



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lieutenant Governor

State of New Jersey
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
P.O. Box 110
TRENTON, NEW JERSEY 08625-0110

ROBERT ASARO-ANGELO
Commissioner

BOARD OF REVIEW

**MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
MAY 12, 2021**

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

MARIA ZOLA, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING MAY 12, 2021

MAY 12, 2021

.....
A regular meeting of the Board of Review was held on Wednesday, May 12, 2021 at 10:00 a.m., via conference call, in Trenton, New Jersey

PRESENT: Nancy Hunt, Chairperson, William Scaglione, Vice-Chairperson, Maria Zola, 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 – MAY 12, 2021 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the May 5, 2021 Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE MAY 5, 2021, BOARD MEETING.

OLD BUSINESS:

1. HECTOR NIEVES

BOR DKT. 00217466

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for benefits for gross misconduct connected with the work. **(This case was decided in the meeting of May 5, 2021 as an affirmation of an Appeal Tribunal decision, upon further review of additional information this case was pulled for further consideration.)**

ACTION: BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL FOR FIRSTHAND TESTIMONY FROM THE EMPLOYER REGARDING THE INCIDENT WHICH CAUSED THE CLAIMANT'S DISCHARGE FROM HIS EMPLOYMENT.

2. JODI WHITE

BOR DKT. 00228324

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for misconduct connected with the work, the claimant was unemployed from April 5, 2020 through May 2, 2020, not unemployed from May 3, 2020 through August 29, 2020, and unemployed from August 30, 2020 through December 12, 2020. **(This case was decided in the meeting of May 5, 2021 as an affirmation of an Appeal Tribunal decision, upon further review, this case was pulled for further consideration.)**

ACTION: BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY FROM THE CLAIMANT AND EMPLOYER REGARDING THE CLAIMANT'S SEPARATION FROM THE EMPLOYMENT.

BOARD OF REVIEW MINUTES – MAY 12, 2021 MEETING

3. TAMMY BRILL BOR DKT. 00229861

Claimant appealed a decision of the Appeal Tribunal which held the regular unemployment claim invalid and the claimant ineligible for Pandemic Unemployment Assistance (PUA) benefits. **(This case was decided in the May 5, 2021 as a modification of an Appeal Tribunal decision, upon further review, this case was pulled for further consideration.)**

ACTION: BOARD VOTED TO AFFIRM THE DECISION OF THE APPEAL TRIBUNAL.

4. ADRIANA WINTERMUTE BOR DKT. 00224007

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work. **(This case was tabled in the meeting of May 5, 2021, it is being put back on this agenda for further review.)**

ACTION: BOARD VOTED TO AFFIRM THE DECISION OF THE APPEAL TRIBUNAL AND ADDRESS THE CLAIMANT'S CONTENTION IN THE AFFIRMATION.

SECTION A – HEARING MATTERS

A-1 VACATED APPEALS TO THE BOARD OF REVIEW

1. SCOTT GARCIA BOR DKT. 00180789

Claimant appealed the determination of the Deputy holding the unemployment claim invalid.

2. NICHOLAS FERRER BOR DKT. 00219623

Claimant appealed a decision of the Appeal Tribunal holding a discharge for misconduct connected with the work, and a liability for a non-fraud refund.

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

BOARD OF REVIEW MINUTES – MAY 12, 2021 MEETING

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

1. MARTHA CHICAIZA BOR DKT. 00223372

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

2. STEFAN MOORHEAD BOR DKT. 00227028

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 liability for non-fraud refund.

3. JENNIFER CASSIDY BOR DKT. 00232615

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

4. FINLANDIA ORTIZ BOR DKT. 00216366

Employer appealed a decision of the Appeal Tribunal holding the claimant eligible for Pandemic Unemployment Assistance (PUA) benefits.

5. PETER WILLIAMS BOR DKT. 00230305

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

6. ANN MARIE RHIEL BOR DKT. 00228269

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

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS DISMISSALS OF LATE APPEALS OR NO JUSTICIABLE ISSUE TO THE BOARD OF REVIEW.

