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State of New Jersey
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
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Commissioner

BOARD OF REVIEW

**MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
MAY 18, 2022**

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

ANDREA JACKSON, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING May 18, 2022

May 18, 2022

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A regular meeting of the Board of Review was held on Wednesday, May 18, 2022 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 –MAY 18, 2022 AGENDA

BOARD MINUTES:

Submitted for adoption are the minutes of the May 4, 2022 Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE MAY 4, 2022 BOARD MEETING WITH THE EXCEPTION OF DOCKET #DKT00251118, SECTION B ITEM B-2. THIS ITEM WAS REMOVED TO CONSIDER NEW CORRESPONDENCE.

SECTION A – HEARING MATTERS:

A-1 VACATED APPEALS BY THE BOARD OF REVIEW

1. THOMAS TREUSCH BOR DKT. 00287056

Claimant's letter was erroneously processed as an appeal to the Board of Review.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS A VACATED APPEAL 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. MELINDA DETRICK BOR DKT. 00220494

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 an ineligibility for Pandemic Unemployment Assistance (PUA) benefits.

2. MARIA DE JESUS BOR DKT. 00250171

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

3. THOMAS LYONS BOR DKT. 00251716

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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4. CURTIS PENN **BOR DKT. 00253821**

Claimant appealed a decision of the Appeal Tribunal holding the claimant liable for an agency refund due to a pension offset.

5. ANGELO DIAZ **BOR DKT. 00237261**

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

6. DANIEL PEARL **BOR DKT. 00235231**

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for Extended Benefits.

7. CHRISTOPHER ANTONELLI **BOR DKT. 00253790**

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.

8. JODEE PIERRE BONEO **BOR DKT. 00240474**

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

9. ELLIS ABBOUD **BOR DKT. 00251061**

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.

10. RAHENA BEGUM **BOR DKT. 00222522**

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

11. KERRY DONNELLY **BOR DKT. 00260801**

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

12. SHIRLEY WALKER **BOR DKT. 00255037**

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

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13. ZOELLYS RAMOS CAY BOR DKT. 00268144

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 liable for a non-fraud refund.

14. TYSHAWN THOMAS BOR DKT. 00264974

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

15. MILICA RUNTEVSKA BOR DKT. 00249323

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

16. JUSTIN ECKERT BOR DKT. 00241962

Claimant appealed a decision of the Appeal Tribunal which denied the request to vacate a prior decision dismissing the appeal for non-appearance.

17. SUQUAN CLYBURN I BOR DKT. 00201084

Claimant appealed a decision of the Appeal Tribunal holding the remuneration earned with the employer covered employment and the claimant disqualified for benefits for leaving work voluntarily without good cause attributable to the work.

18. DANIEL WLUDYKA BOR DKT. 00207843

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

19. BRYAN BLAUT BOR DKT. 00233532

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

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

1. DAWN ACRES BOR DKT. 00244197

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

2. MAHDI DAVIS BOR DKT. 00251667

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, an ineligibility for Pandemic Unemployment Assistance 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.

3. CERA HAYES BOR DKT. 00253133

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

4. MICHEL NUNEZ BOR DKT. 00251590

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

5. KEAN NWAZIRI BOR DKT. 00221589

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. TANZANIA JOHNSON BOR DKT. 00230421

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

7. JACQUELINE RUPINSKI BOR DKT. 00260579

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.

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8. NAIMA JONES BOR DKT. 00251468

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

9. PATRICIA GUYTON BOR DKT. 00264920

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

10. MELVA SALMAN BOR DKT. 00264961

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for refusing suitable work.

11. CAMERON CARMICHAEL BOR DKT. 00261965

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

12. WIKTORIA WEGOROWSKA BOR DKT. 00263489

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

13. JAMES REYNOLDS JR BOR DKT. 00262660

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.

14. DEVORA LOWI BOR DKT. 00248576

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

15. JAMES BARRON BOR DKT. 00254459

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

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16. MONIKA ROGUZ

BOR DKT. 00263397

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.

17. MENA SOLIMAN

BOR DKT. 00244219

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

18. MATTHEW BRAND

BOR DKT. 00240750

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.

19. ADLYN O'ROURKE

BOR DKT. 00268177

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.

20. MAGDALENA KULINSKA

BOR DKT. 00268382

Claimant appealed the decision of the Appeal Tribunal disputing the monetary entitlement on a valid Pandemic Unemployment Assistance claim.

21. KIM COOK

BOR DKT. 00275822

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

22. THOMAS DOUGHERTY

BOR DKT. 00243517

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.

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23. SALEM KNOUZI

BOR DKT, 00282315

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

24. ABEL RANO

BOR DKT. 00264073

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 reasons identified under the CARES Act, and a liability for a non-fraud refund.

25. NANCY ROBINSON-SOTO

BOR DKT. 0068208

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. YANN MORALES-DIAZ

BOR DKT. 00266071

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 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. MICHAEL GONNELLA

BOR DKT. 00239169

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

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2. JENNIFER TOZER BOR DKT. 00252981

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.

