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State of New Jersey
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
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BOARD OF REVIEW

**MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
MARCH 4, 2020**

JOSEPH SIEBER, CHAIRMAN

NANCY HUNT, VICE-CHAIRPERSON

WILLIAM SCAGLIONE, BOARD MEMBER

BOARD OF REVIEW MEETING MARCH 4, 2020

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

PRESENT: Nancy Hunt, Acting Chairperson, William Scaglione, Board Member.

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 – MARCH 4, 2020 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the February 26, 2020 Board meeting.

ACTION: THE BOARD VOTED TO ADOPT THE MINUTES OF THE FEBRUARY 26, 2020 MEETING.

EXECUTIVE SESSION:

- 10:13 THE BOARD VOTED TO GO INTO EXECUTIVE SESSION FOR LEGAL ADVICE. DAG RIMA HAD QUESTIONS REGARDING YAVICH COURT CASE.**
- 10:26 THE BOARD REMAINED IN EXECUTIVE SESSION FOR LEGAL ADVICE. DAG, ANDY JONG GAVE THE BOARD AN UPDATE OF HIS CASE YANIRIS PICHARDO.**
- 10:33 THE BOARD VOTED TO COME OUT OF EXECUTIVE SESSION, AT WHICH TIME THE OPEN PUBLIC MEETING RESUMED.**

OLD BUSINESS:

- 1. CHRISTA FISHER BOR DKT. 00184541**

This case is placed on this agenda as old business with reference to case originally voted to remand because of a due process violation on the agenda of February 19, 2020 on the discussion list as # B-4. But this case was previously remanded on the agenda of September 11, 2019 on the discussion as #B-1.

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION AND HOLD VOLUNTARY LEAVING.

SECTION A – HEARING MATTERS

A-1 VACATED APPEALS TO THE BOARD OF REVIEW

- 1. CHRISTIAN TAFUR BOR DKT. 00197960**

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for Additional Benefits During Training (ABT).

BOARD OF REVIEW MINUTES – MARCH 4, 2020 MEETING

ACTION: THE 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. TAMIA HARRIS BOR DKT. 00180325

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

2. JONATHAN ROYCE BOR DKT. 00198498

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

3. AMANDA L. SCHWEIGHARDT BOR DKT. 00189040

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

4. STEFANIA DOLIVERA BOR DKT. 00198994

Claimant appealed a 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 DENIAL OF REOPENING REQUESTS TO THE BOARD OF REVIEW

1. JEFFREY HEMINGWAY BOR DKT. 00190271

Claimant requests reconsideration of the Board of Review's decision affirming the Appeal Tribunal decision denying the request to reopen the matter due to non-registration for the hearing.

2. CLAUDIA FARRELL BOR DKT. 00199325

Claimant request reconsideration of the Board of Review's decision affirming the Appeal Tribunal's decision holding no disqualification of benefits for misconduct connected with the work.

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3. JENNY CAMPBELL BOR DKT. 00193541

Claimant requests reconsideration of the Board of Review's decision affirming the Appeal Tribunal's decision holding a disqualification of benefits for leaving work voluntarily.

4. LINDA BURKE BOR DKT. 00200317

Employer requests reconsideration of the Board of Review's decision affirming the Appeal Tribunal's decision holding no disqualification of benefits for misconduct connected with the work.

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

A-4 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. MANUEL CUELLAR BOR DKT. 00201849

Claimant filed an appeal of the Appeal Tribunal decision holding a disqualification for discharge for misconduct connected to the work.

2. MICHAEL BARNEY BOR DKT. 00203078

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

3. ANITA RUST BOR DKT. 00200604

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

4. SUSAN MACK BOR DKT. 00193308

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

5. DERRICK CHATMAN BOR DKT. 00194936

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

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6. TANYA WENTZ BOR DKT. 00200862

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for Additional Benefits During Training (ABT).

7. MARK JACKSON BOR DKT. 00199902

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

8. JOHN CHEW BOR DKT. 00200719

Claimant appealed the Appeal Tribunal decision reducing his weekly benefit rate (WBR) from \$696.00 to \$0 due to receipt of pension from a base year employer.

9. JON STEIGER BOR DKT. 00193107

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

10. FRANK ZUMMO BOR DKT. 00201159

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

11. GLORIA LUGO BOR DKT. 00202010

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

12. TYSHAWN SIMMONS BOR DKT. 00190075

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

13. BRIANA RAREY BOR DKT. 00201562

Claimant appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily and ineligible for benefits from December 1, 2019 through January 18, 2020.

