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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  
FEBRUARY 5, 2020**

**JOSEPH SIEBER, CHAIRMAN**

**NANCY HUNT, VICE-CHAIRPERSON**

**WILLIAM SCAGLIONE, BOARD MEMBER**

**BOARD OF REVIEW MEETING FEBRUARY 5, 2020**

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A regular meeting of the Board of Review was held on Wednesday, February 5, 2020 at 10:00 a.m., in Trenton, New Jersey

**PRESENT:** Joseph Sieber, Chairman, and Nancy Hunt, Vice-Chairperson, William Scaglione, Board Member, 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 – FEBRUARY 5, 2020 MEETING**

### **BOARD MINUTES:**

Submitted for adoption are the minutes of the January 29, 2020 Board meeting.

**ACTION: THE BOARD VOTED TO ADOPT THE MINUTES OF THE JANUARY 29, 2020 MEETING.**

### **OLD BUSINESS:**

**10:10: THE BOARD VOTED TO GO INTO EXECUTIVE SESSION FOR LEGAL ADVICE REGARDING DAVID BURGOON.**

1. DAVID BURGOON BOR DKT. 00195113

Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed and liable for refund. **(The Board voted to take this case back and re-open and type an amended decision in the meeting of January 29, 2020. However, per the attached e-mail from the Attorney General’s office, they are asking the Board to refrain from issuing a decision as discussed, as that course of action would not be defensible in light of the Von Duhl v. BoR case).**

**10:41: THE BOARD VOTED TO EXIT EXECUTIVE SESSION AND RESUME THE OPEN PUBLIC MEETING.**

**ACTION: THE BOARD VOTED TO VACATE THE ABOVE CASE.**

### **SECTION A – HEARING MATTERS**

**A-1 VACATED APPEALS TO THE BOARD OF REVIEW**

1. JENNIFER MACGREGOR BOR DKT. 00194829

Claimant submitted a request for a copy of the Appeal Tribunal decision.

**ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASE AS A VACATED APPEAL TO THE BOARD OF REVIEW.**

## BOARD OF REVIEW MINUTES – FEBRUARY 5, 2020 MEETING

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

1. DONNA PRESTIGIACOMO BOR DKT. 00197884

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

2. ALEXANDER GOPAL BOR DKT. 00198138

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

3. JENNIFER COOMBE BOR DKT. 00195877

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

4. EDWARD WEISS BOR DKT. 00182324

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

5. ROBERT GILLMAN BOR DKT. 00197631

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

6. THAD FRISBY BOR DKT. 00192753

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

7. LEIDY RAMIREZ BOR DKT. 00187509

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.**

## BOARD OF REVIEW MINUTES – FEBRUARY 5, 2020 MEETING

### A-3 DENIAL OF REOPENING REQUESTS TO THE BOARD OF REVIEW

1. INGRID BURBANORIOS BOR DKT. 00195668

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

2. ROBERT JENSEN, JR. BOR DKT. 00180594

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

3. DEBRA SIEGRIST BOR DKT. 00179326

Claimant requests reconsideration of the Board of Review's decision affirming the Appeal Tribunal decision holding the claimant disqualified under 5(a) as of December 23, 2018 and the Director held the claimant liable to refund the sum of \$2,524.00 for weeks ending February 16, 2019 through March 16, 2019.

4. KYLE ZYSKOWSKI BOR DKT. 00183510

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

**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. MARIA RESTITUYO HENRIQUEZ BOR DKT. 00192306

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

2. MA ESTACIO BOR DKT. 00197376

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

## BOARD OF REVIEW MINUTES – FEBRUARY 5, 2020 MEETING

**3. JENNIFER SHUPEL** BOR DKT. 00197818

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

**4. DEBORAH HOSMER** BOR DKT. 0018254

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment with an educational institution.

**5. JEROME HYMAN** BOR DKT. 00193321

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

**6. JEROME HYMAN** BOR DKT. 00193169

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

**7. JUSTIN TURNER** BOR DKT. 00195761

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

**8. LI LIN** BOR DKT. 00195120

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

**9. TAIDRA BLACK** BOR DKT. 00197750

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

**10. MARIA DEGRUSSO** BOR DKT. 00199710

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

**11. JOHN GILMORE** BOR DKT. 00197606

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

## BOARD OF REVIEW MINUTES – FEBRUARY 5, 2020 MEETING

**12. BRIAN JENKINS** BOR DKT. 00196342

Claimant appealed the Appeal Tribunal holding the unemployment claim invalid.

