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DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
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Commissioner

BOARD OF REVIEW

**MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
JANUARY 25, 2023**

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

LISA HART, MEMBER

MARIA ZOLA, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING JANUARY 25, 2023

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A regular meeting of the Board of Review was held on Wednesday, JANUARY 25, 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.

BOARD OF REVIEW MEETING –JANUARY 25, 2023, AGENDA

BOARD MINUTES:

Submitted for adoption are the minutes of the January 11, 2023, Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE JANUARY 11, 2023, BOARD MEETING.

OLD BUSINESS:

1. EDWARD WESTREICH BOR DKT. 00262690

THIS MATTER WAS PREVIOUSLY REMANDED TO THE APPEAL TRIBUNAL, ON THE 11/2/2022 OPEN PUBLIC MEETING AGENDA, AND NO RECORDED RECORD WAS AVAILABLE FOR REVIEW. ON REMAND, THE APPEAL TRIBUNAL LOCATED THE MISSING RECORDING. AFTER REVIEW OF THE COMPLETE RECORD, THE BOARD DECIDED TO AFFIRM THE APPEAL TRIBUNAL.

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

SECTION A – HEARING MATTERS:

A-1 VACATED APPEALS BY THE BOARD OF REVIEW

1. JOSEPH LEMME BOR DKT. 00212789

Claimant is appealing the Deputy's determination holding an ineligibility for employed full-time.

2. JOSEPH MURRAY BOR DKT. 00266791

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

ACTION: THE 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. HEATHER WILMORE BOR DKT. 00247042

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

2. IGOR BUSHUYEV BOR DKT. 00257548

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

3. GLENN FIGUEROA BOR DKT. 00269919

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

4. HASSAN WILLIAMS BOR DKT. 00253468

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

5. JOSEPH EVANS BOR DKT. 00273300

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

6. GRACE WOO BOR DKT. 00253437

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility of benefits under employed full-time and a liability to a refund.

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

A-3 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW

1. DESTINIE VIERRA BOR DKT. 00286194

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

2. PRECIOUS NIMNEH BOR DKT. 00289205

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

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3. WILLIAM DOWNEY BOR DKT. 00267738

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work and an ineligibility for Pandemic Unemployment Assistance (PUA) benefits.

4. TERENCE DAVIS BOR DKT. 00255605

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.

5. RENEE MCGEE BOR DKT. 00265946

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.

6. ROBERT ROSENBERG BOR DKT. 00268506

Claimant appealed a decision of the Appeal Tribunal holding a liability to a refund.

7. ABDELHAMID SALHA BOR DKT. 00260039

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

8. STEPHANIE ROVELLI BOR DKT. 00269605

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.

9. IRMA LOPEZ DE QUIRUMBAY BOR DKT. 00252628

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as untimely.

10. LUKASZ GOLATOWSKI BOR DKT. 00263674

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

11. CYNTHIA SMITH BOR DKT. 00270330

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

12. RICHARD TATE BOR DKT. 00269755

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

13. JOHN STEARNE BOR DKT. 00265541

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for partial unemployment, and liable for a non-fraud refund.

14. ANTHONY SALERNO BOR DKT. 00271839

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

15. JOSEPH BELLISANO BOR DKT. 00273738

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

16. MARLEN GALDAMEZ BOR DKT. 00271795

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

17. JAMES GROEBER JR BOR DKT. 00268607

The claimant appealed a decision of the Appeal Tribunal holding an ineligibility of benefits under reasonable assurance and a liability of a refund.

18. ANNE CUFF-SMITH BOR DKT. 00271972

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

19. GREGORY SAULLE BOR DKT. 00257115

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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. EDNA M. KELLER BOR DKT. 00271896

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

21. ANNE MADDEN BOR DKT. 00270490

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

22. RADAYJA WILLIAMS BOR DKT. 00258923

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

23. ALBERT TEN KATE BOR DKT. 00271892

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

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

A-4 MODIFIED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW

1. THOMAS D. MURTHA BOR DKT. 00255594

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 a liability to a non-fraud refund.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS MODIFIED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW.

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

1. JOSEPH REILLY BOR DKT. 00261107

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

2. MIRANDA PLATT BOR DKT. 00269472

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 CASES AS MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW.

A-6 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW

1. RAYMOND SCHEFFLER JR BOR DKT. 00268572

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

2. MALKA KAPLAN BOR DKT. 00269680

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 CARES Act, and a liability for a non-fraud refund.

3. MANUEL VAZQUEZ SANTIAGO BOR DKT. 00260039

Claimant appealed a decision of the Appeal Tribunal holding claimant ineligible for Extended Benefits as the claimant qualified for a valid unemployment claim in another state, and liable for a non-fraud refund.

4. POLINA YORDANOVA BOR DKT. 00255182

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- 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 CARES Act and liability for non-fraud refund.
5. REBECCA GUZMAN BOR DKT. 00258385
- 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 to a refund.
6. PRINCE ACHEAMPONG BOR DKT. 00271936
- Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily, and no liability for a non-fraud refund.
7. RYAN WEID BOR DKT. 00253220
- Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for Pandemic Emergency Unemployment Compensation (PEUC), and liable for a non-fraud refund.
8. STEPHEN SIRCH BOR DKT. 00270260
- Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for misconduct connected with the work.
9. WAYNE MCCARTHY BOR DKT. 00254522
- 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.
10. HAMZA ABDELQADER BOR DKT. 00252975
- Claimant appealed a decision of the Appeal Tribunal denying his request to vacate a prior dismissal of the appeal for failure to register for the hearing.
11. DANIEL MEMBRENO BOR DKT. 00271758
- 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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12. ABDELMESHIH YANIE BOR DKT. 00271726

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

13. KARLA RODRIGUEZ REYES BOR DKT. 00254441

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

14. YESENIA GARRIDO BOR DKT. 00270624

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-7 REVERSED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL

1. JESSICA RODRIGUEZ BOR DKT. 00268669

Claimant appealed the decision of the Appeal Tribunal holding an ineligibility for Extended Benefits as the claimant did not establish 20 base week or earn 40 times the weekly benefit rate during the base year period on the claim.

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