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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
JUNE 17, 2020**

JOSEPH SIEBER, CHAIRMAN

NANCY HUNT, VICE-CHAIRPERSON

WILLIAM SCAGLIONE, MEMBER

SHARAHZAD A. LEDAN, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING JUNE 17, 2020

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A regular meeting of the Board of Review was held on Wednesday, June 17, 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 – JUNE 17, 2020 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the June 10, 2020 Board meeting.

ACTION: THE BOARD VOTED TO ADOPT THE MINUTES OF THE JUNE 10, 2020 BOARD MEETING.

SECTION A – HEARING MATTERS

A-1 VACATED APPEALS TO THE BOARD OF REVIEW

1. THOMAS REVELL BOR DKT. 00195014

Claimant is not appealing a decision of the Appeal Tribunal holding the claimant for unemployment benefits valid.

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

EXECUTIVE SESSION:

10:08 AM: THE BOARD VOTED TO GO INTO EXECUTIVE SESSION FOR LEGAL ADVICE ON PATRICIA WILHELM CASE.

10:17 AM THE BOARD VOTED TO COME OUT OF EXECUTIVE SESSION AND RESUME THE REGULAR OPEN PUBLIC MEETING.

A-2 REQUEST FOR RECONSIDERATION FROM SUPERIOR COURT

1. PATRICIA WILHELM BOR DKT. 00148113

NJ Superior Court remanded the issue of whether the claimant should be held disqualified for one year for fraud and if the refund was due to misrepresentation or falsification.

ACTION: THE BOARD VOTED TO TABLE THIS CASE TO GET ADVICE FROM THE REVIEWER AS TO HOW TO PROCEED WITH THIS CASE.

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2. DARLA J. DIMATTEO BOR DKT. 00145463

The Superior Court is ordering the Board of Review to take this case back and Reopen and Reverse.

ACTION: THE BOARD VOTED TO ISSUE A BOARD DECISION HOLDING THE CLAIM INVALID AND ANY REFUND REFERRED TO THE DIRECTOR.

A-3 DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW

1. SHERI ELLIS BOR DKT. 00184921

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

2. VIRGINIA ALEXANDER BOR DKT. 00204634

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

3. LOUIS GARA BOR DKT. 00204286

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

4. BARBARA CLARKSON BOR DKT. 00203193

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

5. PAULA SLOAN BOR DKT. 00206881

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

6. JOCELYN WADE BOR DKT. 00206242

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

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7. JENNIFER PRINCIPATO BOR DKT. 00207354

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

8. THE ESTATE OF FRANK MILANO BOR DKT. 00200497

Claimant's estate appealed decision of the Appeal Tribunal which dismissed the appeal as the claimant failed to register for the hearing.

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

A-4 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. DENISE BODNAR BOR DKT. 00204992

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

2. YARLIN ESTEVEZ BOR DKT. 00187745

The claimant appealed a decision of the Appeal Tribunal denying her request to reopen and vacate a prior dismissal.

3. RIENZO PRIETO BOR DKT. 00207309

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

4. MOHAMMAD YAGHNAM BOR DKT. 00201580

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

5. ELAINE MILLER BOR DKT. 00206108

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

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6. STEVEN SALTZ BOR DKT. 00205876

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

7. JESSICA BORDEN BOR DKT. 00203014

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.

8. CASSUIS WILLIAMS BOR DKT. 00207658

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

9. MARIEL CUNEO BOR DKT. 00205254

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

10. GAIL ROSSO BOR DKT. 00207504

Claimant appealed decision of the Appeal Tribunal which held a disqualification for leaving the work voluntarily without good cause.

11. JOSE ALVAREZ BOR DKT. 00207943

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

12. RICHARD KORMAN BOR DKT. 00207466

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

13. RAYMOND MALASPINA BOR DKT. 00207228

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

14. KEISHA DIXON BOR DKT. 00185993

Claimant appealed the decision of the Appeal Tribunal denying the request to reopen the appeal.

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15. RUPALI LUBCHANSKY BOR DKT. 00207906

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

16. SAID SAWADOGO BOR DKT. 00208252

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

17. PRIMITIVO NIEVES BOR DKT. 00202263

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

18. PETER CONNELL BOR DKT. 00208579

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

19. JOSEPH TURKOWSKI BOR DKT. 00208076

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

20. JAMAR COUSER BOR DKT. 00208061

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

21. JAMAR COUSER BOR DKT. 00208062

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

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

A-5 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. CATHY DEFRANCIS BOR DKT. 00203116

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

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2. CHARLES MANLEY BOR DKT. 00206354

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

3. DANNIS DUBLIN, JR. BOR DKT. 00208778

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 REVERSALS OF APPEAL TRIBUNAL DECISIONS.

