



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
NOVEMBER 4, 2020**

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

SHAHRAZAD A. LEDAN, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING NOVEMBER 4, 2020

NOVEMBER 4, 2020

.....
A regular meeting of the Board of Review was held on Wednesday, November 4, 2020 at 10:00 a.m., via conference call, in Trenton, New Jersey

PRESENT: Nancy Hunt, Chairperson, William Scaglione, Vice-Chairperson, Shahrazad A. Ledan, Acting Executive Secretary, Keith Austin, Director.

In accordance with L1975, c.231, the Acting 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 – NOVEMBER 4, 2020 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the October 28, 2020 Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE OCTOBER 28, 2020 BOARD MEETING.

OLD BUSINESS:

1. BARBARA DEARMAS BOR DKT. 00211987

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work. **(This case was tabled in the meeting of September 23, 2020 pending a post review.)**

ACTION: BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL TO ADDRESS WHETHER THE CLAIMANT WAS AN EMPLOYEE WITH EARNINGS IN A PROGRAM TO PROVIDE CARE FOR HER FATHER.

2. SAKINA MOORE BOR DKT. 00213502

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work, and a liability to a non-fraud refund. **(This case was tabled in the meeting of September 30, 2020 pending a post review.)**

ACTION: BOARD VOTED TO REMAND THE CASE TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY TO SUPPLEMENT THE RECORD.

3. RENE RAYNES BOR DKT. 00211780

Employer appealed a decision of the Appeal Tribunal holding no disqualification as the claimant was not discharged for misconduct connected to the work.

ACTION: THIS CASE WAS PLACED ON THIS AGENDA IN ERROR AS IT WAS DECIDED IN THE MEETING OF SEPTEMBER 2, 2020 MEETING.

BOARD OF REVIEW MINUTES – NOVEMBER 4, 2020 MEETING

4. SUN KIM

BOR DKT. 00213782

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

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION.

SECTION A – HEARING MATTERS

A-1 VACATED APPEALS TO THE BOARD OF REVIEW

1. BRIAN MCNEW

BOR DKT. 00211106

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

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS A VACATED APPEAL TO THE BOARD OF REVIEW.

A-2 DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW

1. SHELLEY SOTO

BOR DKT. 00216312

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

2. YEKINA WILLIAMS

BOR DKT. 00202398

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

3. LAVIETTE WILLINGHAM

BOR DKT. 00205779

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.

BOARD OF REVIEW MINUTES – NOVEMBER 4, 2020 MEETING

4. RICHARD ORDILLE BOR DKT. 00209929

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

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

A-3 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. LEVAR PASCHAL BOR DKT. 00198989

Claimant appealed a decision of the Appeal Tribunal imposing a fraud disqualification and holding the claimant liable for a fraud refund.

2. TARA RAPATTONI BOR DKT. 00212449

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work with employer #1 voluntarily without good cause attributable to such work.

3. SALENA COAXUM BOR DKT. 00212938

Claimant appealed the decision of the Appeal Tribunal holding her ineligible for benefits on the ground that she was employed full-time and was liable for a non-fraud refund.

4. JOSEPH CLEMENTE BOR DKT. 00213719

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

5. CAONABO LUCIANO BOR DKT. 00214245

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

6. DIANA STEWARD BOR DKT. 00216257

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

BOARD OF REVIEW MINUTES – NOVEMBER 4, 2020 MEETING

7. MARGARET VANHAAK BOR DKT. 00214211

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

8. FRANCES GIACONA BOR DKT. 00215840

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

9. DANIEL HARVAT BOR DKT. 00215368

Claimant appealed a decision dismissing the appeal through the date the Deputy's determination was mailed as it was filed late without good cause and holding no ineligibility for subsequent period as the claimant was available for work and holding a liability for non-fraud refund.

10. CHRISTOPHER MANRIQUE BOR DKT. 00216191

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

11. FELIX DILONE BOR DKT. 00205420

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

12. ANTHONY RUDOLPH BOR DKT. 00220026

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

13. JENNIFER GOLLUB BOR DKT. 00218532

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause through the mailing date of the determination and ineligible for benefits under active search for work.

14. JOSEPH BURGO BOR DKT. 00207239

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

BOARD OF REVIEW MINUTES – NOVEMBER 4, 2020 MEETING

15. JORGE RODRIGUEZ

BOR DKT. 00213132

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

16. SAMIR VEREEN

BOR DKT. 00218914

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility as the claimant was not able or available to work and holding a liability for non-fraud refund.

17. COURTNEY GREEN

BOR DKT. 00210822

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

18. ANDREA ADAMS HUGHES

BOR DKT. 00216984

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

19. LINDA EGLEY

BOR DKT. 00215959

Claimant appealed a decision of the Appeal Tribunal holding no disqualification for leaving the work voluntarily without good cause attributable to such work and holding an ineligibility as the claimant was not available for work.

20. DARLENE GARRETSON-FULTON

BOR DKT. 00215466

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

21. GABRIELLE JOHNSON

BOR DKT. 00217685

Employer appealed the decision of the Appeal Tribunal holding the claimant unemployed.

