MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
JANUARY 8, 2020

NANCY HUNT, ACTING CHAIRPERSON

WILLIAM SCAGLIONE, ACTING VICE-CHAIRPERSON
A regular meeting of the Board of Review was held on Wednesday, January 8, 2020 at 10:00 a.m., in Trenton, New Jersey

PRESENT: Nancy Hunt, Acting Chair, and William Scaglione, Acting Vice-Chairman and Shahrazad 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 MINUTES:

Submitted for adoption are the minutes of the December 18, 2019 Board meeting.

ACTION: THE BOARD VOTED TO APPROVE THE MINUTES OF THE DECEMBER 18, 2019 MEETING.

OLD BUSINESS:

1. MICHAEL LOWEY

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 DISQUALIFICATION OF BENEFITS FOR VOLUNTARILY LEAVING WORK.

2. DAVE NAFTALIS

Claimant appealed decision of the Appeal Tribunal which held a disqualification for leaving the work voluntarily, held the claimant liable for a no-fraud refund and held the claimant ineligible for benefits on the ground the claimant was not available for work.

ACTION: THE BOARD VOTED TO REMAND THE ABOVE CASE TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY.

SECTION A – HEARING MATTERS

A-1 VACATED APPEALS TO THE BOARD OF REVIEW

1. CHRISTOPHER DOTSON

Claimant appealing a determination of the deputy mailed 12/11/19 holding a disqualification of benefits for misconduct connected with the work.
2. **KATHLEEN CORE**  
BOR DKT. 00192269  

This case was set up in error. Claimant not appealing the withdrawal of the hearing. She indicated in the hearing that she wanted this docket withdrawn.

3. **WAHID ALBRIGHT**  
BOR DKT. 00157664  

Claimant appealed a determination of the Deputy holding him ineligible for temporary disability benefits.

**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. **LESTER REDDICK**  
BOR DKT. 00161686  

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

2. **STEVEN CHASE**  
BOR DKT. 00197645  

Employer appealed decision of the Deputy holding no disqualification for refusal of suitable work.

3. **HEATHER FOLEY**  
BOR DKT. 00189890  

Claimant appealed the decision of the Appeal Tribunal holding no disqualification of benefits for misconduct connected with the work and the employer not relieved of charges.

4. **LINDA MCGRIFF**  
BOR DKT. 00194192  

Deputy appealed a decision of the Appeal Tribunal holding the claimant eligible for benefits under availability for work, and holding no liability for refund.

5. **TERRILL PETERSON**  
BOR DKT. 00195278  

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.
6. KRYSITNA LAVIN  
BOR DKT. 00194155

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 DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW.

A-3 DISMISSALS OF APPEALS TO THE BOARD OF REVIEW (NON-JUSTICIAIBLE ISSUE)

1. STEVEN CHASE  
BOR DKT. 00197645

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

2. MARCELINA REYES  
BOR DKT. 00198135

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

**ACTION:** THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW FOR NON-JUSTICIAIBLE ISSUE.

A-4 DENIAL OF REOPENING REQUESTS TO THE BOARD OF REVIEW

1. JAIME GALLARZA  
BOR DKT. 00096003

The claimant requests a reconsideration of the Board of Review decision affirming the Appeal Tribunal decision holding the claimant disqualified for benefits for severe misconduct connected to the work.

2. JASON DRIVER  
BOR DKT. 00193295

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits for failing to report in accordance with the regulations of the Division.
3. LAKEISHA GLASTER  BOR DKT. 0191691

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

4. LUZ N CUBERO  BOR DKT. 00192165

Late request and the claimant provided no new information.

