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DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
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Commissioner

BOARD OF REVIEW

**MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
JULY 1, 2020**

JOSEPH SIEBER, CHAIRMAN

NANCY HUNT, VICE-CHAIRPERSON

WILLIAM SCAGLIONE, MEMBER

SHARAHZAD A. LEDAN, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING JULY 1, 2020

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A regular meeting of the Board of Review was held on Wednesday, July 1, 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 – JULY 1, 2020 METING

BOARD MINUTES:

Submitted for adoption are the minutes of the June 24, 2020 Board meeting.

ACTION: THE BOARD VOTED TO ADOPT THE MINUTES OF THE JUNE 24, 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 in the meeting of June 24, 2020 to be discussed further by the Board).**

ACTION: THE BOARD VOTED TO REMAND THE CASE FOR THE EMPLOYER TO PRESENT THE RECORDING AND HAVE THE RECORDING PLAYED ON THE RECORD.

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 tabled in the meeting of June 24, 2020, to be discussed further by the Board)**

ACTION: THE BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION AS THE ISSUE IS NOT A QUIT BUT A DISCHARGE, AND HELD NO MISCONDUCT CONNECTED TO THE WORK WITH GOOD CAUSE. MR. SIEBER MADE THE MOTION, MS. HUNT SECONDED THE MOTION. MR. SCAGLIONE ABSTAINED FROM VOTING ON THIS DECISION.

3. GERALD SAVINO BOR DKT. 00207376

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for leaving work voluntarily without good cause attributable to such work. **(This case was tabled in the meeting of June 24, 2020, to review docket number 207375 along with this case. To be further discussed by the Board)**

BOARD OF REVIEW MINUTES – JULY 1, 2020 METING

ACTION: THE BOARD VOTED TO REMAND THIS CASE TO BE HEARD IN CONJUNCTION WITH DKT. NO.: 00207375 FOR THE APPEALS EXAMINER TO GET DATES CORRECT.

4. GERALD SAVINO

BOR DKT. 00207375

Claimant appealed a determination of the Deputy imposing a period of ineligibility for benefits. **(This case was added to be discussed with docket number 00207376)**

ACTION: THE BOARD VOTED TO REMAND THIS CASE TO BE HEARD IN CONJUNCTION WITH DKT. NO.: 00207376 FOR THE APPEALS EXAMINER TO GET DATES CORRECT.

5. LESLEY BARRINGTON

BOR DKT. 00206092

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause. **(This case was tabled in the meeting of May 27, 2020 for further discussion)**

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION HOLDING THE APPEAL LATE WITH GOOD CAUSE.

6. EDGAR BRAVO

BOR DKT. 00207692

Employer #1 appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily, and no disqualification of benefits for discharge for misconduct connected with the work. **(This case was tabled in the meeting of June 10, 2020 for further discussion)**

ACTION: THE BOARD VOTED TO REMAND THIS CASE FOR ADDITONAL TESTIMONY FOR THE CLAIMANT AND THE EMPLOYER AND FOR CONSIDERATION OF THE NEW 5(a).

BOARD OF REVIEW MINUTES – JULY 1, 2020 METING

SECTION A – HEARING MATTERS

A-1 VACATED APPEALS TO THE BOARD OF REVIEW

1. FARIDA FANUSWALA BOR DKT. 00210608

Claimant appealed the 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 ACCEPT THE ABOVE CASE AS VACATED APPEAL TO THE BOARD OF REVIEW.

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

1. ALEXANDER CADILLO BOR DKT. 00199947

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 CASE AS A DISMISSAL OF A LATE APPEAL TO THE BOARD OF REVIEW.

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

1. CHRISTOPHER MARKLAND BOR DKT. 00143112

The claimant is requesting reconsideration of the Board of Review's decision affirming the Appeal Tribunal's decision as the claimant filed a late appeal to the Board of Review dated April 5, 2019 from an Appeal Tribunal decision mailed April 30, 2018 denying request to reopen.

