



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
JUNE 24, 2020**

JOSEPH SIEBER, CHAIRMAN

NANCY HUNT, VICE-CHAIRPERSON

WILLIAM SCAGLIONE, MEMBER

SHARAHZAD A. LEDAN, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING JUNE 24, 2020

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A regular meeting of the Board of Review was held on Wednesday, June 24, 2020 at 10:00 a.m., via conference call, in Trenton, New Jersey

PRESENT: Joseph Sieber, Chairman, Nancy Hunt, Vice-Chairperson, William Scaglione, Member, Sharahzad A. Ledan, Acting Executive Secretary, Keith Austin, Director.

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 – JUNE 24, 2020 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the June 17, 2020 Board meeting.

ACTION: THE BOARD VOTED TO ADOPTED THE MINUTES OF THE JUNE 27, 2020 MEETING.

OLD BUSINESS:

1. EMANUEL SANTIAGO BOR DKT. 00206954

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily. **(This case was tabled to a future agenda in the meeting of June 10, 2020. Added to this agenda for further discussion by the Board).**

ACTION: THE BOARD VOTED TO TABLE THIS CASE TO THE AGENDA OF JULY 1, 2020.

2. SUSAN RIZZI BOR DKT. 00202371

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily. **(This case was on the agenda on June 3, 2020. Added to this agenda to be discussed further)**

ACTION: THE BOARD VOTED TO TABLE THIS CASE TO THE AGENDA OF JULY 1, 2020.

SECTION A – HEARING MATTERS

A-1 DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW

1. STANISLAWA BROCLAWIK BOR DKT. 00205960

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

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2. SHADONNA WHETSTONE BOR DKT. 00141140

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

3. DIANNA KEEHN BOR DKT. 00190061

The employer appealed a decision of the Appeal Tribunal holding a disqualification of benefits for refusal of suitable work.

4. JUAN JIMENEZ BOR DKT. 00197424

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

5. ANTHONY MILES BOR DKT. 00207935

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

6. GENE SYKES BOR DKT. 00205392

Appeal Tribunal decision mailed March 26, 2020. The claimant filed an appeal to the Board of Review on April 27, 2020. On appeal to Board of Review, the claimant writes that due to the pandemic her appeal is late.

7. TAMEIKA BESS BOR DKT. 00194422

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

8. OMAIRA CARRERAS BOR DKT. 00100889

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 DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW.

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A-2 DENIAL OF REOPENING REQUESTS TO THE BOARD OF REVIEW

1. MARK LEFKANDINOS BOR DKT. 00199106

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

2. ANITA RUST BOR DKT. 00200604

Claimant is requesting reconsideration of the Board of Review's decision affirming the Appeal Tribunal's decision dismissing the appeal as late without good cause.

3. DERRICK CHATMAN BOR DKT. 00194936

Claimant is requesting reconsideration of the Board of Review's decision affirming the Appeal Tribunal's decision dismissing the appeal as late without good cause.

4. CHERYL SMITH BOR DKT. 00145408

Claimant is requesting reconsideration of the Board of Review's decision affirming the Appeal Tribunal's decision holding the claimant liable for a non-fraud refund.

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

A-3 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. ALIXIOMARA RODRIGUEZ BOR DKT. 00209014

Claimant appealed a decision of the Appeal Tribunal imposing a disqualification of benefits and holding the claim for benefits filed March 8, 2020 invalid for gross misconduct connected with the work.

2. SHIRLEY SOETIKNO BOR DKT. 00208126

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

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3. SEBASTIAN PINKNEY BOR DKT. 00207760

The claimant appealed a decision of the Claimant Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work. **(The Board voted to keep this cases as an affirmation but add statement to findings of facts)**

4. KENNETH HARRIS BOR DKT. 00209066

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

5. JAMES SCHLACTER BOR DKT. 00207641

Claimant appealed the decision of the Appeal Tribunal holding the appeal timely and holding the claimant ineligible for an alternate base year as his request was not timely.

6. LAMAR MAJETTE BOR DKT. 00207368

The claimant appealed the decision of the Appeal Tribunal holding an ineligibility for availability and ability.

7. ALISON DUDIAK BOR DKT. 00207662

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

8. JENNIFER SOFO BOR DKT. 00207930

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

9. ANTHONY IPPOLITO BOR DKT. 00208097

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

10. NASHIA SMITH BOR DKT. 00207614

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and no toll out.

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11. SEVERIO VIGNOLA BOR DKT. 00208208

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

12. DANIELLE SANSONE BOR DKT. 00209386

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

13. YVETTE PAIGE BOR DKT. 00208139

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

14. POOJA PAREKH BOR DKT. 00209186

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

15. ARNEL MENDOZA BOR DKT. 00208217

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

16. MICHAEL VITALE BOR DKT. 00208807

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

17. ALPHEUS JOSEPH BOR DKT. 00209272

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

18. NOLI DOMINGUEZ BOR DKT. 00208971

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

19. CHRISTOPHER BRADY BOR DKT. 00207878

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

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20. JEROME ROBERTS

BOR DKT. 00208963

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

21. NOELLE BRUNO

BOR DKT. 00209586

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

22. SOLEDAD FOCHT

BOR DKT. 00207991

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

23. DONNA CHARRAN

BOR DKT. 00207317

Claimant appealed the decision of the Appeal Tribunal holding the claim invalid. **(The Board to affirm the decision but with a rewrite regarding the eligibility of the AB1)**

