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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
APRIL 19, 2023**

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

LISA HART, MEMBER

MARIA ZOLA, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING APRIL 19, 2023

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A regular meeting of the Board of Review was held on Wednesday, April 19, 2023, at 10:00 a.m., via conference call, in Trenton, New Jersey

PRESENT: Nancy Hunt, Chairperson, William Scaglione, Vice-Chairperson, Lisa Hart, Member, 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 19, 2023 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the April 5, 2023, Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE APRIL 5, 2023, BOARD MEETING.

SECTION A – HEARING MATTERS:

A-1 VACATED APPEALS BY THE BOARD OF REVIEW

1. AJAZ GOHAR BOR DKT. 00310361

Employer appealed a decision of the Appeal Tribunal holding the claimant disqualified for unemployment benefits for a discharge for misconduct connected with the work.

2. DEREK OGILVIE BOR DKT. 00267322

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

3. GREGORIA ROSARIO BOR DKT. 00242136

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for unemployment benefits due to unavailability for work and inability to work, an ineligibility as there were less than seven eligible days during a week of claimed benefits, ineligibility as claimant was not unemployed, a referral to the Deputy to place the wages from an employer on hold, and remand to the Deputy for an initial determination of claimant's separation from work.

4. GREGORIA ROSARIO BOR DKT. 00242134

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for unemployment benefits due to unavailability for work, ineligibility for benefits during a week when claimant was not unemployed, eligibility for benefits during weeks when claimant was unemployed, and referring the matter to the Director for an initial determination of liability for a refund.

5. ZHONG LIU BOR DKT. 00277878

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

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6. NATHAN PEREZ BOR DKT. 00261088

Claimant's letter of appeal was docketed in error as an appeal regarding the matter under this docket.

7. DIAHAN NELSON BOR DKT. 00265540

Claimant submitted letter to Board of Review requesting a waiver of the non-fraud refund.

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

A-2 DISMISSED APPEALS BY THE BOARD OF REVIEW DUE TO UNTIMELY FILING OR FOR NON-JUSTICIABLE APPEAL ISSUE

1. ROSEBERTH MESADIEU BOR DKT. 00256830

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as untimely and there was no good cause for the late filing.

2. JENNIFER VILLANUEVA BOR DKT. 00258691

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for unemployment benefits for voluntarily leaving work without good cause attributable to the work, ineligibility for Pandemic Unemployment Assistance (PUA) as the claimant's unemployment was not due to one of the COVID-19 related reasons identified under the C.A.R.E.S. ACT, and liability for a non-fraud refund.

3. JOSEPH DELEON BOR DKT. 00258367

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as untimely and there was no good cause for the late filing.

4. MARQUIS VEGA BOR DKT. 00278791

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

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5. AMPARO LORENZO BOR DKT. 00281497

Claimant appealed a decision of the Appeal Tribunal imposing liability for a non-fraud refund.

6. IESHA BELTON-SPENCER BOR DKT. 00279991

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as untimely and there was no good cause for the late filing.

7. VICKY NIXON BOR DKT. 00280667

Claimant appealed a decision of the Appeal Tribunal denying the claimant's request to vacate the prior dismissal of the appeal for failure to register for the hearing and denying the scheduling of a new hearing.

8. SHAMILLA HARRIS BOR DKT. 00271893

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

9. MELISHA WEBBER BOR DKT. 00281226

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as untimely and there was no good cause for the late filing.

10. BETTY LOZA BOR DKT. 00280825

Claimant appealed a decision of the Appeal Tribunal holding claimant liable for a non-fraud refund, and a remand to the Director for an initial determination of eligibility for Pandemic Unemployment Assistance (PUA) under the C.A.R.E.S. ACT.

11. JENNIFER FETTERMAN BOR DKT. 00265758

Claimant appealed the decision of the Appeal Tribunal holding the claimant employed full-time.

12. LINDA MCMURRAY BOR DKT. 00271879

Claimant appealed a decision of the Appeal Tribunal holding the claimant exhausted all benefit entitlement.

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13. KEARRIE SIMS

BOR DKT. 00269395

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

14. JAVIER BAEZ

BOR DKT. 00251277

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for unemployment benefits for voluntarily leaving work without good cause attributable to the work, ineligibility for Pandemic Unemployment Assistance (PUA) as the claimant's unemployment was not due to one of the COVID-19 related reasons identified under the C.A.R.E.S. ACT, and liability for a non-fraud refund.

15. JASMINE RIOS

BOR DKT. 00285174

Claimant appealed a decision of the Appeal Tribunal denying the claimant's request to vacate the prior dismissal of the appeal for failure to register for the hearing and denying the scheduling of a new hearing.

