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State of New Jersey
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
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BOARD OF REVIEW

**MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
APRIL 14, 2021**

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

MARIA ZOLA, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING APRIL 14, 2021

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A regular meeting of the Board of Review was held on Wednesday, April 14, 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 – APRIL 14, 2021 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the April 7, 2021 Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE APRIL 7, 2021 BOARD MEETING.

OLD BUSINESS:

1. NICOLE DONNELLY

BOR DKT. 00223392

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 and liability for a non-fraud refund. **(This case was tabled in the meeting of January 13, 2021 to send claimant correspondence to determine when the claimant received the Appeal Tribunal decision and when the claimant initially filed her appeal to the Board of Review.)**

ACTION: BOARD VOTED TO DISMISS THIS CASE AS LATE APPEAL TO THE BOARD OF REVIEW.

2. FERDI ABEDINI

BOR DKT. 00225306

Claimant appealed a decision of the Appeal Tribunal holding the claimant filed a timely appeal, a disqualification of benefits for leaving work voluntarily without good cause attributable to the work, ineligible for PUA, and liable for a non-fraud refund. **(This case was tabled in the meeting of March 10, 2021 for a post review of the record.)**

ACTION: BOARD VOTED TO REMAND THIS MATTER TO THE APPEAL TRIBUNAL FOR THE CLAIMANT TO PROVIDE DOCUMENTATION REGARDING THE TRAVEL BAN AND TO ADDRESS THE CLAIMANT'S AVAILABILITY FOR WORK.

BOARD OF REVIEW MINUTES – APRIL 14, 2021 MEETING

SECTION A – HEARING MATTERS

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

1. LAWRENCE BARNETT BOR DKT. 00215707

Claimant appealed a decision of the Appeal Tribunal holding the weekly benefit amount reduced due to a pension offset, and liable for a non-fraud refund.

2. MILAND FARAG BOR DKT. 00211766

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

3. PETRUSHKA JEANBAPTISTE BOR DKT. 00221210

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.

4. SHAQUANDA JACKSON BOR DKT. 00209998

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. SASOUNE TOUSSAINT BOR DKT. 00223991

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

6. LORENA PLACERES BOR DKT. 00227567

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

7. THOMAS PETILLO BOR DKT. 00227288

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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8. DANIELLE DURANTE BOR DKT. 00227332

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.

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

A-2 AFFIRMED AND MODIFIED DECISIONS TO THE BOARD OF REVIEW

1. YULIN LI BOR DKT. 00225558

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 not liable for a non-fraud refund.

ACTION: BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL AND CONFRONT THE CLAIMANT WITH THE DOCUMENTATION SUBMITTED BY THE EMPLOYER.

A-3 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. RYAN JENKINS BOR DKT. 00214722

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. SARAH WELSH BOR DKT. 00223698

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

3. ORLY JALAWICZ BOR DKT. 00220999

Claimant appealed a decision of the Appeal Tribunal which held the claimant invalid for a transitional claim on the ground that she lacked requalifying weeks and wages.

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4. MOHAMMAD UDDIN BOR DKT. 00218663

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits on the ground that he was unavailable for work.

5. JESSICA KUDERSKI BOR DKT. 00226264

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

6. LAURA SARDO-ZAHLER BOR DKT. 00226187

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.

7. COURTNEY WAKEFIELD BOR DKT. 00227062

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

8. KAYLA NEARY BOR DKT. 00227342

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, and a liability for a non-fraud refund.

9. REGIS VITALE BOR DKT. 00227330

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

10. MARIAH WILLIAMS BOR DKT. 00227135

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

11. RAYMOND KACZMAREK BOR DKT. 00228102

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

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12. BRIELLE WYKA

BOR DKT. 00224111

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, and liable for a non-fraud refund.

13. MOHAMMED EL SHEIKH

BOR DKT. 00223593

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

14. ANGELA BROKENBORO

BOR DKT. 00228595

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

15. KIMBERLY GERMAN

BOR DKT. 00223953

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.

16. JORGE RIVERA

BOR DKT. 00224763

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

17. BIANCA EDME

BOR DKT. 00227879

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work, holding the unemployment claim invalid, and the claimant liable for refund.

18. JUDY WILEY

BOR DKT. 00227165

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

19. CHRISTOPHER GRULLON

BOR DKT. 00227230

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.

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20. DENNIS O'BRIEN

BOR DKT. 00223083

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

21. CONSTANCE EGERT

BOR DKT. 00223715

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

22. DEISSY SARMIENTO

BOR DKT. 00227020

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

23. AMINAH PALMER

BOR DKT. 00219351

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

24. ANDRES ACEVEDO

BOR DKT. 00227547

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. DANIEL MCCLERNAN

BOR DKT. 00222616

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for failing to accept or apply for suitable work, and liable for a non-fraud refund.

26. KAYLAH COLEMAN

BOR DKT. 00230074

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

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

BOARD OF REVIEW MINUTES – APRIL 14, 2021 MEETING

A-4 AFFIRMED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL OR DEPUTY

1. SAMUEL AVILES BOR DKT. 00227685

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

2. JUSTIN BEIDES BOR DKT. 00227560

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

3. ALEJANDRINA PEREZ BOR DKT. 00226277

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits on the ground that the claimant was not available for work.

