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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
MAY 20, 2020**

JOSEPH SIEBER, CHAIRMAN

NANCY HUNT, VICE-CHAIRPERSON

WILLIAM SCAGLIONE, MEMBER

SHARAHZAD A. LEDAN, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING MAY 20, 2020

MAY 20, 2020

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A regular meeting of the Board of Review was held on Wednesday, May 20, 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.

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 MEETING – MAY 20, 2020 AGENDA

BOARD MINUTES:

Submitted for adoption are the minutes of the May 13, 2020 Board meeting.

ACTION: THE BOARD VOTED TO ADOPT THE MINUTES OF THE MAY 13, 2020 MEETING.

SECTION A – HEARING MATTERS

A-1 VACATED APPEALS TO THE BOARD OF REVIEW

1. HUBY FEDNA BOR DKT. 00197535

The matter has been docketed in error as a claimant appeal of a denial of reopening.

2. RICHARD JAMISON BOR DKT. 00172134

Employer is not appealing a decision of the Appeal Tribunal holding no disqualification of benefits for misconduct connected with the work.

ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS VACATED APPEALS TO THE BOARD OF REVIEW.

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

1. MICHAEL PORRECA BOR DKT. 00191335

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

2. JASON REED BOR DKT. 00143585

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

3. BRANDON HIGGINS BOR DKT. 00205056

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

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4. LESLEY BARRINGTON BOR DKT. 00206092

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

5. HERIBERTO DURANRIOS BOR DKT. 00204712

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

6. MARCOS MATOS BOR DKT. 00195565

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 4 CASES AS DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW, WITH THE EXCEPTION OF NUMBER 3. BRANDON HIGGINS AND NUMBER 4. LESLEY BARRINGTON WHICH WERE TABLED TO BE DISCUSSED FURTHER IN THE MEETING OF MAY 27, 2020.

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

1. JOLYNNE SUNKETT BOR DKT. 00201135

Claimant is requesting reconsideration of the Board of Review decision affirming the Appeal Tribunal decision holding a disqualification for benefits for leaving work voluntarily without good cause attributable to such work.

2. VERNISSA JENNINGS BOR DKT. 00200527

Claimant is requesting reconsideration of the Board of Review decision affirming the Appeal Tribunal decision holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work.

3. SHARON A. ORLANDO BOR DKT. 00188431

Claimant is requesting reconsideration of the Board of Review decision affirming the Appeal Tribunal decision holding a disqualification for leaving the work voluntarily without good cause attributable to such work.

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4. DAWN FIFTH BOR DKT. 00184987

Claimant is requesting reconsideration of the Board of Review decision affirming the Appeal Tribunal decision holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work.

5. RISA DOOKIE BOR DKT. 00132517

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

6. ALEXIS LACH BOR DKT. 00191182

Claimant is requesting reconsideration of the Board of Review decision affirming the Appeal Tribunal decision holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms, and holding that wages from non-school employment are insufficient to establish a valid claim.

7. TYNEISHA REEVEY BOR DKT. 00203056

Claimant is requesting reconsideration of the Board of Review decision affirming the Appeal Tribunal decision holding a disqualification for refusing suitable work.

8. JO CARLO BOR DKT. 00178972

Claimant is requesting reconsideration of the Board of Review decision affirming the Appeal Tribunal decision holding a disqualification of benefits for discharge connected to the work.

9. CARMEN RODRIGUEZ BOR DKT. 00197092

Claimant is requesting reconsideration of the Board of Review decision affirming the Appeal Tribunal decision denying the claimant's request to reopen.

10. DEITRICH BROADNAX BOR DKT. 00144180

Claimant is requesting reconsideration of the Board of Review decision affirming the Appeal Tribunal decision holding a claim invalid due to insufficient base weeks and wages.

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11. ANOTNIETTA MANCINI

BOR DKT. 00203103

Claimant is requesting reconsideration of the Board of Review decision affirming the Appeal Tribunal decision holding the claimant ineligible for benefits under ability to work.

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

A-4 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. LUKE MARTIN

BOR DKT. 00194052

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

2. DON CHOLISH

BOR DKT. 00203268

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

3. LEXA CRUZ

BOR DKT. 00203020

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

4. DEVONE FLUDD

BOR DKT. 00205150

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

5. SAGE WEINZIERL

BOR DKT. 00201095

Employer appealed a decision of the Appeal Tribunal denying a request to reopen for failure to register.

6. JESSICA HERNANDEZ

BOR DKT. 00205438

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

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7. MONIQUE WILLIAMS BOR DKT. 00205270

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

8. LAUREN WELLS BOR DKT. 00205554

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

9.

