPUTO BOR DKT. 00220402

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

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

A-5 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. ALANNA PEARSON BOR DKT. 00218565

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

2. SHANELL PRINCIPATO BOR DKT. 00223244

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.

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3. JOY AMADI BOR DKT. 00224975

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms. **(Board voted to affirm the Appeal Tribunal's decision to dismiss the claimant's appeal as late without good cause.)**

4. HICHEM ADJERID BOR DKT. 00225879

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

5. JENNIFER GUERRERO BOR DKT. 00220563

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work. **(BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION AND TO ADD A STATEMENT THAT DIVISION RECORDS REFLECT THAT A NEW CLAIM WAS FILED AS OF JULY 5, 2020 AND THAT BENEFITS WERE PAID THEREFROM.)**

6. GENISHA CHESTER BOR DKT. 00221135

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

ACTION: BOARD VOTED TO ACCEPT THE REMAINING 4 CASES AS REMANDS TO THE APPEAL TRIBUNAL.

SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 GISELA VEGA BOR DKT. 00218026

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for Additional Benefits During Training. **(Appellate Specialist Alverio)**

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION.

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B-2 GIA GRUOSSO

BOR DKT. 00218796

Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed, and liable for a non-fraud refund. (**Appellate Specialist Matos**)

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION WITH AN ADDITIONAL STATEMENT TO ADDRESS THE CLAIMANT’S CONTENTIONS ON APPEAL.

B-3 MARLO SONNEBEYATTA

BOR DKT. 00221325

Claimant appealed a decision of the Appeal Tribunal holding the claimant disqualified for benefits for leaving work voluntarily without good cause attributable to the work. (**Appellate Specialist Zola**)

ACTION: BOARD VOTED TO REMAND TO THE APPEAL TRIBUNAL TO GIVE THE CLAIMANT AN OPPORTUNITY TO PRESENT MEDICAL EVIDENCE TO SUPPORT HER CONTENTION THAT SHE LEFT THE JOB WITH GOOD CAUSE.