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

**A-5 AFFIRMATIONS OF APPEAL TRIBunal DECISIONS**

1. SHERRAY WILLIAMS  BOR DKT. 00198261

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

2. FRANK RICE  BOR DKT. 00191326

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

3. JEFFREY DE LA CRUZ  BOR DKT. 00195836

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

4. NIKKI GALLMAN  BOR DKT. 00194747

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

5. JOSEPH AMMATURO  BOR DKT. 00185684

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

6. CHRISTOPHER JACKSON-NATHANIEL  BOR DKT.00197119

Claimant appealed decision of the Appeal tribunal dismissing the appeal as mit was filed late without good cause.
7. MARCUS THOMPSON  
BOR DKT. 00193973
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

8. LUCIA KOENIG  
BOR DKT. 00194733
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

9. SABLE SPOONER  
BOR DKT.00196374
Claimant appealed a decision of the appeal Tribunal holding a disqualification of benefits for discharge for misconduct connected with the work.

10. VEYSEL HASAN  
BOR DKT. 00193850
Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

11. MATTHEW KOTOKPO  
BOR DKT. 00197154
Claimant appealed decision of the Appeal Tribunal dismissing the appeal of the Deputy’s determination as it was filed late without good cause.

12. ERIK DOYLE  
BOR DKT. 00195689
Claimant appealed decision of the Appeal Tribunal holding a disqualification for discharge for misconduct connected with the work.

13. SAIHOI MALAM ROSARIO  
BOR DKT. 00196323
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

14. KEVIN WILLIAMS  
BOR DKT. 00192620
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

15. DAMON LOGIUDICE  
BOR DKT. 00198170
Claimant appealed a decision of the Appeal Tribunal which denied the claimant’s request for a pre-date of an unemployment claim.
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|---|---|
| 16. | KATHLEEN CORE  
BOR DKT. 00192283  
Claimant appealed a decision of the Appeal Tribunal holding the claimant liable for a refund disqualification. |
| 17. | KATHLEEN CORE  
BOR DKT. 00192270  
Claimant appealed a decision of the Appeal Tribunal holding the claimant liable for a fraud disqualification. |
| 18. | RONALD SINN  
BOR DKT. 00195933  
Claimant appealed the decision of the Appeal tribunal holding a disqualification of benefits for leaving work voluntarily. |
| 19. | GEORGIANNA MUSHALLA  
BOR DKT. 00196273  
Claimant appealed a decision of the Appeal Tribunal holding the claim dated February 17, 2019 valid with a weekly benefit rate of $577.00 and a maximum benefit amount of $9,820.00. |
| 20. | MICHELE REGNO  
BOR DKT. 00196247  
Claimant appealed decision of the Appeal Tribunal holding a disqualification for leaving the work voluntarily. |
| 21. | JOHN DILLER  
BOR DKT. 00190963  
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily. |
| 22. | LILIAN ADJEI  
BOR DKT. 00193263  
Claimant appealed the decision of the Appeal Tribunal holding a disqualification for leaving work voluntarily. |
| 23. | CAROL MILLER  
BOR DKT. 00196159  
Claimant appealed the Appeal tribunal decision holding the unemployment claim invalid. |
| 24. | EDWIN LARA  
BOR DKT. 00197264  
Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability to work. |
<table>
<thead>
<tr>
<th></th>
<th>Claimant/Employer</th>
<th>BOR DKT.</th>
<th>Appeal Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>25.</td>
<td>MARYLEE GONZALEZ</td>
<td>00197503</td>
<td>Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.</td>
</tr>
<tr>
<td>26.</td>
<td>JHANELL BARRETT</td>
<td>00196584</td>
<td>Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily and holding no disqualification for benefits for refusing suitable work.</td>
</tr>
<tr>
<td>27.</td>
<td>JAHIRO OJEDA</td>
<td>0189800</td>
<td>Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.</td>
</tr>
<tr>
<td>28.</td>
<td>SALVATORE MIGLIORE</td>
<td>00196809</td>
<td>Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under active search for work.</td>
</tr>
<tr>
<td>29.</td>
<td>CHERYL LAURO</td>
<td>00193215</td>
<td>Claimant appealed a decision of the Appeal tribunal holding a disqualification of benefits for leaving work voluntarily.</td>
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<tr>
<td>30.</td>
<td>DIMITRA ARMBRISTER-COLLINS</td>
<td>00196194</td>
<td>Employer appealed a decision of the Appeal Tribunal holding the claimant’s services were in covered employment and the unemployment claim was valid.</td>
</tr>
<tr>
<td>31.</td>
<td>LEEANN RUPPEL</td>
<td>00193289</td>
<td>Employer appealed a decision of the Appeal Tribunal dismissing the appeal as late without good cause.</td>
</tr>
<tr>
<td>32.</td>
<td>KYLE ZYSKOWSKI</td>
<td>00183510</td>
<td>Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.</td>
</tr>
<tr>
<td>33.</td>
<td>ANITHA ELLIOTT</td>
<td>00198429</td>
<td>The claimant appealed a decision of the Appeal Tribunal holding the claim valid with a weekly benefit rate of $198.00 and a maximum benefit rate of $4,950.00.</td>
</tr>
</tbody>
</table>
34. MAKEDA MCEWEN

