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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
JANUARY 8, 2020**

NANCY HUNT, ACTING CHAIRPERSON

WILLIAM SCAGLIONE, ACTING VICE-CHAIRPERSON

BOARD OF REVIEW MEETING JANUARY 8, 2020

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A regular meeting of the Board of Review was held on Wednesday, January 8, 2020 at 10:00 a.m., in Trenton, New Jersey

PRESENT: Nancy Hunt, Acting Chair, and William Scaglione, Acting Vice-Chairman and Shahrazad A. Ledan, Acting Executive Secretary.

In accordance with L1975, c.231, the Chairman 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 – JANUARY 8, 2020 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the December 18, 2019 Board meeting.

ACTION: THE BOARD VOTED TO APPROVE THE MINUTES OF THE DECEMBER 18, 2019 MEETING.

OLD BUSINESS:

1. MICHAEL LOWEY **BOR DKT. 00194255**

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

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

2. DAVE NAFTALIS **BOR DKT. 00147408**

Claimant appealed decision of the Appeal Tribunal which held a disqualification for leaving the work voluntarily, held the claimant liable for a no n-fraud refund and held the claimant ineligible for benefits on the ground the claimant was not available for work.

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

SECTION A – HEARING MATTERS

A-1 VACATED APPEALS TO THE BOARD OF REVIEW

1. CHRISTOPHER DOTSON **BOR DKT. 00182424**

Claimant appealing a determination of the deputy mailed 12/11/19 holding a disqualification of benefits for misconduct connected with the work.

BOARD OF REVIEW MINUTES – JANUARY 8, 2020 MEETING

2. KATHLEEN CORE BOR DKT. 00192269

This case was set up in error. Claimant not appealing the withdrawal of the hearing. She indicated in the hearing that she wanted this docket withdrawn.

3. WAHID ALBRIGHT BOR DKT. 00157664

Claimant appealed a determination of the Deputy holding him ineligible for temporary disability benefits.

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

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

1. LESTER REDDICK BOR DKT. 00161686

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

2. STEVEN CHASE BOR DKT. 00197645

Employer appealed decision of the Deputy holding no disqualification for refusal of suitable work.

3. HEATHER FOLEY BOR DKT. 00189890

Claimant appealed the decision of the Appeal Tribunal holding no disqualification of benefits for misconduct connected with the work and the employer not relieved of charges.

4. LINDA MCGRIFF BOR DKT. 00194192

Deputy appealed a decision of the Appeal Tribunal holding the claimant eligible for benefits under availability for work, and holding no liability for refund.

5. TERRILL PETERSON BOR DKT. 00195278

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

BOARD OF REVIEW MINUTES – JANUARY 8, 2020 MEETING

6. KRYSTINA LAVIN

BOR DKT. 00194155

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

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

A-3 DISMISSALS OF APPEALS TO THE BOARD OF REVIEW (NON-JUSTICIABLE ISSUE)

1. STEVEN CHASE

BOR DKT. 00197645

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

2. MARCELINA REYES

BOR DKT. 00198135

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

ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW FOR NON-JUSTICIABLE ISSUE.

A-4 DENIAL OF REOPENING REQUESTS TO THE BOARD OF REVIEW

1. JAIME GALLARZA

BOR DKT. 00096003

The claimant requests a reconsideration of the Board of Review decision affirming the Appeal Tribunal decision holding the claimant disqualified for benefits for severe misconduct connected to the work.

2. JASON DRIVER

BOR DKT. 00193295

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits for failing to report in accordance with the regulations of the Division.

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3. LAKEISHA GLASTER BOR DKT. 0191691

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

4. LUZ N CUBERO BOR DKT. 00192165

Late request and the claimant provided no new information.

ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS DENIALS OF REOPENING REQUESTS TO THE BOARD OF REVIEW.

A-5 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. SHERRAY WILLIAMS BOR DKT. 00198261

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

2. FRANK RICE BOR DKT. 00191326

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

3. JEFFREY DE LA CRUZ BOR DKT. 00195836

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

4. NIKKI GALLMAN BOR DKT. 00194747

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

5. JOSEPH AMMATURO BOR DKT. 00185684

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

6. CHRISTOPHER JACKSON-NATHANIEL BOR DKT.00197119

Claimant appealed decision of the Appeal tribunal dismissing the appeal as mit was filed late without good cause.

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7. MARCUS THOMPSON BOR DKT. 00193973

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

8. LUCIA KOENIG BOR DKT. 00194733

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

9. SABLE SPOONER BOR DKT.00196374

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

10. VEYSEL HASAN BOR DKT. 00193850

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

11. MATTHEW KOTOKPO BOR DKT. 00197154

Claimant appealed decision of the Appeal Tribunal dismissing the appeal of the Deputy's determination as it was filed late without good cause.