**13. GEORGE WANGELIEN** BOR DKT. 00199224

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

**14. EVA MANKIW** BOR DKT. 00200426

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

**15. TASHAUNDA FUTRELL** BOR DKT. 00200606

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

**16. GREGORY HYMAN** BOR DKT. 00200215

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

**17. TRACEY KINO** BOR DKT. 00199497

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

**18. VIRGINIA MACINA** BOR DKT. 00197609

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

**19. LISA FISCHER** BOR DKT. 00199069

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

**20. ANDRE BROWN** BOR DKT. 00200238

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

## BOARD OF REVIEW MINUTES – FEBRUARY 5, 2020 MEETING

**21. MICHAEL BARTLEY** BOR DKT. 00199565

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

**22. LARRY BELLISH** BOR DKT. 00196284

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

**23. DIANE GAYLES** BOR DKT. 00191786

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

**24. MELISSA BAXTER** BOR DKT. 00194267

Claimant filed an appeal to a decision of the Appeal Tribunal which held the claimant liable for a fraud refund.

**25. MELISSA BAXTER** BOR DKT. 00194269

Claimant filed an appeal to a decision of the Appeal Tribunal which held the claimant liable for a fraud refund.

**26. SALWA HENDY** BOR DKT. 00191406

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

**27. SULEIKA GARCIA** BOR DKT. 00200833

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

**28. LAURA TSOUNIS** BOR DKT. 00198635

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

**29. KENDALL ROSE** BOR DKT. 00199601

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



## BOARD OF REVIEW MINUTES – FEBRUARY 5, 2020 MEETING

**30. LATOYA HENDRICKS**

BOR DKT. 00199528

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

**31. KAREN GAMBINO**

BOR DKT. 00199179

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

**32. LINDSEY GAINES**

BOR DKT. 00197579

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

**33. LINDSEY GAINES**

BOR DKT. 00197577

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

**34. MARLAINA APALUCCI**

BOR DKT. 00176696

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

**35. VLADIMIR CARRERO**

BOR DKT. 00198173

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

**36. DAVID FOULKS**

BOR DKT. 00198790

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for Additional Benefits during Training (ABT) on the ground that the claimant was not eligible for benefits at the time of his separation from employment.

**ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS. WITH THE EXCEPTION OF #34 AMANDA COLBERT, DKT. NO. 196529 WHICH WAS REMOVED FROM THE AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS LIST AND ADDED TO THE MISCELLANEOUS/CASES FOR DISCUSSION LIST.**

## BOARD OF REVIEW MINUTES – FEBRUARY 5, 2020 MEETING

### A-5 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. STACEY DIX BOR DKT. 00198190

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

**ACTION: THE BOARD VOTED TO REMOVE THIS CASE FROM THE REVERSALS OF APPEAL TRIBUNAL DECISIONS LIST AND MOVE IT TO THE MISCELLANEOUS CASES/CASES FOR DISCUSSION LIST.**

### A-6 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. CLINTESSA RIVERA BOR DKT. 00194735

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

2. ROSIEL AZCONA BOR DKT. 00199077

Claimant appealed a decision of the Appeal Tribunal which dismissed the appeal through the date of the determination notice was mailed as it was filed late without good cause and held the claimant ineligible for benefits as she was not available or actively seeking work.

**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. ARI ROMERO BOR DKT. 00197863

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

2. JEFF DONKIN BOR DKT. 00190840

Claimant appealed the Appeal Tribunal decision holding the unemployment claim valid with 13 weeks of benefits.

## BOARD OF REVIEW MINUTES – FEBRUARY 5, 2020 MEETING

**3. CHERYL CLAUDE** BOR DKT. 00196613

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

**4. THOMAS MANNING** BOR DKT. 00174802

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

**5. CLIFFORD ROBINSON** BOR DKT. 00198401

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

**6. PAWEL KIERZKOWSKI** BOR DKT. 00200879

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

**7. MITCHELL FISHBEIN** BOR DKT. 00200089

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

**8. VALERIE CORNWELL** BOR DKT. 00199209

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

**9. YAHMENA BASS-COCHRAN** BOR DKT. 00188419

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

**10. KRISTIN AGUNBIADE** BOR DKT. 00193605

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

**11. STEPHANY MORAN** BOR DKT. 00196448

Employer #1 appealed a decision of the Appeal Tribunal holding the claimant eligible for state plan disability benefits.

