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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
OCTOBER 23, 2019**

JOSEPH P. SIEBER, CHAIRPERSON

NANCY W. HUNT, VICE-CHAIRPERSON

BOARD OF REVIEW MEETING OCTOBER 23, 2019

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A regular meeting of the Board of Review was held on Wednesday, October 23, 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 – OCTOBER 23, 2019 MEETING

SECTION A – HEARING MATTERS

BOARD MINUTES:

Submitted for adoption are the minutes of the October 16, 2019 Board meeting.

ACTION: THE BOARD VOTED TO APPROVE THE MINUTES OF THE OCTOBER 16, 2019 MEETING, WITH THE EXCEPTION OF BOR DKT. 00144288 DAPHNE KAPLAN, WHICH WAS TABLED TO THE OCTOBER 30, 2019 BOARD MEETING.

A-1 VACATED APPEALS TO THE BOARD OF REVIEW

1. SEAN HEATH BOR DKT. 00167490

The claimant appealed a determination of the Deputy holding the claimant ineligible for benefits for failing to report in accordance with regulations of the Division.

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

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

1. ANTHONY DINARO BOR DKT. 00188575

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

2. CORRY ALLEN BOR DKT. 00177873

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

3. NANCY VINELLA BOR DKT. 00182625

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

BOARD OF REVIEW MINUTES – OCTOBER 23, 2019 MEETING

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

A-3 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. WLADYSLAW DZIABA BOR DKT. 00182722

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

2. EMILY DANIELS BOR DKT. 00185600

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

3. SULTAN TARKAN BOR DKT. 00189236

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

4. CAROLYN BORGER BOR DKT. 00181777

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

5. ANTHONY RUIZ BOR DKT. 00187709

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

6. BRANDY DURANT BOR DKT. 00189660

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

7. MELINDA KNUDSEN BOR DKT. 00188294

Claimant appealed the Appeal Tribunal decision holding the disability during unemployment claim invalid.

8. WILLIAM PALOMINO BOR DKT. 00190290

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

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9. DARIUZ CEGIELNIK BOR DKT. 00190483

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

10. MICHAEL PAOLELLO BOR DKT. 00189691

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

11. ISHMAEL BOAKAI BOR DKT. 00189641

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

12. MERCEDES FRIAS BOR DKT. 00189697

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

13. BROOKE DESOMMA BOR DKT. 00189468

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

14. OCTAVIA BRADLEY BOR DKT. 00189372

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

15. OCTAVIA BRADLEY BOR DKT. 00189373

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

16. SUSAN MIKLAUSCHINA BOR DKT. 00189588

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

17. CESAR MARTINEZ-PEREZ BOR DKT. 00190428

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

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18. ERICA LILLIS BOR DKT. 00189380

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

19. ALEXIS LACH BOR DKT. 00191182

Claimant appealed the decision of the Appeal Tribunal 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.

20. CESAR SEGURA BOR DKT. 00187878

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

21. NAGINA LEACH BOR DKT. 00169145

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

22. FRED BURG BOR DKT. 00184393

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

23. DAWN JOHNSON BOR DKT. 00158691

Employer appealed decision of the Appeal Tribunal holding no disqualification as the claimant did not refuse an offer of suitable work without good cause.

24. CHRISTOPHER MARTONE BOR DKT. 00187269

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

25. LAKEISHA GLASTER BOR DKT. 00191691

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

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26. JOANNE WILLIAMS BOR DKT. 00189562

Employer appealed a decision of the Appeal Tribunal holding the claimant eligible for benefits under availability for work.

27. ANDREW MATEFFY BOR DKT. 00168295

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

28. CRAIG HOFFMAN BOR DKT. 00186366

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

29. SHAYNA COLON BOR DKT. 00189086

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

30. ANTHONY UCHIN BOR DKT. 00190129

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

31. KELLY MILLER BOR DKT. 00187565

Employer appealed a decision of the Appeal Tribunal which held no disqualification as the suspension was not for misconduct connected to the work.

32. TYASIA DRINKARD BOR DKT. 00175810

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

33. KEISHA RAY BOR DKT. 00190882

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

34. BARRY SHAW BOR DKT. 00189787

Claimant's estate appealed a decision of the Appeal Tribunal denying several requests for a waiver of refund of unemployment benefits.

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35. BARRY SHAW BOR DKT. 00189790

Claimant's estate appealed a decision of the Appeal Tribunal denying several requests for a waiver of refund of unemployment benefits.

36. BARRY SHAW BOR DKT. 00189792

Claimant's estate appealed a decision of the Appeal Tribunal denying several requests for a waiver of refund of unemployment benefits.

37. BARRY SHAW BOR DKT. 00189793

Claimant's estate appealed a decision of the Appeal Tribunal denying several requests for a waiver of refund of unemployment benefits.

38. BARRY SHAW BOR DKT. 00189794

Claimant's estate appealed a decision of the Appeal Tribunal denying several requests for a waiver of refund of unemployment benefits.

39. CRYSTAL ROGERS BOR DKT. 00192219

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

40. MICHAEL GALLO BOR DKT. 00190280

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

41. PEDRITO RAMIREZ BOR DKT. 00180486

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

42. PERRI CRAVEN BOR DKT. 00185099

Claimant appealed a decision of the Appeal Tribunal holding the claim for disability benefits during unemployment invalid.

