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State of New Jersey
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
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ROBERT ASARO-ANGELO
Commissioner

BOARD OF REVIEW

**MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
FEBRUARY 8, 2023**

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

LISA HART, MEMBER

MARIA ZOLA, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING February 8, 2023

FEBRUARY 8, 2023

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A regular meeting of the Board of Review was held on Wednesday, February 8, 2023 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.

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BOARD MINUTES:

Submitted for adoption are the minutes of the January 25, 2023, Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE JANUARY 25, 2023, BOARD MEETING.

SECTION A – HEARING MATTERS:

A-1 WITHDRAWAL OF APPEALS

1. CLAUDIA MARTINEZ BOR DKT. 00274861

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, ineligible for Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons identified in the CARES Act and a liability to a non-fraud refund.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS WITHDRAWAL OF APPEALS.

A-2 VACATED APPEALS BY THE BOARD OF REVIEW

1. JESSICA WIKLSTROM BOR DKT. 00270243

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

2. ROBERT BUCHMAN BOR DKT. 00273062

Claimant's letter was docketed in error as an appeal of the invalid monetary determination.

3. MANUEL VIGARIO BOR DKT. 00256127

The claimant's letter of appeal was docketed in error as an Appeal to the Board of Review.

4. MANUEL VIGARIO BOR DKT. 00256129

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The claimant's letter of appeal was docketed in error as an Appeal to the Board of Review.

5. DONNA CACCIATORE BOR DKT. 00234437

Claimant appealed the decision of the Appeal Tribunal which held that the matter was resolved based on Division records.

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

A-3 DISMISSED APPEALS BY THE BOARD OF REVIEW DUE TO UNTIMELY FILING OR FOR NON-JUSTICIABLE APPEAL ISSUE

1. JAMES DESTEFANO BOR DKT. 00259267

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, an ineligibility for Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons identified under the CARES Act, and a liability for a non-fraud refund.

2. MINSOO SOHN BOR DKT. 00278651

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as late without good cause and holding the claimant ineligible for benefits under ability for work.

3. ALISON LUNA BOR DKT. 00268091

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.

4. NICHOLAS MILLER BOR DKT. 00243207

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for Pandemic Unemployment Assistance (PUA) benefits and a liability to a refund.

5. JULLIAN CONKLIN BOR DKT. 00269312

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility of Pandemic Unemployment Assistance (PUA) benefits as the claimant's

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unemployment was not due to one of the COVID-19 related reasons identified under the CARES Act, and liable for a non-fraud refund.

6. NIKIE BRUNO BOR DKT. 00267710

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

7. KATRINA MARIANO BOR DKT. 00313797

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 DISMISSED APPEALS BY THE BOARD OF REVIEW DUE TO UNTIMELY FILING OR FOR NON-JUSTICIABLE APPEAL ISSUE.

A-4 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW

1. MELISSA MUNERA BOR DKT. 00266179

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of unemployment benefits for leaving work voluntarily without good cause attributable to the work, an ineligibility for Pandemic Unemployment Assistance (PUA) benefits and a liability to a refund.

2. JASON SCOTT-BEY BOR DKT. 00268327

Claimant appealed a decision of the Appeal Tribunal holding unemployment claim invalid due to lack of requalifying wages, and claimant liable for a non-fraud refund.

3. MARCIA EASTON BOR DKT. 00262380

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

4. TERRY JANECZEK BOR DKT. 00269844

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

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5. TAMANNA MURSHED BOR DKT. 00269585

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, ineligible for Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons identified in the CARES Act and a liability to a non-fraud refund.

6. MARGARET GRECO BOR DKT. 00272696

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits under ability to work and active search for work.

7. THOMAS CALHOUN BOR DKT. 00271925

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

8. DOROTHY PONZIO BOR DKT. 00272650

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

9. ELIZABET SERNA BOR DKT. 00272742

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of unemployment benefits for leaving work voluntarily, an ineligibility of Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons identified under the CARES Act, and liable for a non-fraud refund.

10. TIMOTHY MCALEXANDER BOR DKT. 00256468

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for Pandemic Extended Unemployment Compensation (PEUC) as the claimant had sufficient wages in another state to establish a valid regular unemployment claim, and liable for a non-fraud refund.

11. MELISSA STAPLETON BOR DKT. 00265987

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility of benefits under reasonable assurance of reemployment between academic terms.

12. MELISSA STAPLETON BOR DKT. 00265988

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- Claimant appealed a decision of the Appeal Tribunal holding an ineligibility of benefits under reasonable assurance of reemployment between academic terms.
13. FLOR PEREZ BOR DKT. 00255873
- Claimant appealed a decision of the Appeal Tribunal dismissing appeal as late without good cause.
14. RAJENDRA SHAH BOR DKT. 00246654
- Claimant appealed a decision of the Appeal holding the claimant liable for a non-fraud refund.
15. DARNESHA HOLT BOR DKT. 00268097
- Claimant appealed a decision of the Appeal Tribunal holding the claimant was not unemployed, and liable for a non-fraud refund.
16. THOMAS TREUSCH BOR DKT. 00250988
- Claimant appealed a decision of the Appeal Tribunal holding the claimant not unemployed and disqualified for benefits for leaving work voluntarily.
17. DAVID BALSER BOR DKT. 00251286
- Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and ineligible for Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons identified in the CARES Act.
18. RONALD MILILLO BOR DKT. 00264300
- Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits under reporting requirements.
19. PIA BENAVIDES BOR DKT. 00257113
- Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, an ineligibility for Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons identified under the CARES Act, and a liability for a non-fraud refund.
20. MARIZA LA HOZ BOR DKT. 00252613

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

21. BRENDAN CESTRA BOR DKT. 00264955

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work, an ineligibility for Pandemic Unemployment Assistance (PUA) benefits and a liability to a refund.