22. JOSEPH REKULAK

BOR DKT. 00214782

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

23. DEBBIE HARRIS

BOR DKT. 00216975

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

BOARD OF REVIEW MINUTES – NOVEMBER 4, 2020 MEETING

24. TRAVIS CLARK, SR. BOR DKT. 00217009

Employer #1 appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily.

25. ALEAHA BATTLE BOR DKT. 00212808

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

26. IMANA MONTGOMERY BOR DKT. 00215423

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

27. MICHAEL VOZA BOR DKT. 00215180

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

28. SANDRA PLEDGER BOR DKT. 00207323

Claimant appealed a decision of the Appeal Tribunal dismissing appeal on Additional Benefits During Training (ABT) as such benefits have been exhausted.

29. SUSAN SIBEN BOR DKT. 00203823

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

ACTION: BOARD VOTED TO REMOVE #9 ROGER BLANCHETTE FROM THE AFFIRMATIONS CATEGORY AND ACCEPT THE REMAINING 29 CASES AS AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS.

A-4 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. ANA MONTES BOR DKT. 00216726

Claimant appealed a decision of the Appeal Tribunal holding her ineligible for benefits on the ground that she was employed full-time.

BOARD OF REVIEW MINUTES – NOVEMBER 4, 2020 MEETING

2. TAMIKA STANLEY BOR DKT. 00218042

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

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

A-5 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. KATHLEEN VISOCKI BOR DKT. 00204689

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

2. TINA ANDERSON BOR DKT. 00208186

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

3. PAULA DOUGHERTY BOR DKT. 00207585

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

4. DAWN REEDER BOR DKT. 00204861

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

5. LYNN BERGHAHN BOR DKT. 00214520

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily with Employer #1 and Employer #2, and disqualified for Family Leave During Unemployment benefits as the voluntary leaving disqualification was still in effect.

6. FRANCES GIACONA BOR DKT. 00191710

Claimant appealed decision of the Appeal Tribunal dismissing the appeal as the claimant failed to register to participate in a duly scheduled hearing.

BOARD OF REVIEW MINUTES – NOVEMBER 4, 2020 MEETING

7. ANDREW ANDRZEJCZAK BOR DKT. 00216824

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility period as the claimant was not available for work.

8. SUSAN CASTLETON BOR DKT. 00215449

Claimant appealed a decision of the Appeal Tribunal holding the unemployment claim valid with a reduced monetary entitlement and liability for a non-fraud refund.

9. REBECCA HOLL BOR DKT. 00216031

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

10. JESSICA PEINADO BOR DKT. 00213490

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

11. LAKEMA HALL NEAL BOR DKT. 00216863

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

12. SHAHIN GUMBES BOR DKT. 00217501

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

13. BRIAN ZAWISTOWSKI BOR DKT. 00217129

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

14. TIMOTHY ENS BOR DKT. 00214889

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

BOARD OF REVIEW MINUTES – NOVEMBER 4, 2020 MEETING

15. LISA BISSETT

BOR DKT. 00215309

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

16. KERRYSA CLEARY

BOR DKT. 00216116

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

17. STEPHEN ROCCO

BOR DKT. 00216019

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

18. LYNDA LIRIANO

BOR DKT. 00209871

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

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

SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 IVAYLO TODOROV

BOR DKT. 00210952

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

ACTION: BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY TO DETERMINE THE CLAIMANT'S LAST DAY OF WORK WITH EMPLOYER #1 AND THE START DATE WITH EMPLOYER #2.

BOARD OF REVIEW MINUTES – NOVEMBER 4, 2020 MEETING

B-2 KATHLEEN EVERETT BOR DKT. 00215280

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

ACTION: BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY AND FOR THE APPEAL TRIBUNAL TO RULE ON THE ACTUAL ISSUE APPEALED.

B-3 ZURUZ ZAMAN BOR DKT. 00217222

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

ACTION: BOARD VOTED TO TABLE THIS CASE TO A FUTURE AGENDA PENDING FURTHER REVIEW TO DETERMINE JURISDICTION.

B-4 CAONABO LUCIANO BOR DKT. 00214246

Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed. (**Appellate Specialist Jackson**)

ACTION: BOARD VOTED TO MODIFY THE APPEAL TRIBUNAL DECISION, INVALIDATE THE CLAIM AND NOTIFY THE DEPUTY TO FILE A NEW CLAIM.

B-5 ASHLEY LIEGGI BOR DKT. 00215626

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause. (**Appellate Specialist Matos**)

ACTION: BOARD VOTED TO REMAND FOR ADDITIONAL TESTIMONY REGARDING THE TIMELINESS OF THE APPEAL AND, IF APPLICABLE TO MAKE A DECISION ON THE MERITS.

BOARD OF REVIEW MINUTES – NOVEMBER 4, 2020 MEETING

B-6 ROGER BLANCHETTE

BOR DKT. 00214660

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

ACTION: BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION AND INCLUDE THE ZAPORITO VS. BOARD OF REVIEW COURT CASE IN THE DECISION.