MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
JANUARY 15, 2020

NANCY HUNT, ACTING CHAIRPERSON
WILLIAM SCAGLIONE, ACTING VICE-CHAIRPERSON
A regular meeting of the Board of Review was held on Wednesday, January 15, 2020 at 10:00 a.m., in Trenton, New Jersey.

PRESENT: Nancy Hunt, Acting Chairperson, and William Scaglione, Acting Vice-Chairperson, 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 January 8, 2020 Board meeting.

ACTION: THE BOARD VOTED TO ACCEPT THE MINUTES OF THE JANUARY 8, 2020 BOARD MEETING.

OLD BUSINESS:

1. MARIA WHITTEN BOR DKT. 00187443

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work. (This case was placed in the wrong category in the meeting of January 8, 2020. Had nothing to do with the Superior Court. Placed as old business to correct the error).

ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASE AS A REOPEN AND DISMISSAL TO THE BOARD OF REVIEW.

SECTION A – HEARING MATTERS

A-1 DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW

1. JENNIFER FIX BOR DKT. 00197091

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

2. ANTIONETTE WACHIRA BOR DKT. 00179907

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

3. ASHANTA BELL BOR DKT. 00196753

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

4. JILL VANDERWERF BOR DKT. 00197494

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.
5. JONATHAN FREDA
BOR DKT. 00182156

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

6. BRIAN SMITH
BOR DKT. 00176472

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

7. ANTHONY WHITE
BOR DKT. 00197022

Claimant appealed a decision of the Appeal Tribunal holding a period of ineligibility as the claimant was not available to work.

8. JOHN HORTON
BOR DKT. 00196386

The claimant appealed the determination of the Appeal Tribunal holding the claimant disqualified for benefits for refusing suitable work and a liability to a non-fraud refund.

9. EDWARD DRENNAN
BOR DKT. 00197169

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

10. ANTHONY IVORY
BOR DKT. 00196801

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

11. KHALILAH WILSON
BOR DKT. 00196043

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

12. MOLIERE OGANY
BOR DKT. 00184967

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

ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS DISMISSEALS OF LATE APPEALS TO THE BOARD OF REVIEW.
A-2  **Denial of Reopening Requests to The Board of Review**

1. **SARAH PENFOLD**  
   BOR DKT. 00194338  
   The claimant requests reconsideration of the Board of Review decision affirming the Appeal Tribunal decision which held the claimant disqualified for benefits for leaving work voluntarily.

2. **VIRGILIO MARTINEZ**  
   BOR DKT. 00193594  
   The claimant requests reconsideration of the Board of Review decision affirming the Appeal Tribunal decision which dismissed the claimant’s appeal as late without good cause.

3. **WADII SHENOUDA**  
   BOR DKT. 00192841  
   The claimant requests reconsideration of the Board of Review decision affirming the Appeal Tribunal decision which held the claimant liable for a non-fraud refund.

4. **CRYSTAL FERNANDEZ**  
   BOR DKT. 00179089  
   The employer requests reconsideration of the Board of Review decision affirming the Appeal Tribunal decision which held the claimant not disqualified under voluntary leaving work and no disqualification under discharge for misconduct.

5. **NYISHIA EDWARDS**  
   BOR DKT. 00188191  
   The employer requests reconsideration of the Board of Review decision affirming the Appeal Tribunal decision which held the claimant not disqualified for 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  **Affirmations of Appeal Tribunal Decisions**

1. **XAIMARA LEON**  
   BOR DKT. 00198101  
   Claimant appealed the decision of the Appeal Tribunal holding a disqualification for leaving the work voluntarily without good cause attributable to such work.
2. KIMBERLIE DIENER
   BOR DKT. 00197475
   Claimant appealed the decision of the Appeal Tribunal which denied the claimant’s request for a pre-date of an unemployment claim.

3. MIGUEL LETOURNEAUT
   BOR DKT. 196149
   Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

4. SHAUN BARITO
   BOR DKT. 00197215
   Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

5. GERALD THOMPSON
   BOR DKT. 00194426
   Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

6. ARIS ALMONTE
   BOR DKT. 00196931
   Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

7. ADAM RAYFORD
   BOR DKT. 00198271
   Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work.

8. ABUL KALAM
   BOR DKT. 00197669
   Claimant is appealing the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

9. BOBBI BROOKS
   BOR DKT. 00197727
   Claimant appealed the decision of the Appeal Tribunal holding a disqualification for leaving the work voluntarily without good cause attributable to such work.