22. PAULA GARCIA BOR DKT. 00245843

Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily.

23. MOUHAMADOU DIOP BOR DKT. 00269980

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons identified in the CARES Act and liability for non-fraud refund.

24. CATINA DAVIS BOR DKT. 00270294

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons identified in the CARES Act and liability for a non-fraud refund.

25. CAROL KEHOE BOR DKT. 00295846

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.

26. KAYLA DEWOLF BOR DKT. 00312802

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

27. DOUGLAS GARNER JR BOR DKT. 00267965

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons identified in the CARES Act, ineligible for benefits under ability for work and liability for a non-fraud refund.

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28. WILLIAM BARBER BOR DKT. 00271800

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 BY THE BOARD OF REVIEW.

A-5 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW

1. PATRICIA BURGOS BOR DKT. 00255172

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, ineligible for Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons identified in the CARES Act and a liability to a non-fraud refund.

2. YOSEPH GROSS BOR DKT. 00257242

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

3. OSIRIS SANCHEZ TRUJILLO BOR DKT. 00257095

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility of benefits under ability to work and availability to work, an ineligibility of benefits for Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons identified under the CARES Act, and a liability for a non-fraud refund.

4. JEANNE SWIFT BOR DKT. 00268731

Claimant appealed the decision of the Appeal Tribunal holding an ineligibility for Extended Benefits as the program ended.

5. IRIS CHAVEZ BOR DKT. 00256381

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

6. **RONALD MILILLO** BOR DKT.00264298

Claimant appealed a decision of the Appeal Tribunal holding the claimant disqualified for benefits for one year due to a fraudulent representation and liable for a fraud refund and fines.

7. **DINA SHAFRAN** BOR DKT. 00294186

Deputy appealed a decision of the Appeal Tribunal holding the unemployment claim valid with a higher benefit entitlement.

8. **WILLIAM BARBER** BOR DKT. 00265711

Claimant appealed a decision of the Appeal Tribunal holding the claimant was not unemployed, ineligible for benefits as the claimant had reasonable assurance of reemployment between terms, and liable for a non-fraud refund.

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

A-6 REOPENED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL

1. **MARTA CARDOSO** BOR DKT. 00250941

Superior Court remanded the matter of the claimant's entitlement to Pandemic Unemployment Assistance (PUA) benefits.

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

A-7 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW

1. **CHRISTOPHER MILES** BOR DKT. 00258617

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Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily.

2. DIANE LILLI BOR DKT. 00258382

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

3. RONALD GARVEY BOR DKT. 00272065

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility of unemployment 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 reason identified under the CARES Act, and liable for a non-fraud refund.

4. MARIBEL REYES BOR DKT. 00272071

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal under no justiciable issue.

5. DAVID MARGULIES BOR DKT. 00272493

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily.

6. MARITZA AYALA BOR DKT. 00257157

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

7. JEFFREY ARIAS BOR DKT. 00257794

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

8. DIAMOND COOPER BOR DKT. 00290534

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

9. OMAR AYOUB BOR DKT. 00234406

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and subsequent weeks and wages were insufficient to remove the disqualification.

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10. FARHAN KAMAL BOR DKT. 00229964

The Deputy appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and subsequent toll out of that disqualification.

11. JEROME WILLIAMS BOR DKT. 00271691

Employers appeal a decision of the Appeal Tribunal no disqualification of benefits for leaving work voluntarily, and no liability for a non-fraud refund.

12. JAY BRIGHTMAN BOR DKT. 00268921

Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW.

A-8 REVERSED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL

1. LISA TESEI BOR DKT. 00273171

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

2. STACY HAMMER BOR DKT. 00268693

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 REVERSED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL.

A-9 REVERSED DECISIONS OF THE APPEAL TRIBUNAL

1. COLLETTE KENNEDY BOR DKT. 00260173

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

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2. MICHAEL MORRIS BOR DKT. 00310331

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits under reporting requirements.

3. MELISSA MORALES BOR DKT. 00269437

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

4. DEGA COBB BOR DKT. 00257066

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

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

A-10 REQUEST FOR RECONSIDERATION BY THE OFFICE OF ATTORNEY GENERAL

1. MATY SALL BOR DKT. 00264378

Claimant appealed a decision of the board of review to superior court which affirmed the decision of the appeal tribunal dismissing the appeal as late without good cause.

2. JASMIL RIVAS BOR DKT. 00251936

Claimant appealed a decision of the board of review to superior court which dismissed the claimant's appeal to the denial of unemployment benefits as late without good cause and holding the claimant ineligible for pandemic unemployment assistance (PUA) benefits.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS REQUEST FOR RECONSIDERATION BY THE OFFICE OF ATTORNEY GENERAL.