12. ERIK DOYLE BOR DKT. 00195689

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

13. SAIHOI MALAM ROSARIO BOR DKT. 00196323

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

14. KEVIN WILLIAMS BOR DKT. 00192620

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

15. DAMON LOGIUDICE BOR DKT. 00198170

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

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16. KATHLEEN CORE

BOR DKT. 00192283

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

17. KATHLEEN CORE

BOR DKT. 00192270

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

18. RONALD SINN

BOR DKT. 00195933

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

19. GEORGIANNA MUSHALLA

BOR DKT. 00196273

Claimant appealed a decision of the Appeal Tribunal holding the claim dated February 17, 2019 valid with a weekly benefit rate of \$577.00 and a maximum benefit amount of \$9,820.00.

20. MICHELE REGNO

BOR DKT. 00196247

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

21. JOHN DILLER

BOR DKT. 00190963

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

22. LILIAN ADJEI

BOR DKT. 00193263

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

23. CAROL MILLER

BOR DKT. 00196159

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

24. EDWIN LARA

BOR DKT. 00197264

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

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25. MARYLEE GONZALEZ BOR DKT. 00197503

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

26. JHANELL BARRETT BOR DKT. 00196584

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

27. JAHIRO OJEDA BOR DKT. 0189800

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

28. SALVATORE MIGLIORE BOR DKT. 00196809

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

29. CHERYL LAURO BOR DKT. 00193215

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

30. DIMITRA ARMBRISTER-COLLINS BOR DKT. 00196194

Employer appealed a decision of the Appeal Tribunal holding the claimant's services were in covered employment and the unemployment claim was valid.

31. LEEANN RUPPEL BOR DKT. 00193289

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

32. KYLE ZYSKOWSKI BOR DKT. 00183510

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

33. ANITHA ELLIOTT BOR DKT. 00198429

The claimant appealed a decision of the Appeal Tribunal holding the claim valid with a weekly benefit rate of \$198.00 and a maximum benefit rate of \$4,950.00.

BOARD OF REVIEW MINUTES – JANUARY 8, 2020 MEETING

34. MAKEDA MCEWEN BOR DKT. 00197607

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

35. SHAKIRA WASHINGTON BOR DKT. 00195412

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

36. CHRISTINA BOYD BOR DKT. 00190883

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

37. MARK POWERS BOR DKT. 00196942

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

38. LUIS CRUZ BOR DKT. 00196858

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

39. JOSEPH BROTHERTON BOR DKT. 00195343

Employer appealed decision of the Appeal Tribunal holding no disqualification for discharge from the employment.

40. TYRONE JAMES BOR DKT. 00194775

Employer appealed a decision of the Appeal Tribunal holding no disqualification for leaving the work voluntary and no disqualification for discharge for misconduct connected to the work.

41. NATASHA TRENT BOR DKT. 00196092

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

42. GABRIEL AHOMBO BOR DKT. 00195742

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for refusing suitable work and no ineligibility for benefits under availability to work.

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43. HARRY BAUER BOR DKT. 00194600

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

44. DONNIS GRIFFIN BOR DKT. 00195511

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

45. JENNIFER VASQUEZ BOR DKT. 00197267

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

46. APRIL CRUTCHFIELD BOR DKT. 00195712

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

47. SUZANNE MARTINELLI BOR DKT. 00194486

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for misconduct connected with the work and liability for a non-fraud refund.

48. BRITTANY SEARS BOR DKT. 00198281

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

49. ANGELA CARR BOR DKT. 00196795

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal of the Deputy's determination as it was filed late without good cause.

50. REGINA MATTISON BOR DKT. 00195926

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

51. LYNNE SIMON BOR DKT. 00198010

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

BOARD OF REVIEW MINUTES – JANUARY 8, 2020 MEETING

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

A-6 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. MICHAEL SCHAEFER BOR DKT. 00196152

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

2. TYLER PERSON BOR DKT. 00188039

Employer appealed the decision of the Appeal Tribunal holding no disqualification for discharge for misconduct connected to the work.

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

A-7 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. YAEL HERBST BOR DKT. 00196420

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

2. JESSICA STEC BOR DKT. 00195057

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

3. JEANNDARC YOUSSEF BOR DKT. 00193544

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

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

BOARD OF REVIEW MINUTES – JANUARY 8, 2020 MEETING

A-8 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. KATHERINE MCDONALD BOR DKT. 00186378

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

2. LESTER REDDICK BOR DKT. 00198179

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

3. SHANEEKA DINGLE BOR DKT. 00196921

Claimant appealed a decision of the appeal tribunal holding a disqualification of benefits for misconduct connected with the work.

4. IRMA CLARA BOR DKT. 00196824

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

5. RONALD HARBACHUK BOR DKT. 00194412

Employer, Family Hospitality, sent letter to Board of Review stating that the claimant was never employed y them.

