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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
FEBRUARY 24, 2021**

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

LISA HART, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING FEBRUARY 24, 2021

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A regular meeting of the Board of Review was held on Wednesday, February 24, 2021 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 – FEBRUARY 24, 2021 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the February 17, 2021 Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE FEBRUARY 17, 2021 BOARD MEETING.

OLD BUSINESS:

1. FAWZIA JACOB BOR DKT. 00218790

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal through the week in which the determination was mailed as the appeal was late without good cause and holding the claimant employed full-time. **(This case was tabled in the meeting of January 27, 2021 pending further review of companion case Dkt. No.: 00225168.)**

ACTION: BOARD VOTED TO AFFIRM AND TO ADD A STATEMENT THAT DKT 225168 DOES NOT ADDRESS THE SAME SSUE UNDER APPEAL WITH THIS DOCKET.

SECTION A – HEARING MATTERS

A-1 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. WILLIAM DEBLASIO BOR DKT. 00219905

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

2. COLLEEN CAIN BOR DKT. 00222568

Claimant appealed a decision of the Appeal Tribunal holding the claimant liable for a non-fraud refund due to being employed with earnings.

3. QUINDELLA YOUNG BOR DKT. 00213831

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.

BOARD OF REVIEW MINUTES – FEBRUARY 24, 2021 MEETING

- 4. ELHAM NOSEIR** **BOR DKT. 00218301**
- Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for misconduct connected with the work, and not liable for a non-fraud refund.
- 5. GEORGE BESHAY** **BOR DKT. 00222825**
- Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed, and holding the claimant liable for a non-fraud refund.
- 6. LUIS ROSARIO SANCHEZ** **BOR DKT. 00221386**
- 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. MICHELE RODRIGUEZ** **BOR DKT. 00218867**
- 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 for a non-fraud refund.
- 8. NICHOLAS PALASE** **BOR DKT. 00225167**
- 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 of the regular unemployment benefits.
- 9. CHRISTAL WHITT** **BOR DKT. 00224115**
- 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.
- 10. VIRGILIO PLACENCIO** **BOR DKT. 00224708**
- 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.
- 11. HUBERMANN PIERRE-LOUIS** **BOR DKT. 00222183**
- 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.

**BOARD OF REVIEW MINUTES – FEBRUARY 24, 2021
MEETING**

12. NATHANIEL CRAWFORD BOR DKT. 00215912

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

13. RUDOLPH APPELMANN, JR. BOR DKT. 00220377

Claimant appealed the Appeal Tribunal decision reducing his weekly benefit rate to zero due to a pension offset, and holding the claimant liable for a non-fraud refund.

14. TESKA FRISBY BOR DKT. 00220098

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

15. GRACE MASSELL BOR DKT. 00221436

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.

16. SKYE ETHRIDGE BOR DKT. 00227107

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

17. STACEY SHAALTIEL BOR DKT. 00223410

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment with an educational institution, was employed full time and a liability for a non-fraud refund.

18. AMY PONTORIERO BOR DKT. 00223808

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 non-fraud refund.

19. JAMISHAD ALI BOR DKT. 00206804

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 OF REVIEW MINUTES – FEBRUARY 24, 2021 MEETING

20. MADINA JACKSON

BOR DKT. 00220262

Claimant appealed a decision of the Appeal Tribunal holding claimant not unemployed, eligible for benefits and unemployed, liable for a non-fraud refund, and not liable for a non-fraud refund.

21. KIMBERLY O’NIEL

BOR DKT. 00223356

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

22. BEKISISA ELIE

BOR DKT. 00222107

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.

23. WILLIAM BOWERS

BOR DKT. 00219425

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.

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

A-2 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. CARA OGULIN

BOR DKT. 00222749

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. THOMAS STOBACK, JR.

BOR DKT. 00222636

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

**BOARD OF REVIEW MINUTES – FEBRUARY 24, 2021
MEETING**

3. DREW BARTSCH **BOR DKT. 00222953**

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.

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

A-3 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. ADOLFO CARDONA GIRALDO **BOR DKT. 00220319**

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.

2. ANN WALSH **BOR DKT. 00213330**

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

3. DEBRA LINDSEY **BOR DKT. 00218989**

Claimant appealed the decision of the Appeal Tribunal which held the claimant ineligible for benefits as she was not considered unemployed and disqualified for benefits for leaving work voluntarily without good cause attributable to the work.

4. ARNOLD CHU **BOR DKT. 00220515**

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for leaving work voluntarily, not ineligible for Pandemic Unemployment Assistance benefits, and liable for a non-fraud refund.

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

BOARD OF REVIEW MINUTES – FEBRUARY 24, 2021 MEETING

A-4 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. RYAN WASHINGTON BOR DKT. 00221578

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.

2. VINCENT DRAGONETTI BOR DKT. 00221085

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

3. CAROLYNE KISIANGANI BOR DKT. 00219368

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

4. MATTHEW MERCADO BOR DKT. 00221349

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. RONALD WHITE BOR DKT. 00215877

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 non-fraud refund.

6. MARGO BERNET BOR DKT. 00222410

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

7. OSCAR HERNANDEZ BOR DKT. 00221136

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.