14. HECTOR LEON BOR DKT. 00196871

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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15. MYRON BULLUCK BOR DKT. 00201880

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

16. EDWARD DOSWELL BOR DKT. 201401

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

17. DAYANARA RODRIGUEZ BOR DKT. 00202072

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

18. ROBERT PISARCZYK BOR DKT. 00203064

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

19. PATRICIA WHISLER BOR DKT. 00201934

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

20. IRVIN WALKER BOR DKT. 00202258

Claimant appealed the decision of the Appeal Tribunal holding the claimant disqualified for benefits for misconduct connected with the work.

21. DANIELLE INGRAFFIA BOR DKT. 00201352

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

22. SHARON MCKEE BOR DKT. 00200910

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

23. TYNEISHA REEVEY BOR DKT. 00203056

Claimant appealed the decision of the Appeal Tribunal holding a disqualification for refusing suitable work.

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24. SEAN FLYNN BOR DKT. 00201225

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits under reporting requirements.

25. MARIA PEÑA BOR DKT. 00193591

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

26. CATHERINE BAKAR BOR DKT. 00201787

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

27. JAMAL AKINS BOR DKT. 00201798

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

28. KEVIN VANDERSTOOP BOR DKT. 00201994

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

29. RACHEL KAPLAN BOR DKT. 00200284

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

30. SCOTT MILTON BOR DKT. 00202698

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

31. FORTUNATO MARCUZZI BOR DKT. 00189579

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

32. JANA EVANS BOR DKT. 00197301

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

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33. SOHAIB YOUSAF

BOR DKT. 00195657

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

ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS. #21 DANIELLE INGRAFFIA WAS NOT MAILED OUT. THE BOARD APPROVED IT, HOWEVER PER WILLIAM SCAGLIONE A CORRECTION HAD TO BE MADE SO THE FILE WAS PULLED AND IT WAS PLACED BACK IN THE BOARD'S QUEUE.

A-5 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. TATYANNA LOWELL

BOR DKT. 00201911

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

2. NATHALIE URENA

BOR DKT. 00201871

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

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

A-6 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. SHERELL RUSH

BOR DKT. 00202584

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for leaving the work voluntarily and holding the claimant liable to refund the sum of \$1,635.00 for the weeks ending October 19, 2019 through December 7, 2019.

2. LINDA FERRAINA

BOR DKT. 00201722

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

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

A-7 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. BRIAN HOFFMAN BOR DKT. 00198726

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

2. KENNETH BISPELS BOR DKT. 00201105

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

3. JOHN BONAMO BOR DKT. 00202060

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

4. STEPHANIE CEASER BOR DKT. 00196292

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 REMANDS TO THE APPEAL TRIBUNAL OR THE DEPUTY.

SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

- B-1 MICHAEL JOHNSON BOR DKT. 00194205

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

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION WITH NOTATION THAT THE EMPLOYER WAS AT THE HEARING.

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B-2 JAMES WILCOX BOR DKT. 00200505

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

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION AND HOLD THE CLAIMANT DISQUALIFIED FOR BENEFITS FOR MISCONDUCT CONNECTED WITH THE WORK.

B-3 JASON WARREN BOR DKT. 00195718

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

ACTION: THE BOARD VOTED TO DISMISS THE ABOVE CASE WITH A REWRITE TO ADDRESS GOOD CAUSE IN THE DECISION.

B-4 DARRELL LEWIS BOR DKT. 00201854

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

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

B-5 KEVIN CEASER BOR DKT. 00190139

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

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

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B-6 CHELSEA JONES BOR DKT. 00203364

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

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

B-7 REBECCA SMALL-MCAVOY BOR DKT. 00201653

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

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

B-8 TIFFANY STROUD BOR DKT. 00202209

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

ACTION: THE BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION HOLDING M.C. DENIED.

B-9 VINCENZO TUBITO BOR DKT. 00192919

Claimant appealed a decision of the Appeal Tribunal which held no disqualification for discharge from the work and held a disqualification for leaving the work voluntarily without good cause attributable to such work.

ACTION: THE BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL TO ADDRESS THE REASON FOR REOPENING.

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B-10 MAGED HANNA

BOR DKT. 00181307

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

ACTION: THE BOARD VOTED TO MODIFY THE APPEAL TRIBUNAL DECISION AND HOLD NO VQ NO MC.

B-11 KEVIN CRUMP

BOR DKT. 00201777

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

ACTION: THE BOARD VOTED TO REMAND TO THE APPEAL TRIBUNAL TO FOLLOW UP ON MEDICAL DOCUMENTATION.