A-6 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. SHAKEIL BASS BOR DKT. 00205372

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

2. SEAN COSTELLO BOR DKT. 00204296

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

3. ANNE MUCCI BOR DKT. 00200091

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

4. SHOBHNA KHATWANI BOR DKT. 00197711

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

5. KAREN MCKNIGHT BOR DKT. 00192641

Claimant appealed a decision of the Appeal Tribunal holding the claimant not unemployed and liable for a non-fraud refund.

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6. MICHELLE GREDER BOR DKT. 00206801

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

7. SHOMARI LEWIS BOR DKT. 00207507

Employer appealed a decision of the Appeal Tribunal holding the claimant unemployed and claim dated 01/26/20 valid.

8. IAN STERLING BOR DKT. 00208714

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

9. BRADFORD JAMES BOR DKT. 00203998

Claimant appealed decision of the Appeal Tribunal denying the request to reopen.

10. JEFF ANDREW BOR DKT. 00207084

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

11. JOSEPH RAMIREZ BOR DKT. 00207031

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

12. CHRISTOPHER SMITH BOR DKT. 00207244

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

13. TIFFANY LECLAIR BOR DKT. 00207722

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

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14. JASON HUTCHINSON BOR DKT. 00207438

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

15. SALVATORE TAMBE BOR DKT. 00207909

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

16. KNEISHA LEWIS BOR DKT. 00203205

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

17. ZAAHIR LOVETT BOR DKT. 00207704

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

18. GEORGE MCDERMOTT BOR DKT. 00207871

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

19. MICHELLE CLARK BOR DKT. 00209098

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

20. DANIA CARVAJAL BOR DKT. 00200478

Claimant appealed a 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.,

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SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 MICHELLE ACOSTA BOR DKT. 00203422

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 AFFIRM THE APPEAL TRIBUNAL DECISION HOLDING A VOLUNTARY QUIT DISQUALIFICATION.

B-2 BART DIGUGLIELMO BOR DKT. 00191808

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

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION AS IS, WITH NO REWRITE.

B-3 ALAN VILLANO BOR DKT. 00205484

Claimant appealed the decision of the Appeal Tribunal which denied the claimant's request for a pre-date of an unemployment claim. (**Appellate Specialist Matos**)

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

B-4 RENEE FLOWERS BOR DKT. 00203963

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

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION AND ADD A STATEMENT SAYING CLAIM WOULD BE INVALID DUE TO REQUALIFYING WAGES.

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B-5 JIAN ZHOU BOR DKT. 00197182

Employer appealed the Appeal Tribunal decision holding the claimant not disqualified as the claimant was not discharged for misconduct connected with the work. (**Appellate Specialist Matos**)

ACTION: THE BOARD VOTED TO MODIFY THE APPEAL TRIBUNAL DECISION WITH AN ADDED STATEMENT AFFIRMING THE DEPUTY’S DETERMINATION.

B-6 ROCIO VALLE BOR DKT. 00206689

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

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

B-7 LIZMARIE ORTIZ BOR DKT. 00207154

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for leaving work voluntarily without good cause attributable to such work. (**Appellate Specialist Alverio**)

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

B-8 LAUREN MCSORLEY BOR DKT. 00206921

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

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

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B-9 DEBORAH NICKERSON BOR DKT. 00208728

Claimant appealed a decision of the Appeal Tribunal holding the unemployment claim invalid. (**Appellate Specialist Zola**)

ACTION: THE BOARD VOTED TO MODIFY THE APPEAL TRIBUNAL DECISION ADDING THAT THE MATTER OF ELIGIBILITY IS ACADEMIC BECAUSE CLAIMANT IS RECEIVING PUA BENEFITS.

B-10 BERNARDO PEREZ BOR DKT. 00207698

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

ACTION: THE BOAD VOTED TO REMAND TO SUBPEONA SUPERVISOR FOR ADDITIONAL TESTIMONY.

B-11 BERNARDO PEREZ BOR DKT. 00207700

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

ACTION: THE BOARD VOTED TO REMAND TO FIND OUT WHETHER THE JOB WAS HELD OPEN FOR THE CLAIMANT.