6. TERESA SOSA BOR DKT. 00195259

Employer appealed a decision of the Appeal Tribunal which held no disqualification for discharge from the employment.

7. AMANDA BELLUSCI BOR DKT. 00197163

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

8. FREDI PORO BOR DKT. 00196998

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

BOARD OF REVIEW MINUTES – JANUARY 8, 2020 MEETING

9. DIANNA KEEHN BOR DKT. 00190061

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

10. ALEXANDER CONTRERAS BOR DKT. 00196060

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

11. CARLOS DELGADO BOR DKT. 00187843

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

12. LISA RENDON BOR DKT. 00193284

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

13. JONATHAN MARTINEZ BOR DKT. 00196793

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

14. CATALINO ASCENCIO BOR DKT. 00189841

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

15. DARKO NECHKOSKI BOR DKT. 00194821

The claimant appealed the decision of the Appeal Tribunal dismissing his appeal on the ground that the claimant failed to register for the Appeal Tribunal hearing.

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

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A-9 REOPEN FROM THE SUPERIOR COURT

1. MARIA WHITTEN

BOR DKT. 00187443

Claimant appealed a decision of the Board of Review holding a disqualification of benefits for misconduct connected with the work.

ACTION: THE BOARD REALIZED THIS CASE WAS PLACED IN THE WRONG CATEGORY. UPON REVIEW OF THIS CASE BY DAG ALEXIS FEDORCHAK, THIS CASE IS NOT A REOPENING FROM THE SUPERIOR COURT. IT HAS BEEN PLACED AS OLD BUSINESS IN THE MEETING OF JANUARY 15, 2020 TO CORRECT THE ERROR.

A-10 REMAND FROM THE SUPERIOR COURT

1. ESMERALDA OPSINA

BOR DKT. 00134774

To discuss the Deputy Attorney General's Brief and whether or not the Board should take the matter back to obtain additional testimony.

2. ESMERALDA OPSINA

BOR DKT. 00135070

To discuss the Deputy Attorney General's Brief and whether or not the Board should take the matter back to obtain additional testimony.

3. ESMERALDA OPSINA

BOR DKT. 00135069

To discuss the Deputy Attorney General's Brief and whether or not the Board should take the matter back to obtain additional testimony.

4. JOAN GINCLEY

BOR DKT.00164842

To discuss the Deputy Attorney General's Brief and whether or not the Board should take the matter back to obtain additional testimony.

ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS REMANDS FROM THE SUPERIOR COURT.

BOARD OF REVIEW MINUTES – JANUARY 8, 2020 MEETING

A-11 WITHDRAWAL OF APPEALS TO THE BOARD OF REVIEW

1. MARIA NUÑEZ BOR DKT. 00196435

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and due to a prior disqualification imposed.

2. ELIZA HIGGINS BOR DKT. 00194108

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

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

SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

- B-1 KELLY STEPHENSON BOR DKT. 00194416

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

ACTION: THE BOARD VOTED TO REMAND THE ABOVE CASE FOR ADDITIONAL TESTIMONY.

- B-2 BRIAN PIO BOR DKT. 00190282

Employer appealed decision of the Appeal Tribunal holding no disqualification for discharge for misconduct connected to the work.

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION AND BE MORE DEFINITIVE AS TO WHETHER THE MISCONDUCT WAS DELIBERATE AND INTENTIONAL.

- B-3 GAYLE EPPLE BOR DKT. 00196449

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

BOARD OF REVIEW MINUTES – JANUARY 8, 2020 MEETING

ACTION: THE BOARD VOTED TO REMAND THIS CASE TO CLARIFY WHETHER OR NOT THE CLAIMANT RESIGNED OR ASKED FOR A TRANSFER, TO CONFRONT THE CLAIMANT WITH HER APPEAL LETTER AND TO CLARIFY WHETHER SHE WAS GOING TO STILL MOVE OR COMMUTE TO WORK.

B-4 DAVID BURGOON

BOR DKT. 00195113

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

ACTION: THE BOARD VOTED TO TABLE THE ABOVE CASE TO REVIEW REGULATIONS REQUESTING THE APPEAL TRIBUNAL TO TAKE BACK OR REOPEN A CASE AND PREPARE AN AMENDED DECISION.

MR. SCAGLIONE BECAME AN OFFICIAL BOARD MEMBER ON DECEMBER 21, 2019. HE WAS SWORN IN BY DAG ALEXIS FEDORCHAK ON JANUARY 8, 2020.

11:39: THE BOARD VOTED TO GO INTO EXECUTIVE SESSION FOR LEGAL ADVICE TO CLARIFY SOME POINTS ON THE LAST CASE DISCUSSED.

11:48 THE BOARD MADE A MOTION TO COME OUT OF EXECUTIVE SESSIONS AND RESUME THE OPEN PUBLIC MEETING, AT WHICH TIME THE MEETING WAS ADJOURNED.