16. INES RAMIREZ

BOR DKT. 00254037

Claimant appealed a decision of the Appeal Tribunal holding no disqualification for unemployment benefits for voluntarily leaving work without good cause attributable to the work, reduction in the weekly benefit amount due to receipt of a pension, and remand to the Deputy for calculation of a refund.

17. SHAYNE HAYWARD

BOR DKT. 00255093

Claimant appealed a decision of the Appeal Tribunal an ineligibility for Pandemic Unemployment Assistance (PUA) as the claimant's unemployment was not due to one of the COVID-19 related reasons identified under the C.A.R.E.S. ACT, and no liability for a refund.

18. WILLIAM DAVIS

BOR DKT. 00255128

Claimant appealed a decision of the Appeal Tribunal holding no disqualification for unemployment benefits for voluntarily leaving work without good cause attributable to the work, ineligibility for benefits for refusing suitable work without good cause, and partially liability for a non-fraud refund.

19. APRIL LINKROOM

BOR DKT. 00222680

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

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not due to one of the COVID-19 related reasons identified under the C.A.R.E.S. ACT, and liability for a non-fraud refund.

20. TITANIA BALDWIN BOR DKT. 00308011

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for Additional Unemployment Benefits During Training.

21. AMANDA STEINHAGEN BOR DKT. 00317417

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

22. PETER WEEST BOR DKT. 00269990

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 liability for a non-fraud refund.

23. JOHN MAZZOCCA BOR DKT. 00266760

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 identified in the C.A.R.E.S. Act and liability for non-fraud refund.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS DISMISSED APPEALS BY THE BOARD OF REVIEW DUE TO UNTIMELY FILING OR FOR NON-JUSTICIABLE ISSUE.

A-3 DENIAL OF REOPENING REQUESTS TO THE BOARD OF REVIEW

1. LINDA ENRIGHT BOR DKT. 00260185

Claimant is requesting reconsideration of the Board of Review decision, affirming the Appeal Tribunal decision, which held the claimant's claim valid, directing the Division to issue any resulting underpayment to the claimant, and to consider the claimant's pending application for dependency benefits.

ACTION: BOARD VOTED TO ACCEPT THIS CASE AS DENIAL OF REOPENING REQUESTS TO THE BOARD OF REVIEW.

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

1. MONICA DIMICCO BOR DKT. 00269965

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

2. JASMINE WELCH BOR DKT. 00251009

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

3. JULIE MOORE BOR DKT. 00271245

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

4. GREGORY POLLACK BOR DKT. 00272969

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. MICHELE WYATT BOR DKT. 00268625

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. AMANDA KENNEDY BOR DKT. 00265667

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 liability for a non-fraud refund.

7. GARABED PALANDJIAN BOR DKT. 00271342

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

8. PETER-YANN BERKUTA BOR DKT. 00269631

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

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9. NOELLA INOA BOR DKT. 00270899

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of 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 C.A.R.E.S. Act, and a liability for a non-fraud refund.

10. JOHN GARCIA BOR DKT. 00276372

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

11. AMBER BROCK BOR DKT. 00268612

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.

12. FRANCINE MCKEANAY BOR DKT. 00282890

Claimant appealed the Appeal Tribunal decision holding the unemployment claim invalid.

13. JANNA LAPENTER BOR DKT. 00268574

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.

14. ALAINA SQUIRES BOR DKT. 00275046

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. PABLO HOME BOR DKT. 00268568

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 C.A.R.E.S. Act.

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16. ANDRE TURNER BOR DKT. 00271014

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

17. NICHOLAS PERRONE BOR DKT. 00275147

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

18. PHYLLIS ANDERSON BOR DKT. 00274510

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reassurance of reemployment with an educational institution between terms.

19. RICHARD KELLY BOR DKT. 00270088

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

20. CHEVELLE JEFFERSON BOR DKT. 00274211

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

21. VENYRAH OWENS BOR DKT. 00269308

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 Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons identified in the C.A.R.E.S. Act and a liability to a non-fraud refund.

22. DANA-MICHELLE DAVIS BOR DKT. 00280785

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 liability for a non-fraud refund.

23. ISMELDA GONZALEZ-VALDEZ BOR DKT. 00268143

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

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24. NICOLE SMITH

BOR DKT. 00268739

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 identified in the C.A.R.E.S. Act and liable for a non-fraud refund.

25. KELLI DICKINSON

BOR DKT. 00277426

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.

26. GABRIELLA FINAZZO

BOR DKT. 00268637

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 liability for a non-fraud refund.