8. RITA FLORES BOR DKT. 00221917

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 OF REVIEW MINUTES – FEBRUARY 24, 2021
MEETING**

9. TAMORRA DAVIS **BOR DKT. 00220261**

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

10. SANDRA PIKULINSKI **BOR DKT. 00219051**

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.

11. JOSE MONTESINOS **BOR DKT. 00219836**

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.

12. ADRIANA LAVARCO **BOR DKT. 00221282**

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

13. EDNA RAMIN-ZENGERLE **BOR DKT. 00222782**

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under ability to work and ineligible for Pandemic Unemployment Assistance (PUA) benefits. The claimant also appealed a liability to a non-fraud refund.

14. CHANTEL TURBI **BOR DKT. 00221316**

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

15. TRACIE ROMAN **BOR DKT. 00221940**

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

16. JUANITA MONEY **BOR DKT. 00225610**

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

BOARD OF REVIEW MINUTES – FEBRUARY 24, 2021 MEETING

17. MICHAEL ARWAY BOR DKT. 00224843

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

18. LEAH DIAZ BOR DKT. 00220518

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work and denial of Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons.

19. CHRISTINE SCALISI BOR DKT. 00220105

Claimant appealed the decision of the Appeal Tribunal holding a pension reduction and a liability to a non-fraud refund.

20. DAVID TORTU BOR DKT. 00220876

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.

21. BREANNE PERNA BOR DKT. 00210107

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.

22. DEBBIE RONESS BOR DKT. 00223232

Claimant appealed the decision of the Appeal Tribunal holding her ineligible for benefits on the ground that she was not deemed unemployed.

23. BEVERLY WOJCHECHOWSKI BOR DKT. 00223686

Claimant appealed a denial of Pandemic Unemployment Assistance (PUA) benefits as the claimant failed to provide proof of her self-employment earnings and a liability for a non-fraud refund. **(Board voted to table for a subsequent meeting in order to discuss whether the claimant qualifies for regular UI or PUA.)**

**BOARD OF REVIEW MINUTES – FEBRUARY 24, 2021
MEETING**

24. YUBIN CHOI

BOR DKT. 00222583

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

25. JIMMY LIU

BOR DKT. 00216980

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

26. OLIVIA HIRALALL

BOR DKT. 00225107

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 for a non-fraud refund.

ACTION: BOARD VOTED TO ACCEPT THE REMAINING 25 CASES AS REMANDS TO THE APPEAL TRIBUNAL.

A-5 REVERSE AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL

1. MADELINE ARITA

BOR DKT. 00222745

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

2. SHARO GONZALEZ

BOR DKT. 00216581

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

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS REVERSED REMANDED APPEALS TO THE APPEAL TRIBUNAL.

**BOARD OF REVIEW MINUTES – FEBRUARY 24, 2021
MEETING**

A-6 AFFIRMED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL OR THE DEPUTY.

1. BRITTANY PIETROPOLO BOR DKT. 00216806

Claimant filed an appeal to a decision of the Appeal Tribunal holding the claimant ineligible for benefits as she was not considered unemployed.

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

SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 KOHIE NAKAJI BOR DKT. 00225107

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 for a non-fraud refund. (**Appellate Specialist Jackson**)

ACTION: BOARD VOTED TO AFFIRM AND TO ADD A STATEMENT THAT THE CLAIMANT SHOULD FILE FOR PUA IN THE STATE WHERE HE WAS WORKING.

B-2 MUKHTIAR SINGH BOR DKT. 00223932

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for 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. (**Appellate Specialist Jackson**)

ACTION: BOARD VOTED TO AFFIRM THE DENIAL OF REGULAR BENEFITS UNDER N.J.S.A. 43:21-4(C)(1) AND TO HOLD THAT PORTION OF THE APPEAL TRIBUNAL DECISION HOLDING THE CLAIMANT INELIGIBLE FOR PUA BENEFITS A NULLITY AND TO REINSTATE THE DEPUTY'S DETERMINATION ALLOWING PUA BENEFITS.

**BOARD OF REVIEW MINUTES – FEBRUARY 24, 2021
MEETING**

B-3 FREDERICK WERNER

BOR DKT. 00221433

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause. (**Appellate Specialist Jackson**)

ACTION: BOARD VOTED TO AFFIRM THE DISMISSAL OF THE APPEAL TO THE APPEAL TRIBUNAL AND TO ADD A STATEMENT THAT THE CLAIMANT’S CONTENTION ON APPEAL THAT HE FILED HIS APPEAL WITHIN 7 DAYS OF RECEIPT IS SELF-SERVING SINCE THERE WAS NO TESTIMONY TO THAT EFFECT.

B-4 KELLIE GASPERINI

BOR DKT. 00215195

Claimant appealed a decision of the Appeal Tribunal holding the claimant filed a late appeal with good cause, no disqualification of benefits for leaving work voluntarily without good cause attributable to the work, and ineligible for benefits under availability for work. (**Appellate Specialist Zola**)

ACTION: BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION HOLDING THE APPEAL TIMELY AND TO REINSTATE THE DEPUTY’S DETERMINATION.

B-5 MICHAEL VANDER HORN

BOR DKT. 00223052

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, 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. (**Appellate Specialist Alverio**)

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION WITH ADDITIONAL STATEMENTS ADDRESSING THE CLAIMANT’S CONTENTIONS ON APPEAL.