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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  
SEPTEMBER 18, 2019**

**JOSEPH P. SIEBER, CHAIRPERSON**

**NANCY W. HUNT, VICE-CHAIRPERSON**

**BOARD OF REVIEW MEETING SEPTEMBER 18, 2019**

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**A regular meeting of the Board of Review was held on Wednesday, September 18, 2019 at 10:00 a.m., in Trenton, New Jersey**

**PRESENT: Joseph Sieber, Chairman, Nancy Hunt, Vice-Chair and William Scaglione, 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 – SEPTEMBER 18, 2019 MEETING

## SECTION A – HEARING MATTERS

### **BOARD MINUTES:**

Submitted for adoption are the minutes of the September 11, 2019 Board meeting.

**ACTION: THE BOARD ACCEPTED TO ADOPT THE MINUTES OF THE SEPTEMBER 11, 2019 MEETING.**

### **OLD BUSINESS:**

1. CATHERINE DICKERSON BOR DKT. 00186022

Claimant appealed the decision of the Appeal Tribunal holding a period of ineligibility as claimant was not available for work and was not active seeking work. (This case was discussed in the September 11, 2019 Board Meeting)

**ACTION: THE BOARD VOTED TO TALK THIS CASE TO BE DISCUSSED IN THE MEETING OF SEPTEMBER 25, 2019.**

2. YOCHAVED KATZ BOR DKT. 00169240

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily and claimant was not liable for a non-fraud refund. (This case was tabled in the September 11, 2019 Board Meeting)

**ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION AS IS. NO RE-WRITE.**

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

1. SANDRO MATIAS BOR DKT. 00182115

Appeal Set up in error.

2. AMBER PIERCE BOR DKT. 00165789

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

## **BOARD OF REVIEW MINUTES – SEPTEMBER 18, 2019 MEETING**

**ACTION: THE BOARD ACCEPTED THE ABOVE CASES AS  
VACATED APPEALS TO THE BOARD OF REVIEW.**

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

- 1. GILBERTO CANIZALES** **BOR DKT. 00185741**

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

- 2. JAGDISH BHATIA** **BOR DKT. 00185784**

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

- 3. JENNIFER ROSARIO** **BOR DKT. 00185005**

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

- 4. SARAH MANNEH** **BOR DKT. 00184918**

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

- 5. ADRIENNE DE ROSE** **BOR DKT. 00184745**

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms.

- 6. CRYSTAL SCHRAEDER** **BOR DKT. 00176610**

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

- 7. BEVERLY COOPER** **BOR DKT. 00182438**

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

## **BOARD OF REVIEW MINUTES – SEPTEMBER 18, 2019 MEETING**

**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. BRIAN TAYLOR** **BOR DKT. 00181020**

Claimant requests a reconsideration of the Board of Review decision affirming the Appeal Tribunal decision which held the claimant disqualified for benefits for misconduct connected with the work.

- 2. DAWN BACCARE** **BOR DKT. 00177570**

Claimant requests a reconsideration of the Board of Review decision affirming the Appeal Tribunal decision which held the claimant disqualified for benefits for leaving work voluntarily.

**ACTION: THE BOARD VOTED TO ACCEPT THESE CASES AS DENIALS OF REOPENINGS TO THE BOARD OF REVIEW.**

### **A-4 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS**

- 1. GRACE BOURBON** **BOR DKT. 00186749**

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms.

- 2. JOSEPH CUJE** **BOR DKT. 00186250**

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

- 3. JOSHUA RACIN-TORRES** **BOR DKT. 00185282**

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

## BOARD OF REVIEW MINUTES – SEPTEMBER 18, 2019 MEETING

**4. CHRISTOPHER KENNER**

BOR DKT. 00186182

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

**5. LEONARD TAYLOR**

BOR DKT. 00186372

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

**6. LUIS MONDESI**

BOR DKT. 00180905

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

**7. TARA WILLIAMS-SMITH**

BOR DKT. 00186186

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms.

