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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
MARCH 31, 2021**

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

ANDREA JACKSON, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING MARCH 31, 2021

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A regular meeting of the Board of Review was held on Wednesday, March 31, 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.

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BOARD MINUTES:

Submitted for adoption are the minutes of the March 24, 2021 Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE MARCH 24, 2021, BOARD MEETING.

SECTION A – HEARING MATTERS

A-1 VACATED APPEALS TO THE BOARD OF REVIEW

1. FRANK AGUAS BOR DKT. 00224099

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

2. DAVID CASH-ALSTON BOR DKT. 00223428

Claimant appealed a determination of the Director holding the claimant liable for a non-fraud refund for the weeks ending November 7, 2020 through November 28, 2020.

3. BRADY ROGERS BOR DKT. 00212149

Appeal Tribunal held the claimant not disqualified for benefits as he did not leave the work voluntarily without good cause attributable to the work.

4. BRIAN TEELING BOR DKT. 00223045

Claimant appealed a decision of the Appeal Tribunal dismissing appeal due to non-registration for the hearing.

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

A-2 DISMISSALS OF LATE APPEALS OR NO JUSTICIABLE ISSUES TO THE BOARD OF REVIEW

1. MARIE ENGEL BOR DKT. 00223277

Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed.

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2. JOSEPH DENIZAC BOR DKT. 00224127

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

3. MARK VIZCARRONDO BOR DKT. 00222932

Claimant appealed the Division's failure to pay benefits after an Appeal Tribunal decision holding that a voluntary leaving disqualification was tolled out.

4. KELLY MITCHELL HINCKSON BOR DKT. 00223475

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.

5. ASHLEY SHEPHERD BOR DKT. 00223813

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. MAURICE THOMPSON BOR DKT. 00224842

Employer appealed a decision of the Appeal Tribunal holding no reduction of benefits on a claim due to the receipt of a pension.

7. KEITH ADAMS BOR DKT. 00217232

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

8. JOSHUA DANIELS BOR DKT. 00213354

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

9. NANCY MENTZEL BOR DKT. 00223676

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 a denial of Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons.

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10. JOHN BELASCO BOR DKT. 00219356

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

11. AHMED ABDELWAHED BOR DKT. 00180556

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

12. JODY DAVID BOR DKT. 00182489

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 ineligibility under availability for work as academic.

13. STACEY RIDLEY BOR DKT. 00202294

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 DISMISSALS OF LATE APPEALS OR NO JUSTICIABLE ISSUES TO THE BOARD OF REVIEW.

A-3 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. LAVONNE WHYE BOR DKT. 00224893

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.

2. NIKOLAS SHARKEY BOR DKT. 00224852

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.

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3. KATIE FINN BOR DKT. 00222862

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

4. OLUWADAMILOLA ADETIPE BOR DKT. 00222957

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

5. GLAUDE DICKENS BOR DKT. 00222923

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work for failing to provide proof of authorization to work.

6. JOANNA REGULA-BYRA BOR DKT. 00224865

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 holding the claimant liable for refund.

7. LIDIA CICERELLO BOR DKT. 00224778

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

8. HENRY LEGGETT BOR DKT. 00226465

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

9. BRYANA VADDIS BOR DKT. 00226895

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits on the ground that the claimant was not available for work and ineligible for Pandemic Unemployment Assistance (PUA) benefits.

10. MATTHEW CROWNE BOR DKT. 00224017

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

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11. CHERYL BROCK BOR DKT. 00223961

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

12. DIANA LUCIANI BOR DKT. 00224851

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

13. JENNIFER NODZAK BOR DKT. 00223729

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

14. RYAN HALLORAN BOR DKT. 00223846

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. DANIEL WILLIAMS BOR DKT. 00223999

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 liability to a non-fraud refund, and an ineligibility for Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons.

16. SUSAN DADDIO BOR DKT. 00226419

Claimant appealed a decision of the Appeal Tribunal holding her liable for a non-fraud refund on the ground that she was employed with earnings.

17. KAITLYN SHEEDY BOR DKT. 00224375

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

18. MARCELA TAPIERO BOR DKT. 00180121

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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19. ROBERT SKOKOS BOR DKT. 00213513

Claimant filed an appeal to a decision of the Appeal Tribunal holding him ineligible for benefits under availability for work.

20. CHRISTELLE BORLUVIE BOR DKT. 00229041

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.

21. JAIRO ACOSTA BOR DKT. 00229683

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for refusing suitable work.