10. EUSUF WALTERS
    BOR DKT. 00196170
    Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and a liability to a non-fraud refund.
11. EUSUF WALTERS
   BOR DKT. 00195954

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

12. DANIEL CLARK
   BOR DKT. 00198273

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

13. ANNE GREEN
    BOR DKT. 00196346

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

14. ARTUR TUREK
    BOR DKT. 00196528

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

15. CYNTHIA FINCHER
    BOR DKT. 00192423

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

16. CYNTHIA FINCHER
    BOR DKT. 00192424

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

17. KATHLEEN KIRK-LIBERATORE
    BOR DKT. 00188343

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

18. LECH CHOROSZUCHA
    BOR DKT. 00197245

   Claimant appealed a decision of the Appeal Tribunal denying the predate of the claim.

19. MARJORIE GUISE
    BOR DKT. 00197219

   Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and a liability to a non-fraud refund.
<table>
<thead>
<tr>
<th>Claimant Name</th>
<th>BOR DKT.</th>
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</thead>
<tbody>
<tr>
<td><strong>20.</strong> JOSEPH LECH</td>
<td>00196391</td>
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<tr>
<td>Claimant appealed a decision of the Appeal Tribunal holding claimant ineligible for benefits under ability to work.</td>
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<tr>
<td><strong>21.</strong> SHANERE DELOACH</td>
<td>00192139</td>
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<tr>
<td>Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for Additional Benefits During Training (ABT).</td>
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<tr>
<td><strong>22.</strong> BRADFORD JUNGELS</td>
<td>00196671</td>
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<tr>
<td>Claimant appealed a decision of the Appeal Tribunal holding the unemployment claim invalid.</td>
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<td><strong>23.</strong> JAMES HUNTER</td>
<td>00198089</td>
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<tr>
<td>Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.</td>
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</tr>
<tr>
<td><strong>24.</strong> SIRILO ALCANTARA</td>
<td>00197131</td>
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<tr>
<td>Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for discharge for misconduct connected with the work.</td>
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<td><strong>25.</strong> ROSE VILLAR</td>
<td>00197374</td>
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<tr>
<td>Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.</td>
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</tr>
<tr>
<td><strong>26.</strong> TERENCE WRIGHT</td>
<td>00196468</td>
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<tr>
<td>Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.</td>
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<td><strong>27.</strong> RASHEITA KELLY</td>
<td>00198854</td>
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<tr>
<td>Claimant appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily and a disqualification of benefits for refusing suitable work.</td>
<td></td>
</tr>
<tr>
<td><strong>28.</strong> HILDA GONZALEZ-ALVAREZ</td>
<td>00197466</td>
</tr>
<tr>
<td>Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.</td>
<td></td>
</tr>
</tbody>
</table>
29. JOHANNY NOBOA

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

30. GEORGIANNA MUSHALLA

Claimant appealed a decision of the Appeal Tribunal holding the claim dated February 11, 2019 valid with a weekly benefits rate of $577.00 and a maximum benefit amount of $9,820.00.

31. SPRIH A VERMA

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

32. DELIA HERRERA

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

33. EDDY ROMANI

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

34. DINEKA HOWE

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

35. JANETTE CORTAVARRIA

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

36. JAKEER AH ROBINSON

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

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

38. ANTHONY ROGERS, SR.

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

39. JEFFREY AMOROSI

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

40. JOSE REYES

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

41. JESSICA MORALES

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

42. WELINTON PEREZ

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

43. TAISHA RODRIGUEZ

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

44. KELLEY GRAY

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

45. TYLER MAHLER

Claimant appealed a decision of the Appeal Tribunal denying the request to reopen due to non-registration for the hearing.
46. CLAUDINE STERLING  
BOR DKT. 00196440

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

47. THOMAS BERGSTROM  
BOR DKT. 00197822

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. WITH THE EXCEPTION OF NUMBER 45 ON THE LIST TD MILLER, DOCKET NO. 00194768 WHICH WAS REMOVED FROM THE LIST FOR DISCUSSION.

**A-4  REVERSALS OF APPEAL TRIBUNAL DECISIONS**

1. KAREN MOHRING  
BOR DKT. 00197945

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 CASE AS A REVERSAL OF AN APPEAL TRIBUNAL DECISION. WITH THE EXCEPTION OF NUMBER 2 ON THE LIST KIMBERLY SCHAEFER DKT. NO. 00196541 WHICH WAS REMOVED FOR DISCUSSION.