**8. CHARISSE RIZZO**

BOR DKT. 00185866

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

**9. SEAN KLENERT**

BOR DKT. 00178681

Claimant appealed a decision of the Appeal Tribunal holding the claimant disqualified for benefits for the illegal receipt of benefits as a result of fraudulent representation, liable for a refund of benefits received and fined.

**10. SEAN KLENERT**

BOR DKT. 00178683

Claimant appealed a decision of the Appeal Tribunal holding the claimant disqualified for benefits for the illegal receipt of benefits as a result of fraudulent representation, liable for a refund of benefits received and fined.

**11. MAHMOUD JAMHOURT**

BOR DKT. 00185369

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

**BOARD OF REVIEW MINUTES – SEPTEMBER 18, 2019  
MEETING**

**12. SIOBHAN CARRASCO**

BOR DKT. 00181642

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

**13. BRIAN DURCANIN**

BOR DKT. 00181711

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

**14. LAURENCE D'ALBERTI**

BOR DKT. 00185703

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal of the Directors determination holding the claimant liable for a fraud refund, as a non-justiciable issue.

**15. VICTOR BAKUNOFF**

BOR DKT. 00180947

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

**16. BERTHONY CHARLES**

BOR DKT. 00184596

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

**17. CHRISTOPHER MEILI**

BOR DKT. 00186460

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

**18. GERALD FIELDS**

BOR DKT. 00186487

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

**19. DIEGO RODRIGUEZ**

BOR DKT. 00186712

Claimant appealed the decision of the Appeal Tribunal holding the appeal filed timely and holding a disqualification for voluntary leaving the work.

**BOARD OF REVIEW MINUTES – SEPTEMBER 18, 2019  
MEETING**

**20. GREGORY ARGENTI**

BOR DKT. 00185475

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.

**21. RAHEEM PAIGE**

BOR DKT. 00185542

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

**22. LISA JORDAN**

BOR DKT. 00183652

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

**23. BERENY DIAZ**

BOR DKT. 00186622

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

**24. BARBARA BROBECK**

BOR DKT. 00186903

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

**25. WANDA GARCED**

BOR DKT. 00187642

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

**26. ROSE HERNANDEZ**

BOR DKT. 00186609

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

**27. KEITH COSSABOON**

BOR DKT. 00186030

The claimant appealed a decision of the Appeal Tribunal holding the employer filed a timely appeal and a disqualification of benefits for misconduct connected with the work.



**BOARD OF REVIEW MINUTES – SEPTEMBER 18, 2019  
MEETING**

**28. DAVID MARINARO**

BOR DKT. 00186438

Claimant appealing decision of the Appeal Tribunal holding a disqualification for voluntary leaving and holding a liability for non-fraud refund.

**29. SHELLIE MOODY**

BOR DKT. 00186952

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

**30. RALPH GRIMALDI**

BOR DKT. 00180748

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

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

**A-5 REVERSALS OF APPEAL TRIBUNAL DECISIONS**

**1. CARMEN COLLINS**

BOR DKT. 00184434

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

**2. MICHAEL WENTWORTH**

BOR DKT. 00184325

The Deputy appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily and sufficient wages to overcome the disqualification.

**3. JUSTINE LOPEZ**

BOR DKT. 00185871

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

**4. WAI CHAN**

BOR DKT. 00187199

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

**BOARD OF REVIEW MINUTES – SEPTEMBER 18, 2019  
MEETING**

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

**A-6 MODIFIED APPEALS TO THE BOARD OF REVIEW**

1. ESTHER DUVAL BOR DKT. 00186972

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

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

**A-7 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY**

1. VINCENT SERPICO BOR DKT. 00185297

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

2. SHARNELL ROGERS BOR DKT. 00185555

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

3. GAROUTE ALEXIS BOR DKT. 00187096

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

4. LUIS TIPANE BOR DKT. 00186754

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

5. JOSE CASTILLO BOR DKT. 00183641

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

**BOARD OF REVIEW MINUTES – SEPTEMBER 18, 2019  
MEETING**

**6. DAWN MARGESON**

**BOR DKT. 00186130**

Claimant appealed the decision of the Appeal Tribunal holding her claim dated June 23, 2019 valid with a weekly benefit rate of \$113.00 and a maximum benefit rate of \$2,938.00.