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

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

1. CHRISTINA ORTIZ BOR DKT. 00245208

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility under availability for work, an ineligibility under not unemployed and liable for a refund.

2. HELEN RICHARDSON BOR DKT. 00251500

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for refusing suitable work.

3. MANEESHA SINGH BOR DKT. 00258030

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.

4. ALKIVIADES MAKRYGIANNIS BOR DKT. 00240615

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.

5. COLETTE WEISBERG BOR DKT. 00262399

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

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the COVID-19 related reasons identified in the CARES Act and a liability to a non-fraud refund.

6. IBRAHIM HASSANIEN BOR DKT. 00226128

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

7. MARK COOKE BOR DKT. 00259026

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

8. SONIA LEAL BOR DKT. 00263077

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 a liability for a non-fraud refund. **(Board voted to table this case for further review).**

ACTION: BOARD VOTED TO ACCEPT THE REMAINING 7 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. ERIC HANNAH BOR DKT. 00258029

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

2. LATASHA COLLINS BOR DKT. 00251423

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

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3. BREANNE PERNA BOR DKT. 00210107

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

4. DIEGO VALENCIA BOR DKT. 00255023

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. ALEXANDER DOUGHERTY BOR DKT. 00251580

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

6. JADE HARVEY BOR DKT. 00248785

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

7. JENNIFER NEGRON BOR DKT. 00254518

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

8. HENRY WILLIAMS BOR DKT. 00258423

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.

9. KARL DUERR BOR DKT. 00255036

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

10. KAYLA LEE BOR DKT. 00240879

Claimant appealed a decision of the Appeal Tribunal dismissing as late her appeal on her ineligibility for Pandemic Unemployment Assistance (PUA) benefits, and holding her liable for a non-fraud refund.

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11. MICHAEL NOEL BOR DKT. 00245440

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

12. TAO HO BOR DKT. 00245268

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

13. JOSHUA STREATER BOR DKT. 00249827

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits under leaving work voluntarily without good cause attributable to the work and for misconduct connected with the work and no ineligibility for Pandemic Unemployment Assistance (PUA) benefits.

14. DIMITRI MOMPEROUSSE BOR DKT. 00253988

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

15. KELLY RICHARDSON BOR DKT. 00256642

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

16. AMPARO GIL BOR DKT. 00251105

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

17. DARAH NELSON BOR DKT. 00251907

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

18. ROSSANA VERDOLIVA BOR DKT. 00251084

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, ineligible for benefits under availability for work, ineligible for Pandemic Unemployment Assistance (PUA) benefits as

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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.

19. STEPHEN AMATO BOR DKT. 00251186

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.

20. KEITH SCOTT BOR DKT. 00239897

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 liability for a non-fraud refund.

21. KERRY DONNELLY BOR DKT. 00281382

Deputy appealed a decision of the Appeal Tribunal holding no ineligibility for benefits under Disability During Unemployment.

22. KOURTNEY COOKE BOR DKT. 00220532

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

23. THOMAS TREUSCH BOR DKT. 00250988

Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed and 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-7 REVERSED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL

1. TERESA MANON BOR DKT. 00279988

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

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

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A-8 REVERSED DECISIONS OF THE APPEAL TRIBUNAL BY THE BOARD OF REVIEW

1. CRAIG MONTEMURRO BOR DKT. 00256234

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. ALFRED SHAMMAH BOR DKT. 00268333

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 DECISIONS OF THE APPEAL TRIBUNAL BY THE BOARD OF REVIEW.

A-9 REOPENED BOARD OF REVIEW DECISION, MODIFIED APPEAL TRIBUNAL DECISION AND REMANDED TO THE DEPUTY FOR INITIAL DETERMINATION

1. JASON CORTES BOR DKT. 00239924

Claimant appealed a 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.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS A REOPENED BOARD OF REVIEW DECISION, MODIFIED APPEAL TRIBUNAL DECISION AND REMAND TO THE DEPUTY FOR AN INITIAL DETERMINATION.

SECTION B – MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 KOMAL AKHTAR BOR DKT. 00258060

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

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claimant's unemployment was not due to one of the COVID-19 related reasons, and a liability to an agency refund.

ACTION: BOARD VOTED TO AFFIRM 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 AN AGENCY REFUND. THE BOARD WILL ADD AN ADDITIONAL STATEMENT REGARDING THE REASON FOR THE DENIAL OF BENEFITS.

B-2 ANNET BALDWIN

BOR DKT. 00276402

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work, holding the claimant not unemployed, 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 liable for non-fraud refund.

ACTION: BOARD VOTED TO AFFIRM THE DECISION OF THE APPEAL TRIBUNAL HOLDING THE CLAIMANT INELIGIBLE FOR BENEFITS UNDER AVAILABILITY FOR WORK, THE CLAIMANT NOT UNEMPLOYED, 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.