BOARD OF REVIEW MINUTES – MAY 12, 2021 MEETING

A-3 REOPENED BOARD OF REVIEW CASES FOR RECONSIDERATION

1. DARLA DIMATTEO BOR DKT. 00145463

Employer appealed the decision of the Appeal Tribunal holding no ineligibility for benefits on the grounds the claimant was an employee and not an independent contractor.

ACTION: BOARD VOTED TO ISSUE AN AMENDED DECISION HOLDING THE CLAIMANT NOT LIABLE FOR THE REFUND DUE TO RECEIVING TWO DETERMINATIONS OF ELIGIBILITY.

A-4 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. OSMAN BOLUK BOR DKT. 00228126

Claimant appealed a decision of the Appeal holding the claimant not unemployed and claim dated May 24, 2020 invalid, ineligible for benefits under availability for work and ability to work, and liable for a non-fraud refund.

2. DEBRA FONTANAROSA BOR DKT. 00229139

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for refusing suitable work.

3. AMANDA JONES BOR DKT. 00229184

Claimant appealed a decision of the Appeal holding the unemployment claim invalid.

4. TROY CHAVERS BOR DKT. 00229003

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

5. ROSARIO URENA BOR DKT. 00221548

Claimant appealed the decision of the Appeal Tribunal establishing a weekly benefit rate, a partial benefit rate and a maximum benefit rate.

6. ROBIN COHEN BOR DKT. 00228141

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and denial of Pandemic Unemployment

BOARD OF REVIEW MINUTES – MAY 12, 2021 MEETING

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

7. MARIA GUTIERREZ BOR DKT. 00224206

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

8. ANDREA FAHRENHOLZ BOR DKT. 00231724

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.

9. NANCY SZENCSAK BOR DKT. 00230053

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.

10. AYESHA WHITE BOR DKT. 00232850

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.

11. ELIF OZTURK BOR DKT. 00232818

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.

12. DEANNA KONOPKA BOR DKT. 00232869

Claimant appealed 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 liable for a non-fraud refund.

13. MARILYN KELLY BOR DKT. 00233428

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

BOARD OF REVIEW MINUTES – MAY 12, 2021 MEETING

14. MARILYN KELLY

BOR DKT. 00233429

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

15. SAKIB AHMED

BOR DKT. 00232621

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

16. WILLIAM COOK

BOR DKT. 00231607

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.

17. LORI MILLS

BOR DKT. 00229024

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

18. GIULIANA ROMANO

BOR DKT. 00233455

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

19. GEORGE OSPIOVITCH

BOR DKT. 00231671

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

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

BOARD OF REVIEW MINUTES – MAY 12, 2021 MEETING

A-5 AFFIRMED AND REMANDED DECISIONS TO THE BOARD OF REVIEW

1. ROBERTO BARRERA GIL BOR DKT. 00230851

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for regular unemployment benefits under availability and ability to work and a liability to a non-fraud refund.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS AFFIRMED AND REMANDED DECISIONS TO THE BOARD OF REVIEW.

A-6 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. LORI SCHODOWSKI BOR DKT. 00230996

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

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

A-7 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. ANGELA DSEAGU BOR DKT. 00228952

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for misconduct connected with the work, the claimant was unemployed from April 5, 2020 through May 2, 2020, not unemployed from May 3, 2020 through August 29, 2020, and unemployed from August 30, 2020 through December 12, 2020.

2. KRIS WILLIAMS BOR DKT. 00230988

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

BOARD OF REVIEW MINUTES – MAY 12, 2021 MEETING

3. THEODORA CHRYSANTHOPOULOS BOR DKT. 00231591

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.

4. JESSICA BRUNSON BOR DKT. 00230893

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

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

A-8 AFFIRMED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL OR THE DEPUTY

1. OTNIEL DUVERGE BOR DKT. 00228581

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 liability for a non-fraud refund.