**A-5  REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY**

1. ALEXANDRIA WALDMAN  
BOR DKT. 00197982

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

2. EMMANJUEL THOMAS  
BOR DKT. 00182294

Deputy appealed a decision of the Appeal Tribunal finding the claimant not liable for refund.
3. MICHAEL READIE  
BOR DKT. 00193592
Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

4. AMANDA WEINER  
BOR DKT. 00184511
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

5. DIEGO MAGAÑA  
BOR DKT. 00184003
Employer appealed the decision of the Appeal Tribunal holding no disqualification for voluntarily leaving the work, no disqualification for refusal of suitable work and no ineligibility for availability for work.

6. KATHERINE DUNPHY  
BOR DKT. 00195990
Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

7. MARVIN JACOBS  
BOR DKT. 00195402
Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily.

8. JUAN ESPINAL  
BOR DKT. 00196377
Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

9. SHERI ALBERTS  
BOR DKT. 00186269
Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under ability to work.

10. LEONARD RUTLEDGE  
BOR DKT. 00192979
Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily and no disqualification of benefits for refusing suitable work.

11. CLARENCE TROUBLEFIELD  
BOR DKT. 00197353
Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as it was filed late without good cause.
12. BARBARA MASCOLA
   Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily.

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

14. NOELLE LUMFORD
   Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for refusal of suitable work.

15. JENETTE RODRIGUEZ
   The employer appealed a decision of the Appeal Tribunal holding no disqualification under N.J.S.A. 43:21-5(a) and N.J.S.A. 43:21-5(c).

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

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

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

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

**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  MARISA SANTUCCI  BOR DKT. 00196240

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

ACTION:  THE BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION AND HOLD VQ ALLOWED BASED ON THE AMENDED 5(A).

B-2  MICHAEL GOMEZ  BOR DKT. 00190633

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

ACTION:  THE BOARD VOTED TO TABLE THE ABOVE CASE TO BE DECIDED IN THE MEETING OF JANUARY 22, 2020 FOR CLARIFICATION ON HOW TO PROCEED.

B-3  ERICK GONZALEZ  BOR DKT. 00195962

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

ACTION:  THE BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION ON THE RECORD WITH A REWRITE BECAUSE THE FACTS ARE NOT SUPPORTED BY THE RECORD.

B-4  TD MILLER  BOR DKT. 00194768

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

ACTION:  THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION ON THE ABOVE CASE.
B-5  KIMBERLY SCHAEFER  
BOR DKT. 00196541

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits for failing to meet the Division’s reporting requirements.

**ACTION:** THE BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION ON THE ABOVE CASE AND HOLD GOOD CAUSE FOR NOT MEETING REPORTING REQUIREMENTS.

B-6  MALEEK DORSEY  
BOR DKT. 00196324

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

**ACTION:** THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION AND HOLD A MISCONDUCT DISQUALIFICATION.

B-7  KEITH SANTOLI  
BOR DKT. 00198739

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

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

MALEEK DORSEY DKT. NO. 00196324 WAS ORIGINALLY IN SECTION A-5 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS. ACTING VICE CHAIRMAN MR. SCAGLIONE REQUESTED THIS CASE BE REMOVED FROM THAT SECTION FOR DISCUSSION. THEREFORE, SECTION A-5 MODIFICATIONS OF APPEAL TRIBUNAL DECISION WAS DELETED AND SECTION A-6 REMANDS TO THE APPEAL TRIBUNAL OR THE DEPUTY BECAME SECTION A-5 IN THE BOARD MINUTES.
10:22: THE BOARD VOTED TO GO INTO EXECUTIVE SESSION FOR LEGAL ADVICE.

10:28: THE BOARD VOTED TO COME OUT OF EXECUTIVE SESSION AND RESUME THE REGULAR BOARD MEETING.

11:21: THE BOARD VOTED TO GO INTO EXECUTIVE SESSION AGAIN FOR LEGAL ADVICE.

11:26: THE BOARD VOTED TO COME OUT OF EXECUTIVE SESSION AND RESUME THE OPEN PUBLIC MEETING.

11:29: THE BOARD VOTED TO GO INTO EXECUTIVE SESSION FOR LEGAL ADVICE. (OSPINA CASE). DKT. NOS. 135069 AND 134771 WERE REMANDED AND DOCKET NO. 135070 WAS VACATED.

11:31: THE BOARD VOTED TO COME OUT OF EXECUTIVE SESSION AND RESUME THE OPEN PUBLIC MEETING AT WHICH TIME THE MEETING WAS ADJOURNED BY ACTING CHAIRPERSON NANCY HUNT.