43. JOSEPH O'CONNOR BOR DKT. 00186430

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

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44. BRANDI MCINTYRE BOR DKT. 00190686

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

45. DEBORAH HAHN BOR DKT. 00191477

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

46. DIANE GOWDY BOR DKT. 00183708

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

47. KRISTEN PETRISKO BOR DKT. 00190383

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

48. HAMID ALOUACH BOR DKT. 00189525

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

49. HAMID ALOUACH BOR DKT. 00189523

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

50. HAMID ALOUACH BOR DKT. 00189527

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

51. HAMID ALOUACH BOR DKT. 00189524

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

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52. GAY BARTHER

BOR DKT. 00190333

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

53. GUSTAVO JAIMES VELASCO

BOR DKT. 00189981

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

54. NICOLE MASTRANGELO

BOR DKT. 00189503

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

55. MATTHEW OTCHY

BOR DKT. 00190118

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

56. LISA FAUST

BOR DKT. 00189852

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

57. PAMELA INCA

BOR DKT. 00184130

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

58. SHAKEENA SMALLEY

BOR DKT. 00191074

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

59. ERIC POTTER

BOR DKT. 00190484

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

60. ELSIE RIVERA

BOR DKT. 00190547

The claimant filed an appeal to a decision of the Appeal Tribunal which held the claimant ineligible for benefits for failing to report in accordance with the regulations of the Division.

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61. ROBIN BREINER

BOR DKT. 00190215

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

62. MARY ANN LYNN

BOR DKT. 00178594

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

63. JONETTE HUNT

BOR DKT. 00190790

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.

64. SARAH FARMER

BOR DKT. 00191588

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

65. MELISSA POLANCO

BOR DKT. 00189063

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

66. SANDRO MATIAS

BOR DKT. 00182115

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

67. DENISE HOLLERBACH

BOR DKT. 00183504

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

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

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A-4 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. HENRIETTA GABLE BOR DKT. 00187983

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

ACTION: THE BOARD VOTED TO REMOVE THIS CASE FROM THE REVERSAL CATEGORY AND REMAND IT TO THE APPEAL TRIBUNAL TO GATHER ADDITIONAL INFORMATION.

A-5 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. FRANK SCAVELLI BOR DKT. 00189425

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

2. KRISTY GASPARINO BOR DKT. 00189786

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

3. JACQUES ARGILAGOS BOR DKT. 00191237

Claimant appealed a decision of the Appeal Tribunal holding the unemployment claim invalid.

ACTION: THE BOARD VOTED TO ACCEPT THESE CASES AS MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS.

A-6 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. FRANK SCAVELLI BOR DKT. 00189428

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

2. LATOI MCNATT BOR DKT. 00171299

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

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3. RALPH GAUDIN BOR DKT. 00189858

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

4. DELMAR MOORE, JR. BOR DKT. 00183067

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

5. CALVIN ARMSTRONG BOR DKT. 00186277

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

6. TIFFANY RICHARDSON BOR DKT. 00185354

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

7. SHATYANA FRAZIER BOR DKT. 00188037

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

8. ANTHONY FERRENTINO BOR DKT. 00191075

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

9. KYLE ZYSKOWSKI BOR DKT. 00183510

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

10. SAKU HERRING BOR DKT. 00189839

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

11. TIMOTHY BUSCH BOR DKT. 00188197

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

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12. GORDHANBHAI VEKARIA

BOR DKT. 00184492

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

13. RAMIL KISMAT

BOR DKT. 00181649

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

14. TARIQ JOHNSON

BOR DKT. 00184189

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

ACTION: THE 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 JOSE SOTOMAYOR

BOR DKT. 00189737

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 HOLDING A VOLUNTARY QUIT DISQUALIFICATION.

B-2 DARLENE TIMOTHY

BOR DKT. 00189187

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

ACTION: THE BOARD VOTED TO REMAND THIS CASE TO ADDRESS THE ISSUE OF WHETHER THE CLAIMANT LEFT WORK VOLUNTARILY WITHOUT GOOD CAUSE.

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B-3 PERRY CALLAS BOR DKT. 00189290

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 HOLDING A VOLUNTARY QUIT DISQUALIFICATION.

B-4 CHRISTOPHER WILLIAMS BOR DKT. 00177545

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 DECISION HOLDING A VOLUNTARY QUIT DISQUALIFICATION.

B-5 LISA GESNER BOR DKT. 00189160

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

ACTION: THE BOARD VOTED TO TABLE THIS CASE FOR FURTHER CONSIDERATION.

B-6 KYLE MASTERS BOR DKT. 00164848

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 HOLDING A VOLUNTARY QUIT DISQUALIFICATION.

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B-7 SONGCERI CUTTINO

BOR DKT. 00190081

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 HOLDING MISCONDUCT ALLOWED.

B-8 JOSEPH KEATING

BOR DKT. 00189487

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

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION HOLDING THE CLAIMANT INELIGIBLE FOR BENEFITS BETWEEN TERMS AS THE CLAIMANT HAD REASONABLE ASSURANCE OF REEMPLOYMENT.

B-9 ALEXANDER LAKATOS

BOR DKT. 00191102

Claimant appealed the decision of the Appeal Tribunal which held the claimant ineligible for DDU benefits on the ground that the claim was filed late without good cause.

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION HOLDING THE CLAIMANT INELIGIBLE FOR DISABILITY DURING UNEMPLOYMENT BENEFITS ON THE GROUND THAT THE CLAIM WAS FILED LATE WITHOUT GOOD CAUSE.

EXECUTIVE SESSION:

AT 11:21 THE BOARD VOTED TO GO INTO EXECUTIVE SESSION FOR LEGAL ADVICE REGARDING A SUPERIOR COURT ORDER.

AT 11:34 THE BOARD VOTED TO COME OUT OF EXECUTIVE SESSION AT WHICH TIME THE OPEN PUBLIC MEETING WAS ADJOURNED.