## BOARD OF REVIEW MINUTES – FEBRUARY 5, 2020 MEETING

**12. JUDERNE SAINVILUS POLYNICE** BOR DKT. 00196561

Employer #1 appealed a decision of the Appeal Tribunal holding the claimant eligible for state plan disability benefits.

**13. OSCAR PINEDA** BOR DKT. 00198052

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

**14. AMARJIT KAUR** BOR DKT. 00194893

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

**15. DANIEL DOMARATZKY** BOR DKT. 00199719

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

**16. MONIQUE BRENYA** BOR DKT. 00194852

Employer appealed a decision of the Appeal Tribunal holding the wages could be used to establish a claim for benefits.

**ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY. WITH THE EXCEPTION OF #14 JONATHAN ROYCE WHICH WAS REMOVED FROM THIS LIST AND DISCUSSED SEPARATELY.**

### **SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION**

**B-1 LAKEITA MCKOY** BOR DKT. 00194300

Claimant appealed a decision of the Appeal Tribunal holding a partial voluntary leaving disqualification. **(This case was tabled in the meeting of January 29, 2020 as it was not discussed. To be discussed in the meeting of February 5, 2020).**

**ACTION: THE BOARD VOTED TO MODIFY THE APPEAL TRIBUNAL DECISION FROM A VOLUNTARY QUIT**

## BOARD OF REVIEW MINUTES – FEBRUARY 5, 2020 MEETING

### DISQUALIFICATION TO A FULL VOLUNTARY QUIT DISQUALIFICATION.

**B-2** ANTHONY TUTTLE

BOR DKT. 00196056

Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for gross misconduct connected with the work. **(This case was tabled in the meeting of January 29, 2020 as it was not discussed. To be further discussed in the meeting of February 5, 2020).**

**ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION WITH A SENTENCE INDICATING AN INTERESTED PARTY MAY REOPEN THE MATTER ONCE CRIMINAL PROCEEDINGS WERE OVER.**

**B-3** JESSICA SANDINO

BOR DKT. 00194937

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

**ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION IN THIS MATTER HOLDING NO DISQUALIFICATION OF BENEFITS FOR LEAVING WORK VOLUNTARILY, AND NO DISQUALIFICATION OF BENEFITS FOR REFUSING SUITABLE WORK.**

**B-4** LISA SABATINO GARCIA

BOR DKT. 00199689

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 IN THIS CASE WITH A CHANGE IN THE START DATE OF THE DISQUALIFICATION.**

## BOARD OF REVIEW MINUTES – FEBRUARY 5, 2020 MEETING

**B-5** COLLEEN PLATT BOR DKT. 00200322

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 AS IS.**

**B-6** ADLY YOUSSEF BOR DKT. 00194039

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.**

**B-7** JANE YANG BOR DKT. 00179267

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 HOLDING THE CLAIMANT DISQUALIFIED FOR VOLUNTARY LEAVING.**

**B-8** CATHY BEDNAR BOR DKT. 00198684

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

**ACTION: THE BOARD VOTED TO REMAND THE CASE TO THE APPEAL TRIBUNAL TO A NEW EXAMINER, DUE TO A VIOLATION IN DUE PROCESS.**

**B-9** BERNA VARGAS BOR DKT. 00199387

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

## BOARD OF REVIEW MINUTES – FEBRUARY 5, 2020 MEETING

**ACTION: THE BOARD VOTED TO TABLE THIS CASE UNTIL THE MEETING OF FEBRUARY 12, 2020.**

**B-10 JETON AMITI**

BOR DKT. 00198479

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

**ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION HOLDING THE APPEAL WAS DISMISSED, AS IT WAS FILED LATE WITHOUT GOOD CAUSE.**

**B-11 AMANDA COLBERT**

BOR DKT. 00196529

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

**ACTION: THE BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION AND HOLD NO MISCONDUCT CONNECTED WITH THE WORK.**

**B-12 STACEY DIX**

BOR DKT. 00198190

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

**ACTION: THE BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION MAKING IT FAVORABLE TO THE CLAIMANT HOLDING NO VOLUNTARY QUIT. BOARD MEMBER WILLIAM SCAGLIONE ABSTAINED FROM THE BOARD'S RULING.**

## BOARD OF REVIEW MINUTES – FEBRUARY 5, 2020 MEETING

**B-13** JONATHAN ROYCE

BOR DKT. 00198498

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

**ACTION: THE BOARD VOTED TO SEND A LETTER TO THE CLAIMANT TO GIVE HIM THE OPPORTUNITY TO EXPLAIN WHY THE APPEAL WAS LATE TO THE BOARD.**