22. MATTHEW GOMEZ BOR DKT. 00229642

Claimant appealed a denial of Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons, holding the claimant ineligible for benefits under availability for work, a disqualification of benefits for leaving work voluntarily without good cause attributable to the work and a liability to an agency refund.

23. SEAN CHARLES BOR DKT. 00217175

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

24. SATURNINO FAMILIA BOR DKT. 00218729

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

25. CHRISTINE VOIGT BOR DKT. 00229744

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 an agency refund.

26. ALVARO ANDRADE BOR DKT. 00225221

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work, ineligible for benefits on the ground that the claimant was not available and

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able to work and a liability to a non-fraud refund. The claimant was also held ineligible for Pandemic Unemployment Assistance (PUA) benefits.

27. 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 the work, and holding a student issue academic.

28. NADER PHILLIPS BOR DKT. 00214827

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

29. ZULEYKA BERRIOS BOR DKT. 00222111

Employer #1 appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily without good cause attributable to the work, and not liable for a non-fraud refund.

30. AMANDA BENSHOFF BOR DKT. 00220547

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

31. JANET JONES BOR DKT. 00226476

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 and liable for a non-fraud refund.

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

A-4 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. DEREK CRETE BOR DKT. 00224930

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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2. EFREN DELA BOR DKT. 00217751

Claimant appealed a decision of the Appeal Tribunal holding the claimant was not unemployed and claim dated March 29, 2020 invalid.

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

A-5 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. KEVIN HOWARD BOR DKT. 00224182

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.

2. ELIZABETH MARIE TAYLOR BOR DKT. 00224920

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 voted to table this case to a future agenda for further review in order to send a letter to the claimant to address the reason the claimant failed to register and participate in the hearing).**

3. CANIA CAAMANO URENA BOR DKT. 00223253

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

4. MICHELE TORRES BOR DKT. 00222448

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 holding the claimant liable for refund.

5. KENNY TRAN BOR DKT. 00224885

Employer appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work, and imposing a pension offset on the claim.

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6. KAZAYA BREWER BOR DKT. 00222754

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

7. BEATRICE FLIPPEN BOR DKT. 00218427

Claimant appealed the decision of the Appeal Tribunal dismissing part of the appeal as the appeal was filed late without good cause and holding a disqualification of benefits for misconduct connected with the work.

8. DEMI FEENEY BOR DKT. 00231231

Claimant appealed a denial of Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons.

9. MARK BAUGH BOR DKT. 00229688

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 for a non-fraud refund.

10. NEYDA DE GAUTREAUX BOR DKT. 00224114

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 liability to a non-fraud refund, and imposing an ineligibility for Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons.

11. MAYRA ASHLEY BOR DKT. 00229060

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

12. SONYA CORREA BOR DKT. 00173640

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

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

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SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 PATRICK GUBNER

BOR DKT. 00224903

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work, holding the claimant liable for a non-fraud refund, and ineligible for Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons. (**Appellate Specialist Matos**)

ACTION: BOARD VOTED TO REMAND TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY REGARDING THE WORKING CONDITIONS AND REASON FOR JOB SEPARATION AND TO RULE ON WHETHER THE CLAIMANT QUALIFIES FOR REGULAR OR PUA BENEFITS.

B-2 RENEE WILLIAMS

BOR DKT. 00216964

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for Pandemic Unemployment Assistance (PUA) and liable for a non-fraud refund. (**Appellate Specialist Zola**)

ACTION: BOARD VOTED TO TABLE THIS CASE TO A FUTURE AGENDA FOR FURTHER REVIEW IN ORDER TO REVIEW DIVISION RECORDS REGARDING THE CLAIMANT'S CERTIFICATION FOR BENEFITS.

B-3 NATALIE ROSE

BOR DKT. 00223230

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily without good cause attributable to the work, disqualified for misconduct connected with the work, and not liable for the non-fraud refund. (**Appellate Specialist Zola**)

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION WITH RESPECT TO NO DISQUALIFICATION FOR VOLUNTARY LEAVING AND REMAND FOR ADDITIONAL TESTIMONY REGARDING WHETHER THE CLAIMANT WAS DISCHARGED FOR MISCONDUCT CONNECTED WITH THE WORK.

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B-4 ASSYRIAN SMITH

BOR DKT. 00229713

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

ACTION: BOARD VOTED TO REMAND TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY REGARDING THE WORKING CONDITIONS AND FOR SUPPORTING MEDICAL DOCUMENTATION REGARDING THE CLAIMANT'S NEED TO SELF-QUARANTINE.