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

BOARD OF REVIEW MINUTES – JULY 1, 2020 METING

A-4 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. DAVID KOCOSKI BOR DKT. 00203232

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

2. STEPHEN DULLY BOR DKT. 00205816

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

3. TERRILL PETERSON BOR DKT. 00205818

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

4. SEQUOYA TAYLOR BOR DKT. 00206600

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

5. DOROTHY COLAO BOR DKT. 00208036

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

6. MADELINE ORAMA BOR DKT. 00208977

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

7. EMMA FLORDELIZA BOR DKT. 00209368

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

8. ROBERTO VERA BOR DKT. 00209224

Employer appealed a decision of the Appeal Tribunal holding the claimant filed a timely appeal and no disqualification of benefits for misconduct connected with the work.

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9. GISELA RIVERA BOR DKT. 00208901

The claimant filed an appeal to a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

10. STEVEN LYON BOR DKT. 00208650

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

11. STEPHANIE CAGLE BOR DKT. 00208656

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

12. PENNY NEGRON BOR DKT. 00208668

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

13. NINA BALTIMORE BOR DKT. 00208836

Claimant appealed decision of the Appeal Tribunal holding a disqualification for leaving the work voluntarily and holding the issue of availability academic.

14. JANINE GREENHALGH BOR DKT. 00208851

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

15. GARY PETTIFORD BOR DKT. 00208515

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

16. BRIANA HUSS BOR DKT. 00209553

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

17. KATHLEEN DRAGON BOR DKT. 00199980

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

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18. MICHAEL DICELLIS BOR DKT. 00209331

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

19. ALBERTO RODRIGUEZ BOR DKT. 00208892

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

20. JEFFREY SUSTEK BOR DKT. 00209428

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

21. CHRISTIAN BANKS BOR DKT. 00208191

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

22. SCOTT LYNN BOR DKT. 00209099

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

23. MARCO MALDONADO BOR DKT. 00209411

Employer filed appeal holding no disqualification for discharge from the employment.

24. THOMAS DONAHUE BOR DKT. 00205843

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

25. MARLENE STRAUSS-GORDON BOR DKT. 00208551

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

26. RHONDA WHITTAKER BOR DKT. 00209610

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

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27. USHA GOPAL BOR DKT. 00209394

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

28. NATASHA MOORE BOR DKT. 00200581

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

29. SHATZIE BRUCE BOR DKT. 00207257

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

30. ALEXIO CARVELHO BOR DKT. 00209518

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

31. KATHLEEN WILLIAMS BOR DKT. 00208592

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

32. JINGNING SHAN BOR DKT. 00206585

Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed on the grounds that he is a corporate officer.

33. LUIS CASADO BOR DKT. 00209222

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

34. KRYSTAL MERCADO BOR DKT. 00209012

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

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

BOARD OF REVIEW MINUTES – JULY 1, 2020 METING

A-5 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. DONNA TREANOR BOR DKT. 00206176

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

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

EXECUTIVE SESSION:

11:01 THE BOARD VOTED TO GO INTO EXECUTIVE SESSION FOR LEGAL ADVICE.

11:05 THE CAME OUT OF EXECUTIVE SESSION AND RESUMED REGULAR OPEN PUBLIC MEETING.

A-6 REQUEST FOR RECONSIDERATION FROM THE SUPERIOR COURT

1. ATUL PATEL BOR DKT. 00109635

The claimant appealed a decision of the Appeal Tribunal which dismissed the claimant's appeal on the ground that it was filed late without good cause. The Superior Court remanded the case back to the Board for a new hearing and a decision.

ACTION: THE BOARD VOTED TO REMAND THIS CASE FOR ADDITIONAL TESTIMONY ON THE TIMELINESS AND TO ALSO TAKE TESTIMONY ON THE MERITS.

A-7 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. EDISON ALVARADO BOR DKT. 00203970

Employer appealed decision of the Appeal Tribunal holding no disqualification for leaving the work voluntarily and no disqualification for discharge from the employment.

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2. RASHIDA SPEARMAN BOR DKT. 00207812

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

3. LATOYA CANTIE BOR DKT. 00208789

The claimant appealed a decision of the Appeal Tribunal which accepted the claimant's request to withdraw the appeal.

