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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
NOVEMBER 6, 2019**

JOSEPH P. SIEBER, CHAIRPERSON

NANCY W. HUNT, VICE-CHAIRPERSON

BOARD OF REVIEW MEETING NOVEMBER 6, 2019

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A regular meeting of the Board of Review was held on Wednesday, November 6, 2019 at 10:00 a.m., in Trenton, New Jersey

PRESENT: Joseph Sieber, Chairman, Nancy Hunt, Vice-Chair and Sharahzad 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 – NOVEMBER 6, 2019 MEETING

SECTION A – HEARING MATTERS

BOARD MINUTES:

Submitted for adoption are the minutes of the October 30, 2019 Board meeting.

ACTION: THE BOARD VOTED TO APPROVE THE MINUTES OF THE OCTOBER 30, 2019 BOARD MEETING.

OLD BUSINESS:

1. LISA GESNER BOR DKT. 00189160

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under ability to work and liability to a non-fraud refund. **(This case was tabled in the meeting of October 30, 2019).**

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL HOLDING THE CLAIMANT INELIGIBLE FOR BENEFITS FROM AUGUST 12, 2018 THROUGH JANUARY 26, 2019 BASED ON THE CLAIMANT'S ABILITY AND AVAILABILITY FOR WORK. THE BOARD ALSO VOTED TO MODIFY THE APPEAL TRIBUNAL HOLDING THE CLAIMANT LIABLE FOR NON-FRAUD REFUND IN THE AMOUNT OF \$3,576.00 RECEIVED AS BENEFITS FOR THE WEEKS ENDING AUGUST 18, 2018 THROUGH JANUARY 26, 2019.

2. TRACI WILLIS BOR DKT. 00179492

Employer appealed a decision of the Appeal Tribunal holding no disqualification for gross misconduct and misconduct connected with the work. **(This case was tabled in the meeting of October 30, 2019).**

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

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3. KAYLEE COLLINS BOR DKT. 00187272

Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily. **(This case was on the October 9, 2019 Agenda and is being put back as Old Business for reconsideration).**

ACTION: BOARD VOTED TO TABLE THIS CASE UNTIL THE MEETING OF NOVEMBER 13, 2019.

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

1. SHAHEED PANNELL BOR DKT. 00187609

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

2. MARSHA CHUN BOR DKT. 00189310

Claimant appealed the decision of the Appeal Tribunal holding a disqualification as the claimant was attending a training program that was not approved by the Division.

3. JACQUELINE FORCE BOR DKT. 00187442

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

4. JUAN ARROYO BOR DKT. 00191082

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

5. DARIUS HARRIS BOR DKT. 00190709

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. LUIS BARROS BOR DKT. 00136298

Claimant requests a reconsideration of the Board of Review's decision affirming the Appeal Tribunal decision which held the claimant disqualified for severe misconduct.

ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASE AS A DENIAL OF REOPENING REQUEST TO THE BOARD OF REVIEW.

A-3 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. PANTIELIS GASPARINATOS BOR DKT. 00190386

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

2. ANGELA ALFANO BOR DKT. 00162480

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

3. JACK CORDERO, SR. BOR DKT. 00183677

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

4. LISA CRANE BOR DKT. 00190352

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

5. KRISTIE O'BRIEN BOR DKT. 00191925

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

6. BRENDA RAMOS BOR DKT. 00186966

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

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7. BREANA SHINE BOR DKT. 00182628

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

8. TASHEIKA OSBOURNE BOR DKT. 00190114

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

9. SAMARI RODRIGUEZ BOR DKT. 00189987

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

10. KATHERINE GRAEBER BOR DKT. 00190511

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

11. DANIEL PRATT BOR DKT. 00191398

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

12. MICHAEL ARMOR BOR DKT. 00190785

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

13. SONYA DRAKEFORD BOR DKT. 00188917

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

14. MICHAEL BARTA BOR DKT. 00191253

Claimant appealed the Appeal Tribunal decision holding the unemployment claim invalid due to failure to requalify.