**7. ALLEN PRITCHETT**

**BOR DKT. 00186198**

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

**8. BENJAMIN RIVERA, JR.**

**BOR DKT. 00186243**

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

**9. SHERI ALBERTS**

**BOR DKT. 00186269**

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

**10. KEVIN MOSES**

**BOR DKT. 00185330**

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

**11. KEVIN MOSES**

**BOR DKT. 00185327**

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

**12. JUAN MUÑIZ**

**BOR DKT. 00187651**

Employer appealed decision of the Appeal Tribunal holding no disqualification for voluntary leaving and no disqualification for discharge for misconduct.

**13. DEISY AVALOS**

**BOR DKT. 00185577**

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

**BOARD OF REVIEW MINUTES – SEPTEMBER 18, 2019  
MEETING**

**14. EISEN PACHECO**

BOR DKT. 00187423

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

**15. ANGIE COLON**

BOR DKT. 00186454

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

**16. BRIANNA RODRIGUEZ**

BOR DKT. 00186642

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

**17. LATEEMAH LEAVY**

BOR DKT. 00186686

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

**18. KELLY CAVACIUTI**

BOR DKT. 00182005

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

**19. MONA DANIELS**

BOR DKT. 00185317

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

**20. THOMAS GORDON**

BOR DKT. 00186489

Employer #1 appealed a decision of the Appeal Tribunal holding no disqualification of benefits for voluntarily leaving work.

**21. LATASHA SMITH**

BOR DKT. 00185307

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

**22. ROBERT ALLEN, SR.**

BOR DKT. 00183478

Claimant requested a reopening from a Board of Review decision affirmed the Appeal Tribunal's decision holding a disqualification for misconduct connected with the work.

**BOARD OF REVIEW MINUTES – SEPTEMBER 18, 2019  
MEETING**

**23. JEANA SIMKO**

BOR DKT. 00186571

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

**ACTION: 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 GABRIELA BASTIDAS**

BOR DKT. 00184942

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

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

**B-2 RUCHAMA POLLAK**

BOR DKT. 00185814

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits on the ground that the claimant was not actively seeking work.

**ACTION: THE BOARD VOTED TO MODIFY THE APPEAL TRIBUNAL DECISION HOLDING 1 WEEK INELIGIBLE. AND ALLOW THE LAST WEEK OF BENEFITS. REWORD THE APPEAL TRIBUNAL DECISION.**

**B-3 PAMELA STELLA**

BOR DKT. 00186909

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

**ACTION: THE BOARD VOTED TO MODIFY THE APPEAL TRIBUNAL DECISION FROM MISCONDUCT TO GROSS MISCONDUCT DISQUALIFICATION.**

**BOARD OF REVIEW MINUTES – SEPTEMBER 18, 2019  
MEETING**

**B-4** AIDA RODRIGUEZ

BOR DKT. 00186800

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

**ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION IN THIS CASE.**

**BOARD OF REVIEW MINUTES – SEPTEMBER 18, 2019  
MEETING**

**SUPPLEMENTAL AGENDA CASE FOR DISCUSSION:**

**B-5** JANETTE ROUFAEAL

BOR DKT. 00174759

The Superior Court issued a motion which directed the Division to continue paying the claimant benefits while the matter is under appeal to the Court.  
**(Supplemental Agenda Case)**

**ACTION: THE BOARD VOTED TO TABLE THIS CASE FOR NEXT MEETING OF SEPTEMBER 25, 2019.**