10. XIOMARA SILVA QUINTERO BOR DKT. 00199009

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

11. JANCARLOS PEREZ BOR DKT. 00200181

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

12. GILLIAN MORRIS BOR DKT. 00205340

Claimant appealed decision of the Appeal Tribunal holding an ineligibility for Additional Benefits during Training on the ground that the claimant was self-enrolled in training.

13. LUIS ASITIMBAY BOR DKT. 00205105

Claimant appealed a decision of the Appeal Tribunal holding the appeal timely and holding a period of ineligibility for benefits on the ground that the claimant is not available for work.

14. STEVEN BABROW BOR DKT. 00205214

Claimant appealed decision of the Appeal Tribunal holding a period of ineligibility as the claimant failed to report in accordance with the Division regulations.

15. TRAVIS MOORE BOR DKT. 00204466

Claimant appealed decision of the Appeal Tribunal holding an ineligibility for Additional Benefits during Training on the ground that his separation from the work was for reasons other than a lack of work.

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16. MORGAN OWENS

BOR DKT. 00203609

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

17. 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.

18. RAUL LORENZO

BOR DKT. 00203208

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for gross misconduct connected with the work, and holding the claimant liable for a non-fraud refund.

19. ERIK KOSINSKI

BOR DKT. 00204109

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

20. ROLAND WOODWARD

BOR DKT. 00204280

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

21. RAMIL KISMAT

BOR DKT. 00181649

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

22. JAMEK GRIGG

BOR DKT. 00204003

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

23. MICHELLE ACOSTA

BOR DKT. 00203422

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

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24. AUDREA SCHILEY

BOR DKT. 00203978

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

25. SANDRA SANTOS

BOR DKT. 00204507

Employer appealed the decision of the Appeal Tribunal holding no disqualification under refusal of suitable work.

26. AMANDA WEINER

BOR DKT. 00184511

Claimant is appealing the decision of the Appeal Tribunal which held her disqualified for benefits for misconduct connected with the work.

27. NICOLE PERRY-COLE

BOR DKT. 00204298

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

28. MICHAEL KELLY

BOR DKT. 00204639

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

29. EDWARD KELLEHER, JR.

BOR DKT. 00204626

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily without good cause attributable to such work.

30. EVELYN JOHNSON

BOR DKT. 00202513

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

31. DERESE FISHER

BOR DKT. 00196812

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

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32. MARK LEFKANDINOS BOR DKT. 00199106

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

33. ASHLEY MARTIN BOR DKT. 00203837

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

34. ROMONA SARACENO BOR DKT. 00204836

Claimant appealed a decision of the Appeal Tribunal holding the claim for benefits invalid due to insufficient base weeks and wages.

35. FERNELYS FAMILIA BOR DKT. 00205879

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

36. CLARENCE KENNEDY BOR DKT. 00205362

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

37. CAROL MANGO BOR DKT. 00206452

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

38. DAYQUAN ROBBINS BOR DKT. 00206601

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

39. ILA PATEL BOR DKT. 00206584

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

ACTION: THE BOARD VOTED TO ACCEPT THE REMAINING 37 CASES AS AFFIRMATIONS OF APPEAL TRIBUNAL

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DECISIONS WITH THE EXCEPTION OF NUMBER 27. MICHAEL KELLY AND NUMBER 28. EDWARD KELLEHER WHICH WERE REMOVED FROM THE LIST AND DISCUSSED SEPARATELY, AND WERE TABLED TO BE DISCUSSED ON A FUTURE AGENDA.

A-5 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. DREW LOGAN BOR DKT. 00197222

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

2. STEVEN WALLS BOR DKT. 00203984

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

3. YSAAC MORILLO BOR DKT. 00205940

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

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

A-6 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. MARK YOUNG BOR DKT. 00203051

Claimant appealed a decision of the Appeal Tribunal holding the claim for unemployment benefits valid.

2. RICHARD RIMAN BOR DKT. 00206467

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

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3. RUTH ALI BOR DKT. 00200638

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

4. SAMARIS SANCHEZ BOR DKT. 00204504

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits from January 5, 2020 to February 22, 2020 as she was unavailable for work.

5. KARESHA HIGHTOWER BOR DKT. 00205727

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

ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS. WITH THE EXCEPTION OF NUMBER 5. KARESHA HIGHTOWER WHICH WAS TABLED TO BE DISCUSSED ON A FUTURE AGENDA.