4. KATE BLUSEWICZ BOR DKT. 00208269

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

5. JEREMIAH JACKSON BOR DKT. 00206415

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

6. RYAN MCGUCKIN BOR DKT. 00203615

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

7. MELDONIO SANTOS BOR DKT. 00209268

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

8. DANTE DANDRIDGE BOR DKT. 00208281

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

9. DANIELLE YGLESIAS BOR DKT. 00209225

The claimant filed an appeal to a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

10. LINDA KISS BOR DKT. 00208083

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily. **(The Board voted to hold the appeal late with good cause to the Board and Remand for a new hearing as there was no record).**

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11. CASSANDRA WAHL

BOR DKT. 00209345

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

12. OMARIAQUART

BOR DKT. 00209383

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

13. KEVIN JACKSON

BOR DKT. 00209569

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 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY.

SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 DANA CIRICILLO

BOR DKT. 00203434

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

ACTION: THE BOARD VOTED TO TABLE THIS CASE TO NEXT WEEKS AGENDA TO REVIEW NEW INFORMATON SUBMITTED BY THE CLAIMANT.

B-2 YAHAIRA MERCADO

BOR DKT. 00206545

Claimant is appealing the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work. (**Appellate Specialist Keller**)

ACTION: BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION AND HOLDING NO MISCONDUCT DISQUALIFICATION.

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B-3 MADELINE PRETLOW BOR DKT. 00206739

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

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION WITH A REWRITE OF THE FINDINGS OF FACT TO INDICATE THAT THE WORK DID NOT AGGRAVATE CLAIMANT’S MEDICAL CONDITION. (CITE WOJCIK DECISION)

B-4 RICCARDO GIRONI BOR DKT. 00203605

Claimant appealed decision of the Appeal Tribunal holding a period of ineligibility as the claimant was not available for work. (**Appellate Specialist Alverio**)

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION WITH A REWRITE TO REMOVE THE RECIPRICAL STATEMENT.

B-5 JOHN CUPO BOR DKT. 00199314

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and liability for a non-fraud refund. (**Appellate Specialist Jackson**)

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

B-6 MICHAEL FICKE BOR DKT. 00207794

Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily. (**Appellate Specialist Matos**)

ACTION: THE BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION AND HOLD NO MISCONDUCT.

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B-7 JASON COTTELLESA BOR DKT. 00209604

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

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION WITH A REWRITE.

B-8 FRANCISCO RODRIGUEZ BOR DKT. 00208860

The claimant appealed a decision of the Appeal Tribunal holding the claimant disqualified for leaving work voluntarily. (**Appellate Specialist Hart**)

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

B-9 KELLY WHITE BOR DKT. 00209343

Claimant appealed the decision of the Appeal Tribunal holding the appeal late without good cause. (**Appellate Specialist Keller**)

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

B-10 RAFAEL RODRIGUEZ BOR DKT. 00207810

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work. (**Appellate Specialist Matos**)

ACTION: THE BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL TO GET FIRSTHAND TESTIMONY REGARDING THE POLICY.

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B-11 KRISTINA GORSKI

BOR DKT. 00209519

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

ACTION: BOARD VOTED TO REMAND THIS CASE FOR ADDITIONAL TESTIMONY ON THE NEW AMENDED 5(a) AND INTERNSHIP VERSUS ACTUAL EMPLOYMENT.

B-12 CHRISTINE FINE

BOR DKT. 00208183

The claimant appealed a decision of the Appeal Tribunal holding a disqualification for misconduct connected with the work. (**Appellate Specialist Hart**)

ACTION: THE BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION AND HOLD NO MISCONDUCT.

B-13 DAMARIS DEJESUS

BOR DKT. 00209524

Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily. (**Appellate Specialist Matos**)

ACTION: THE BOARD VOTED TO REMAND THIS CASE BACK TO THE APPEAL TRIBUNAL TO SUBPEONA THE OWNER AND TO CONFRONT THE CLAIMANT WITH THE PAYROLL INFORMATION THAT THE EMPLOYER SUBMITTED.

B-14 MICHAEL WESTERMANN

BOR DKT. 00206292

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.

BOARD OF REVIEW MINUTES – JULY 1, 2020 METING

B-15 CHARLES SAMPSON

BOR DKT. 00207617

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

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

B-16 PATRICK THOMPSON

BOR DKT. 00208558

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

ACTION: THE BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION AND HOLD NO MISCONDUCT.