27. RYAN KAYALL

BOR DKT. 00274126

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.

28. LISA MACADAM

BOR DKT. 00271434

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

29. MELISSA MICKENS

BOR DKT. 00265647

Claimant appealed a decision of the Appeal Tribunal holding no disqualification for unemployment benefits for refusing suitable work without good cause, disqualification for benefits for voluntarily leaving work without good cause attributable to the work, and remand to the Director for an initial determination of potential liability for a refund.

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

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

1. TATIANA JONES BOR DKT. 00273449

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for unemployment benefits under availability to work, ineligible for Pandemic Unemployment Assistance as the claimant's unemployment was not due to one of the COVID-19 related reasons identified under the C.A.R.E.S. Act, and liable for a non-fraud refund.

2. MAIA FINKEL BOR DKT. 00259071

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

3. JONATHAN SENSI BOR DKT. 00267644

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 C.A.R.E.S. Act and a liability to a non-fraud refund.

4. JOHN VAGUEIRO BOR DKT. 00267899

Claimant appealed the decision of the Appeal Tribunal holding the claimant employed full-time.

5. ROCHELL COSGRIFF BOR DKT. 00233892

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

6. DIANA HORTA BOR DKT. 00270925

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

7. JACQUELINE BURNETT BOR DKT. 00267140

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.

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8. JEFFREY GURCIK BOR DKT. 00267988

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

9. ROBERT HEITZ BOR DKT. 00270223

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.

10. ADA BUILES BOR DKT. 00270702

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

11. REBECCA LIPKE BOR DKT. 00269042

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for Pandemic Unemployment Assistance (PUA) benefits as the claimant may have benefit entitlement in another state, and liable for a non-fraud refund.

12. NATHAN PEREZ BOR DKT. 00261086

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, an ineligibility of benefits under availability for work, and 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 C.A.R.E.S. Act.

13. RICHARD RUSSO BOR DKT. 00231307

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

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A-6 REOPENED AND REVERSED DECISIONS TO THE BOARD OF REVIEW

1. DONNA HAMILL BOR DKT. 00263382

The Superior Court of New Jersey, Appellate Division, (A-003436-21T4), by Order mailed December 19, 2022, remanded the decision of the Board of Review for reconsideration.

ACTION: BOARD VOTED TO ACCEPT THIS CASE AS REOPENED AND REVERSED DECISIONS TO THE BOARD OF REVIEW.

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

1. ALPHONSO MCBRYDE BOR DKT. 00258744

Claimant appealed a decision of the Appeal Tribunal accepting his request for a withdrawal of the appeal to a prior disqualification for misconduct connected with the work and a refund liability.

2. SHAWN E. NOPPERT BOR DKT. 00307666

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

3. KIM HENDERSON BOR DKT. 00270962

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

4. DEVIN MESHEFSKY BOR DKT. 00271635

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

5. KIRAN VIBHAKAR BOR DKT. 00283111

Claimant appealed a 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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6. JASON VELEZ BOR DKT. 00270716

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

7. HEATHER SMITH BOR DKT. 00287616

Claimant appealed the decision of the Appeal Tribunal holding an ineligibility for State Plan Disability benefits as the claim was filed late without good cause.

8. DAMOLA AROWOLO BOR DKT. 00270780

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 liability for a non-fraud refund.

9. RICHARD FRANCE BOR DKT. 00269295

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

10. GLENDINABEL DELIMA BOR DKT. 00204501

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 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW.

A-8 REVERSED DECISIONS OF THE APPEAL TRIBUNAL AND/OR DEPUTY BY THE BOARD OF REVIEW

1. SHELLY OCHELTREE BOR DKT. 00318174

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

2. MARCELA LOPEZ BOR DKT. 00275333

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for Pandemic Unemployment Assistance (PUA) benefits as the

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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.

3. ADAM BOFFA

BOR DKT. 00264230

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 REVERSED DECISIONS OF THE APPEAL TRIBUNAL AND/OR DEPUTY BY THE BOARD OF REVIEW.

A-9 SUPPLEMENTAL

1. MINNA ALKAYAT

BOR DKT. 00254132

The 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 and a liability to a non-fraud refund.

ACTION: BOARD VOTED TO SET ASIDE THE DECISION OF THE APPEAL WITH RESPECT TO THE MATTER OF VOLUNTARY LEAVING AND NON-FRAUD REFUND, AND REMAND THIS CASE TO THE DEPUTY FOR AN INITIAL DETERMINATION ON THE CLAIMANT'S ELIGIBILITY FOR PANDEMIC UNEMPLOYMENT ASSISTANCE (PUA) BENEFITS.