15. ANTHONY ASSIA BOR DKT. 00183729

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

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16. MACKY NGUYEN

BOR DKT. 00186936

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

17. BERNICE WARNER

BOR DKT. 00191289

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

18. DENNIS DURLING

BOR DKT. 00191274

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

19. PHYLISS CLYNES

BOR DKT. 00192570

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

20. TYRA HENDERSON

BOR DKT. 00193165

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

21. CARLTON MAYSE

BOR DKT. 00190278

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

22. BRUCE CRABBE

BOR DKT. 00192342

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

23. TAMIKA BOWE

BOR DKT. 00191204

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

24. ARIANA PADILLA

BOR DKT. 00191111

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

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25. TINA RUSSO BOR DKT. 00192143

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

26. SHANNON PEARSON BOR DKT. 00191382

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

27. OLAYORI DICKSON BOR DKT. 00190247

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

28. EDGAR CENTENO BOR DKT.00186709

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

29. AYESHA KHANAM BOR DKT.00190555

Claimant appealed decision of the Appeal Tribunal holding the claim invalid on the ground that there were insufficient weeks and wages to establish a valid claim.

30. JESSICA LONGO BOR DKT. 00187330

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

31. DAWN HOFFMAN BOR DKT.00176972

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

32. EMPRESS ALLAH BOR DKT. 00190409

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

33. DONNA DEEHAN BOR DKT. 00192092

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

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34. PAUL PETTO BOR DKT. 00189213

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

35. GAYE HUDYMA BOR DKT. 00183621

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

36. JOHN PAYOR BOR DKT. 00183433

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

37. MARITZA BRUMFIELD BOR DKT. 00191858

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, and holding the claimant's ineligibility for benefits under availability for work, academic.

38. KIBBY TYLER BOR DKT. 00183381

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

39. JOSEPH POLISENO BOR DKT. 00189035

Employer appealed the decision of the Appeal Tribunal denying the employer's request for a relief of charges.

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

A-4 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. DOAA AMEEN BOR DKT. 00179879

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

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2. CLARISSA WILLIAMS BOR DKT. 00186807

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

3. ROBERT DECECCO BOR DKT. 00189951

Claimant appealed decision of the Appeal Tribunal dismissing the appeal of the Deputy and The Director's determination on the ground that it was filed late without good cause.

4. ANGELICA WILLIAMS BOR DKT. 00186772

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

5. ROBERT LUTY BOR DKT. 00191032

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

6. JENETTE RODRIGUEZ BOR DKT. 00177748

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

7. SHADE LLOYD BOR DKT. 00193122

Employer appealed decision of the Appeal Tribunal holding no disqualification for voluntarily leaving the job, holding no disqualification for refusing suitable work and holding the claimant eligible for benefits on the ground that the claimant was able to work.

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

A-5 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. JANASYA REEVES BOR DKT. 00191246

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

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ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASE AS A MODIFICATION OF AN APPEAL TRIBUNAL DECISION.

A-6 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

- 1. SHAHEED PANNELL** **BOR DKT. 00191893**

Claimant appealed a decision of the Appeal Tribunal holding no disqualification of benefits for refusing suitable work, and holding the claimant ineligible for benefits under availability for work.

- 2. KIMBERLY WILLINGHAM** **BOR DKT. 00191988**

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

- 3. VERONICA ORTIZ** **BOR DKT. 00191077**

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

- 4. JOHN YULICO** **BOR DKT. 00191870**

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

- 5. BARBARA COOK** **BOR DKT. 00191440**

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

- 6. LESLIE CHAUDHARY** **BOR DKT. 00191632**

Claimant appealed a decision of the Appeal Tribunal withdrawing the claimants appeal.

- 7. ATIYA COOK-CHANG** **BOR DKT. 00193139**

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

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8. CHANA GOLDBERG BOR DKT. 00190572

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

9. SALVATORE RACOBALDO BOR DKT. 00190707

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

10. BRICE ALEMANY BOR DKT. 00185190

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

11. CARLA CARRILLO BOR DKT. 00189322

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms, and holding the claimant liable for a non-fraud refund.

12. ELSIE BORIA BOR DKT. 00186416

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 REMANDS TO THE APPEAL TRIBUNAL OR THE DEPUTY.

SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 DEBRA RIVEZZI BOR DKT. 00191212

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

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION HOLDING THE CLAIMANT INELIGIBLE FOR BENEFITS BASED ON THE CLAIMANT'S INABILITY TO WORK.

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B-2 NORA CARRELO

BOR DKT. 00190479

Claimant appealed the 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 THE CLAIMANT DISQUALIFIED FOR BENEFITS FOR LEAVING WORK VOLUNTARILY WITHOUT GOOD CAUSE ATTRIBUTABLE TO THE WORK.