4. ALEXIS GIANNONE BOR DKT. 00227832

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

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

A-5 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. JORGE CASELLA BOR DKT. 00227035

Claimant appealed a decision of the Appeal Tribunal which held the claimant ineligible for benefits under actively seeking work and liable for a non-fraud refund.

2. YAZMIN PERALTA PEÑA BOR DKT. 00230302

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 a non-fraud refund.

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(Board voted to remand this case to the Appeal Tribunal for the parties to be placed on notice for the issue of voluntary leaving and to address such matter in the hearing and decision).

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

A-6 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. TONYA. HICKMOND **BOR DKT. 00226149**

Claimant appealed the decision of the Appeal Tribunal reducing the weekly benefit rate due to receipt of a pension from a base year or chargeable employer and liability for non-fraud refund.

2. ANA MURDOCK **BOR DKT. 00227911**

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.

3. DEBRA FRESCHL **BOR DKT. 00223709**

Claimant appealed a decision of the Appeal Tribunal reducing the weekly benefit rate due to receipt of a pension from a base year or chargeable employer.

4. KENNETH BOHN **BOR DKT. 00223718**

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

5. SYLVIE MURPHY **BOR DKT. 00223381**

Claimant appealed a decision of the Appeal Tribunal holding her ineligible for benefits because she received continuation pay.

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

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A-7 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. LYNDERIA MANSFIELD BOR DKT. 00221261

Claimant appealed a decision of the Appeal Tribunal denying the claimant's request for a waiver of debt.

2. DOMINGA VASQUEZ BOR DKT. 00221953

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 liable for a non-fraud refund.

3. ROSA BOLTON BOR DKT. 00227926

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. ALEXANDER LOLOS, SR. BOR DKT. 00222307

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits under ability and actively seeking work.

5. ALFREDO NIEVES BOR DKT. 00224725

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.

6. PARASKA VALSAMIS BOR DKT. 00226226

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

7. MARTIN SMITH BOR DKT. 00216070

Claimant appealed a decision of the Appeal Tribunal holding the claimant liable for a non-fraud refund as he was employed with earnings.

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

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SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 JOHNNY DEJEAN BOR DKT. 00214917

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

ACTION: BOARD VOTED TO TABLE THIS CASE IN ORDER TO SEND THE CLAIMANT AND HIS ATTORNEY A LETTER REQUESTING AN EXPLANATION FOR THE DELAY IN FILING THE APPEAL TO THE BOARD OF REVIEW.

B-2 ANDRES LOPEZ BOR DKT. 00224666

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work and liable for a non-fraud refund. (**Appellate Specialist Zola**)

ACTION: BOARD VOTED TO REVERSE THE DECISION OF THE APPEAL TRIBUNAL AND HOLD NO MISCONDUCT DISQUALIFICATION.

B-3 CHARLES BLAS BOR DKT. 00228039

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

ACTION: BOARD VOTED TO AFFIRM THE DECISION OF THE APPEAL HOLDING THE CLAIMANT UNAVAILABLE FOR WORK AND INELIGIBLE FOR PANDEMIC UNEMPLOYMENT ASSISTANCE (PUA), AND REMAND THE MATTER OF REFUND TO THE APPEAL TRIBUNAL FOR TESTIMONY AND A DECISION ON THAT ISSUE.

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B-4 JOAN INGE

BOR DKT. 00224299

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

ACTION: BOARD VOTED TO AFFIRM THE DECISION OF THE APPEAL TRIBUNAL HOLDING A DISQUALIFICATION OF BENEFITS FOR LEAVING WORK VOLUNTARILY.

B-5 SEAN TORRES

BOR DKT. 00226163

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work and liable for non-fraud refund. (**Appellate Specialist Alverio**)

ACTION: THE BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY FROM THE CLAIMANT REGARDING THE REASON FOR REQUESTING THE LEAVE OF ABSENCE, AND WHETHER THE EMPLOYER WAS IN COMPLIANCE WITH THE CDC GUIDELINES.

B-6 CAROLYN SEITHER

BOR DKT. 00223138

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. (**Appellate Specialist Matos**)

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

B-7 DAVID DINKEL

BOR DKT. 00224880

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 not due to one of the COVID-19 related reasons and a liability for non-fraud refund. (**Appellate Specialist Alverio**)

BOARD OF REVIEW MINUTES – APRIL 14, 2021 MEETING

ACTION: BOARD VOTED TO REVERSE THE DECISION OF THE APPEAL TRIBUNAL AND HOLD CLAIMANT ELIGIBLE FOR PANDEMIC UNEMPLOYMENT ASSISTANCE (PUA) BENEFITS.

B-8 FIORDALIZA PAULA DE VARGAS

BOR DKT. 00230249

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

ACTION: BOARD VOTED TO AFFIRM THE DECISION OF THE APPEAL TRIBUNAL WITH RESPECT TO A DISQUALIFICATION OF BENEFITS FOR LEAVING WORK VOLUNTARILY, AND REVERSE THE DECISION OF THE APPEAL TRIBUNAL REGARDING THE DENIAL OF PANDEMIC UNEMPLOYMENT ASSISTANCE (PUA) AND LIABILITY TO A NON-FRAUD REFUND.