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

A-9 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. JANIRA GOMEZ BOR DKT. 00228907

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. EDSON MARTINEZ BOR DKT. 00230942

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 OF REVIEW MINUTES – MAY 12, 2021 MEETING

3. KARLIE AN LEIGH DORIS BOR DKT. 00230889

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

4. ANTHONY BOSTICK BOR DKT. 00226388

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

5. KRISTEN CONROY BOR DKT. 00231623

Claimant appealed the decision of the Appeal Tribunal holding the claimant employed full-time and liable for an agency refund.

6. DHARLA LEMOS BOR DKT. 00230135

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. NEVEN ARMANIOUS BOR DKT. 00231065

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for regular benefits and unemployed due to a qualifying reason under the C.A.R.E.S. Act.

8. LYNDSEY KREMEN BOR DKT. 00228337

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

9. CHRISTINE BUSH BOR DKT. 00231014

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

10. ROBERT SCAROLA BOR DKT. 00231476

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 and liable for a non-fraud refund.

BOARD OF REVIEW MINUTES – MAY 12, 2021 MEETING

11. ASHLEY BEATTY BOR DKT. 00231663

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

12. RASHEED GRANT BOR DKT. 00231684

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

13. MARIA KOTELNICKI BOR DKT. 00232702

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

14. BELINDA BUSH BOR DKT. 00231026

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

15. KENIA VALENTIN PARIS BOR DKT. 00231685

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

16. MARIAN SELIYOUS BOR DKT. 00232813

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

17. BRIAN KLATSKIN BOR DKT. 00232648

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

18. GREGORY LAMBIASE BOR DKT. 00230521

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work, holding a denial of Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was

BOARD OF REVIEW MINUTES – MAY 12, 2021 MEETING

not due to one of the COVID-19 related reasons, and liable for a non-fraud refund.

19. ROBERT ULRICH BOR DKT. 00232878

Claimant appealed the decision of the Appeal Tribunal which denied the claimant's request for a pre-date of an unemployment claim.

20. JONATHAN OLOKPA BOR DKT. 00232849

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

21. TESS MCLAUGHLIN BOR DKT. 00232659

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

22. FEJA FATMIR BOR DKT. 00229134

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

23. DAYSHON CLARK BOR DKT. 00229940

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 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY.

A-10 AFFIRMED AND REMANDED APPEALS TO THE APPEAL TRIBUNAL OR THE DEPUTY

1. BRANDON TRULONG BOR DKT. 00232803

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

BOARD OF REVIEW MINUTES – MAY 12, 2021 MEETING

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

SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 MICHAEL CALABRESE BOR DKT. 00231642

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for benefits for refusing suitable work and a liability to a non-fraud refund. (Appellate Specialist Matos)

ACTION: BOARD VOTED TO TABLE THIS CASE FOR FURTHER REVIEW.

B-2 T. ZUCKER BOR DKT. 00229137

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 liability for non-fraud refund. (Appellate Specialist Alverio)

ACTION: BOARD VOTED TO AFFIRM THE DECISION OF THE APPEAL TRIBUNAL.

B-3 BRUCE ROCHE BOR DKT. 00229162

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work, and ineligible for benefits under ability to work. (Appellate Specialist Zola)

ACTION: BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY FROM THE CLAIMANT AND EMPLOYER'S FIRSTHAND WITNESS, WHO WILL BE SUBPOENAED, REGARDING THE DRUG TEST POLICY AND DOCUMENTATION ON THE CLAIMANT'S DRUG TEST RESULTS.

BOARD OF REVIEW MINUTES – MAY 12, 2021 MEETING

B-4 NATHANIEL CARTAGENA

BOR DKT. 00206659

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

ACTION: BOARD VOTED TO AFFIRM THE DECISION OF THE APPEAL TRIBUNAL.

B-5 TEQUIA LESTER

BOR DKT. 00230185

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work. (**Appellate Specialist Matos**)⁴

ACTION: BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY AND DOCUMENTATION FROM THE CLAIMANT REGARDING THE CAUSE FOR SUSPENSION OF HER NURSING LICENSE.