24. DEBORAH GRAY

BOR DKT. 00209170

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

25. RAMONA CLARK

BOR DKT. 00208967

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

26. MARIE GRECO

BOR DKT. 00207958

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

27. MICHAEL COSENZA

BOR DKT. 00209393

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

28. MCKENZIE MURPHY

BOR DKT. 00208168

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

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29. DESIREE WILSON

BOR DKT. 00209072

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

30. JOYCE MANSTREAM

BOR DKT. 00208890

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

31. JOYCE MANSTREAM

BOR DKT. 00208091

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

32. NICHOLAS KACANDES

BOR DKT. 00207281

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

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

A-4 REMANDED CASES FROM THE SUPERIOR COURT

1. MICHELE KEELER

BOR DKT. 00176646

The Board of Review affirmed the Decision of the Appeal Tribunal holding the claimant ineligible for benefits from December 23, 2018 through December 29, 2018 as the claimant did not report in accordance with the regulations of the Division. **(The Court reversed the Board of Reviews decision and held the claimant not ineligible for benefits from December 23, 2018 through December 29, 2018)**

ACTION: THE BOARD VOTED TO RETURN THIS CASE BACK TO THE REVIEWER TO REWRITE THE DECISION.

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A-5 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. MARK ADAMS BOR DKT. 00203492

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

2. MARIA ROSARIO BOR DKT. 00208075

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

3. ALEXANDER PREZIOSO BOR DKT. 00202242

Claimant appealed decision of the Appeal Tribunal holding the claimant ineligible for Disability During Unemployment benefits on the ground that he was not totally disabled.

4. SYLVIA ALMONTE BOR DKT. 00207602

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

5. EDSON RECINAS BOR DKT. 00207554

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

6. JAMES DALTON BOR DKT. 00206931

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

7. KIMBERLY WILSON BOR DKT. 00208531

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

8. SERGIO AYESTAS BOR DKT. 00209253

The claimant appealed a decision of the Appeal Tribunal which dismissed the appeal as late without good cause.

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9. ROBERT MCCREA BOR DKT. 00207550

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

10. SHELLYSE GIBBS BOR DKT. 00207685

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

11. LENA HOLLOMAN BOR DKT. 00208680

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

12. CHRISTINA VIGNOLA BOR DKT. 00208670

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

13. DONALD ANDRISANI BOR DKT. 00209078

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

14. LAN THAI-YUENG BOR DKT. 00206694

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

15. ALIANA DOMBROSKI BOR DKT. 00208039

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

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

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SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 LINDA BOSEMAN BOR DKT. 00207524

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

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION BUT ADD THAT THE APPEAL WAS LATE WITH GOOD CAUSE.

B-2 ROBERT BONOCORE BOR DKT. 00201714

Claimant appealed the decision of the Appeal Tribunal holding the claim invalid due to insufficient base weeks and earnings. (Appellate Specialist Keller)

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION, DISMISSING THE APPEAL AS LATE.

B-3 JEFFREY JOHNSTON BOR DKT. 00209049

Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for misconduct connected with the work. (Appellate Specialist Matos)

ACTION: THE BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION AND HOLD MISCONDUCT.

B-4 GERALD SAVINO BOR DKT. 00207376

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

ACTION: THE BOARD VOTED TO TABLE THIS CASE UNTIL NEXT WEEK'S AGENDA AND COMBINE IT WITH DKT. NO. 203775.

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B-5 ROSLYN WALKER BOR DKT. 00209324

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

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION, DISMISSING THE APPEAL AS LATE TO THE APPEAL TRIBUNAL.

B-6 SCOTT EVANS BOR DKT. 00208184

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily. (**Appellate Specialist Zola**)

ACTION: THE BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL AND CHANGE THE VOLUNTARY LEAVING DISQUALIFICATION TO A REFUSAL OF SUITABLE WORK ALLOWED.

B-7 HOWARD KRIEGER BOR DKT. 00209147

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

ACTION: THE BOARD VOTED TO REVERSE THE TIMELINESS AND REMAND TO THE APPEAL TRIBUNAL FOR A DECISION ON THE MERITS.

B-8 KIMIASIA JUSTICE BOR DKT. 00207739

Employer appealed decision of the Appeal Tribunal holding no disqualification for discharge from the employment. (**Appellate Specialist Alverio**)

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

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B-9 JOSE LOPEZ BOR DKT. 00197251

Claimant appealed decision of the Appeal Tribunal holding a disqualification for leaving the work voluntarily. (**Appellate Specialist Alverio**)

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

B-10 TODD WHITFIELD BOR DKT. 00208301

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

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

SUPPLEMENTAL CASE:

THE BOARD VOTED TO ADD THE FOLLOWING CASE TO THE AGENDA AS A SUPPLEMENTAL CASE:

1. CARLOS CARRANZA BOR DKT. 00186368

The claimant appealed the Appeal Tribunal decision holding the claimant disqualified for benefits for leaving work voluntarily without good cause attributable to such work. (**This case is a request for reconsideration from the Superior Court**)

ACTION: THE BOARD VOTED NOT TO TAKE THIS CASE BACK.