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

35. SHAKIRA WASHINGTON

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

36. CHRISTINA BOYD

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

37. MARK POWERS

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

38. LUIS CRUZ

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

39. JOSEPH BROTHERTON

Employer appealed decision of the Appeal Tribunal holding no disqualification for discharge from the employment.

40. TYRONE JAMES

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

41. NATASHA TRENT

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

42. GABRIEL AHOMBO

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for refusing suitable work and no ineligibility for benefits under availability to work.
43. HARRY BAUER  
BOR DKT. 00194600
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

44. DONNIS GRIFFIN  
BOR DKT. 00195511
Claimant appealed the Appeal Tribunal decision holding the unemployment claim invalid.

45. JENNIFER VASQUEZ  
BOR DKT. 00197267
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

46. APRIL CRUTCHFIELD  
BOR DKT. 00195712
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefit for misconduct connected with the work.

47. SUZANNE MARTINELLI  
BOR DKT. 00194486
Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for misconduct connected with the work and liability for a non-fraud refund.

48. BRITTANY SEARS  
BOR DKT. 00198281
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

49. ANGELA CARR  
BOR DKT. 00196795
Claimant appealed a decision of the Appeal Tribunal dismissing the appeal of the Deputy’s determination as it was filed late without good cause.

50. REGINA MATTISON  
BOR DKT. 00195926
Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for misconduct connected with the work.

51. LYNNE SIMON  
BOR DKT. 00198010
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.

A-6 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. MICHAEL SCHAEFER BOR DKT. 00196152

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

2. TYLER PERSON BOR DKT. 00188039

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

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

A-7 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. YAEL HERBST BOR DKT. 00196420

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

2. JESSICA STEC BOR DKT. 00195057

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

3. JEANNDARC YOUSSEF BOR DKT. 00193544

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

ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS.
A-8  REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. KATHERINE MCDONALD  BOR DKT. 00186378

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

2. LESTER REDDICK  BOR DKT. 00198179

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

3. SHANEEKA DINGLE  BOR DKT. 00196921

   Claimant appealed a decision of the appeal tribunal holding a disqualification of benefits for misconduct connected with the work.

4. IRMA CLARA  BOR DKT. 00196824

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

5. RONALD HARBACHUK  BOR DKT. 00194412

   Employer, Family Hospitality, sent letter to Board of Review stating that the claimant was never employed by them.

6. TERESA SOSA  BOR DKT. 00195259

   Employer appealed a decision of the Appeal Tribunal which held no disqualification for discharge from the employment.

7. AMANDA BELLUSCI  BOR DKT. 00197163

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

8. FREDI PORO  BOR DKT. 00196998

   Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.
9. DIANNA KEEHN  BOR DKT. 00190061

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

10. ALEXANDER CONTRERAS  BOR DKT. 00196060

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

11. CARLOS DELGADO  BOR DKT. 00187843

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

12. LISA RENDON  BOR DKT. 00193284

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

13. JONATHAN MARTINEZ  BOR DKT. 00196793

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

14. CATALINO ASCENCIO  BOR DKT. 00189841

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

15. DARKO NECHKOSKI  BOR DKT. 00194821

  The claimant appealed the decision of the Appeal Tribunal dismissing his appeal on the ground that the claimant failed to register for the Appeal Tribunal hearing.

ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS REMANDS TO THE APPEAL TRIBUNAL OR THE DEPUTY.
A-9  REOPEN FROM THE SUPERIOR COURT

1. MARIA WHITTEN  
BOR DKT. 00187443

Claimant appealed a decision of the Board of Review holding a disqualification of benefits for misconduct connected with the work.

ACTION:  
THE BOARD REALIZED THIS CASE WAS PLACED IN THE WRONG CATEGORY. UPON REVIEW OF THIS CASE BY DAG ALEXIS FEDORCHAK, THIS CASE IS NOT A REOPENING FROM THE SUPERIOR COURT. IT HAS BEEN PLACED AS OLD BUSINESS IN THE MEETING OF JANUARY 15, 2020 TO CORRECT THE ERROR.

A-10  REMAND FROM THE SUPERIOR COURT

1. ESMERALDA OPSINA  
BOR DKT. 00134774

To discuss the Deputy Attorney General’s Brief and whether or not the Board should take the matter back to obtain additional testimony.

2. ESMERALDA OPSINA  
BOR DKT. 00135070

To discuss the Deputy Attorney General’s Brief and whether or not the Board should take the matter back to obtain additional testimony.

3. ESMERALDA OPSINA  
BOR DKT. 00135069

To discuss the Deputy Attorney General’s Brief and whether or not the Board should take the matter back to obtain additional testimony.

4. JOAN GINCLEY  
BOR DKT. 00164842

To discuss the Deputy Attorney General’s Brief and whether or not the Board should take the matter back to obtain additional testimony.

ACTION:  
THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS REMANDS FROM THE SUPERIOR COURT.
A-11  **Withdrawal of Appeals To the Board of Review**

1. **MARIA NUÑEZ**  BOR DKT. 00196435  
   Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and due to a prior disqualification imposed.

2. **ELIZA HIGGINS**  BOR DKT. 00194108  
   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 CASES AS WITHDRAWALS OF APPEALS TO THE BOARD OF REVIEW.

**SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION**

B-1 **KELLY STEPHENSON**  BOR DKT. 00194416  
Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

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

B-2 **BRIAN PIO**  BOR DKT. 00190282  
Employer appealed decision of the Appeal Tribunal holding no disqualification for discharge for misconduct connected to the work.

**ACTION:**  THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION AND BE MORE DEFINITIVE AS TO WHETHER THE MISCONDUCT WAS DELIBERATE AND INTENTIONAL.

B-3 **GAYLE EPPLE**  BOR DKT. 00196449  
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 THIS CASE TO CLARIFY WHETHER OR NOT THE CLAIMANT RESIGNED OR ASKED FOR A TRANSFER, TO CONFRONT THE CLAIMANT WITH HER APPEAL LETTER AND TO CLARIFY WHETHER SHE WAS GOING TO STILL MOVE OR COMMUTE TO WORK.

B-4 DAVID BURGOON BOR DKT. 00195113

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

ACTION: THE BOARD VOTED TO TABLE THE ABOVE CASE TO REVIEW REGULATIONS REQUESTING THE APPEAL TRIBUNAL TO TAKE BACK OR REOPEN A CASE AND PREPARE AN AMENDED DECISION.

MR. SCAGLIONE BECAME AN OFFICIAL BOARD MEMBER ON DECEMBER 21, 2019. HE WAS SWORN IN BY DAG ALEXIS FEDORCHAK ON JANUARY 8, 2020.

11:39: THE BOARD VOTED TO GO INTO EXECUTIVE SESSION FOR LEGAL ADVICE TO CLARIFY SOME POINTS ON THE LAST CASE DISCUSSED.

11:48 THE BOARD MADE A MOTION TO COME OUT OF EXECUTIVE SESSIONS AND RESUME THE OPEN PUBLIC MEETING, AT WHICH TIME THE MEETING WAS ADJOURNED.