A-7 AFFIRMATION AND REMAND TO THE DIRECTOR FROM THE SUPERIOR COURT

1. LINDA GUIDA BOR DKT. 00016758

The Superior Court affirmed this case and is now asking the Board of Review to Remand back to the Director.

ACTION: THE BOARD VOTED TO ACCEPT THE AFFIRMATION AND REMAND TO THE DIRECTOR TO THE BOARD OF REVIEW.

A-8 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. FRANCIS MANCEBO BOR DKT. 00204844

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

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2. STARLENE MCLENDON BOR DKT. 00127045

Claimant appealed decision of the Appeal Tribunal holding a disqualification for discharge for misconduct connected to the work.

3. PAULINE SIMPSON BOR DKT. 00163112

The Court remanded the matter to the Board of Review. The Board of Review reversed the Appeal Tribunal and held no disqualification for voluntary leaving of work under N.J.S.A. 43:21-5(a). The court is requesting a remand to allow all parties to participate in a hearing.

4. ERIN BLADZINSKI BOR DKT. 00205736

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

5. MORGAN MORGAN BOR DKT. 00202345

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

6. TIMOTHY MCGUIRE BOR DKT. 00155510

Claimant appealed decision of the Appeal Tribunal holding no disqualification for discharge from the work and held a disqualification for leaving the work voluntarily without good cause attributable to such work.

7. FRANCIS GIACONA BOR DKT. 00191710

The claimant appealed decision of the Appeal Tribunal holding a disqualification for leaving the work voluntarily without good cause attributable to such work and holding the claimant ineligible for benefits as she was not available for work.

8. JOHN KEOGH BOR DKT. 00203173

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

9. JANINE POLAK-DEWOLF BOR DKT. 00203775

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

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10. MICHAEL MICELI

BOR DKT. 00203608

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

11. MELANIE RIVERA

BOR DKT. 00204940

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

12. JOSE ESTREMER

BOR DKT. 00180601

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

13. ASHLEY HOUGHKIRK

BOR DKT. 00201604

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

14. JOHN NINNI

BOR DKT. 00199318

Claimant appealed the decision of the Appeal Tribunal holding the claimant liable for refund.

15. TERESA SOSA

BOR DKT. 00195259

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

16. KIM GREEN

BOR DKT. 00204671

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

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 KELLY KING BOR DKT. 00204114

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

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

B-2 JIBRIL DAVIS BOR DKT. 00205140

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

ACTION: THE BOARD VOTED TO REMAND FOR FURTHER TESTIMONY ON TIMELINESS OF THE APPEAL AND ISSUE A NEW DECISION ON ALL ISSUES IF IT IS TIMELY.

B-3 CYNTHIA AIELLO BOR DKT. 00202305

Claimant appealed 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 REMAND THE CASE FOR ADDITIONAL TESTIMONY TO DETERMINE WICH JOB WAS HER LAST EMPLOYMENT.

B-4 IBRAHAM SANCHEZ BOR DKT. 00204592

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

ACTION: THE BOARD VOTED TO REMAND THE CASE FOR ADDITIONAL TESTIMONY CONCERNING ANY

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POSSIBILITY OF ELIGIBILITY UNDER THE AMENDED N.J.S.A. 43:21-5(A).

B-5 DIANE DOZIER BOR DKT. 00204468

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

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

B-6 DIANE MILLER BOR DKT. 00200597

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

ACTION: THE BOARD VOTED TO SEND CLAIMANT A LETTER TO ASK FOR INFORMATION CONCERNING WHEN THE ALLEGED LETTERS WERE RECEIVED.

B-7 ANTHONY P. MOLINO BOR DKT. 00164805

For the Board to decide if they will take the case back as a reopen or reconsideration from the Superior Court.

ACTION: THE BOARD VOTED TO ACCEPT A REMAND FROM THE COURT TO ADDRESS THE NEW INFORMATION PRESENTED.

B-8 MICHELLE LOVE BOR DKT. 00155089

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

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

EXECUTIVE SESSION:

11:48: THE BOARD VOTED TO GO INTO EXECUTIVE SESSION FOR LEGAL ADVICE.

11:55: THE BOARD VOTED TO COME OUT OF EXECUTIVE SESSION AND RESUME THE REGULAR OPEN PUBLIC MEETING.

11:57: THE BOARD VOTED TO GO BACK INTO EXECUTIVE SESSION FOR LEGAL ADVICE.

12:07: THE BOARD VOTED TO COME OUT OF EXECUTIVE SESSION AND RESUME THE OPEN PUBLIC MEETING AT WHICH TIME THE BOARD VOTED TO ADJOURN THE OPEN PUBLIC MEETING.