MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
FEBRUARY 19, 2020

JOSEPH SIEBER, CHAIRMAN

NANCY HUNT, VICE-CHAIRPERSON

WILLIAM SCAGLIONE, BOARD MEMBER
A regular meeting of the Board of Review was held on Wednesday, February 19, 2020 at 10:00 a.m., in Trenton, New Jersey

PRESENT: Joseph Sieber, Chairman, and Nancy Hunt, Vice-Chairperson, William Scaglione, Board Member, 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 February 12, 2020 Board meeting.

ACTION: THE BOARD VOTED TO ACCEPT THE MINUTES OF THE FEBRUARY 12, 2020 MEETING.

SECTION A – HEARING MATTERS

A-1 VACATED APPEALS TO THE BOARD OF REVIEW

1. KATHLEEN COSTANLEY BOR DKT. 00200240

   Employer appealed a decision of the Appeal Tribunal which held a disqualification for discharge for misconduct connected with the work.

2. WERFY FERNANDEZ BOR DKT. 00185074

   Claimant appealed a determination of the Deputy holding the claimant ineligible for benefits under reporting requirements.

3. TAMMY MULROY BOR DKT. 00195919

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

4. TAMMY MULROY BOR DKT. 00195921

   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 VACATED APPEALS TO THE BOARD OF REVIEW.

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

1. CORNELIE MICHEL BOR DKT. 00199359

   Claimant appealed the decision of the Appeal Tribunal which held the claimant ineligible for disability during unemployment benefits.
2. BRIAN ZIMMERMAN   BOR DKT. 00201349

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

3. ASHLEY OLIVER    BOR DKT. 00196509

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

4. DAVID WILLIAMS    BOR DKT. 00198744

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

5. SANDRA M. BURITICA  BOR DKT. 00115171

Claimant appealed a decision of the Appeal Tribunal holding the claimant liable for a fraud refund and fraud disqualification for a period of one year.

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

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

1. CAROL MILLER   BOR DKT. 00196159

Claimant is requesting reconsideration of the Board of Review’s decision affirming the Appeal Tribunal’s decision holding the claimant’s unemployment claim valid.

2. JENETTE RODRIGUEZ   BOR DKT. 00195000

Claimant is requesting reconsideration of the Board of Review’s decision affirming the Appeal Tribunal’s decision holding the claimant ineligible for benefits under availability for 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. SUMAN SETHI
   BOR DKT. 00201448
   Claimant appealed the decision of the Appeal Tribunal which denied the
   claimant’s request for predate of claim.

2. DONNA SEVERINO
   BOR DKT. 00198831
   Employer appealed a decision of the Appeal Tribunal holding no disqualification
   of benefits for misconduct connected with the work.

3. TYRONE DIXON
   BOR DKT. 00201125
   Claimant appealed a decision of the Appeal Tribunal holding a disqualification
   for leaving work voluntarily without good cause attributable to such work.

4. VICTORIA GARRETT
   BOR DKT. 00200970
   Claimant appealed the decision of the Appeal Tribunal holding a disqualification
   of benefits for leaving work voluntarily.

5. LAKAIYA GEORGE
   BOR DKT. 00191863
   Claimant appealed a decision of the Appeal Tribunal holding a disqualification
   for leaving the work voluntarily without good cause attributable to such work.

6. JOSEPH ROMEO
   BOR DKT. 00200363
   Claimant appealed a decision of the Appeal Tribunal holding a disqualification as
   the claimant was discharged for misconduct connected to the work.

7. KAREN MOORE
   BOR DKT. 00188216
   Claimant appealed a decision of the Appeal Tribunal holding the claimant not
   liable for a waiver of debt and liable for a non-fraud refund.

8. RONALD MUNSON
   BOR DKT. 00200329
   Claimant appealed a decision of the Appeal Tribunal holding him liable for a
   fraud refund.
9. MICHAEL MCGUINESS  
Employer appealed the decision of the Appeal Tribunal holding no disqualification for discharge from the work.

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

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

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

13. FELIX PIMENTAL  
Claimant appealed a decision of the Appeal Tribunal holding a disqualification for leaving the work voluntarily.

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

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

16. JONATHAN ALVARADO  
The employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for misconduct connected with the work.

17. GENUINO DEL CARMEN  
Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work.
18. EDWIN HERNANDEZ     BOR DKT. 00198708
Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for voluntarily leaving the work.

19. CAMILA GONZALEZ     BOR DKT. 00183498
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

20. KIMBERLY SIMONSON     BOR DKT. 00192628
Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for gross misconduct connected with the work.

21. CYNTHIA DISERIO     BOR DKT. 00201031
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

22. TIA RODWELL     BOR DKT. 00200703
Claimant appealed a decision of the Appeal Tribunal holding a disqualification for leaving the work voluntarily without good cause attributable to such work.

23. JERRY BARESIC     BOR DKT. 00198860
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

24. LAWRENCE ALCINE     BOR DKT. 00201265
Claimant appealed the decision of the Appeal Tribunal which denied the claimant’s request for a pre-date of an unemployment claim.

25. ZAKIA SAWYER     BOR DKT. 00194150
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 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS.
A-5  **REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY**

1. NAYAH STEPHENS  
   BOR DKT. 00198892
   Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

2. STEVE FELICE  
   BOR DKT. 00199248
   Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

3. SAMANTHA DUPREY  
   BOR DKT. 00201367
   Claimant appealed the decision of the Appeal Tribunal holding her ineligible for benefits from October 27, 2019 through January 28, 2020 as she was unavailable for work.

4. TRACEY MORA-VALVERDE  
   BOR DKT. 00199713
   Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work.

5. AHMED AFIFI  
   BOR DKT. 00198283
   Claimant appealed a decision of the Appeal Tribunal holding the appeal late with good cause and holding a disqualification for discharge for misconduct connected to the work.

6. MATTHEW NICOLAI  
   BOR DKT. 00199240
   Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work and liable for a non-fraud refund.

7. OLABODE YUSUF  
   BOR DKT. 00200085
   Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for misconduct or gross misconduct.

8. ENRICO HERNANDEZ  
   BOR DKT. 00198344
   Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause.
9.  STARQUASHIA QUINN  
    BOR DKT. 00200100

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

10. JENNIFER GREENHALGH  
    BOR DKT. 00191504

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

11. GRETCHEN SOLICH  
    BOR DKT. 00199707

    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 REMANDS TO THE APPEAL TRIBUNAL OR THE DEPUTY.

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

**B-1**  THERESE HOLM  
    BOR DKT. 00197860

    Claimant appealed a 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 WITH A REWRITE ADVISING THAT ANY PARTY MAY REOPEN THE MATTER WHEN THE GRIEVANCE PROCEEDING IS COMPLETED.

**B-2**  ALEXANDER BARRETO  
    BOR DKT. 00199095

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

    **ACTION:** THE BOARD VOTED TO REMAND THIS CASE TO FIND OUT THE STATUS OF THE ALLEGED TERMINATION RESCISSION LETTER.
B-3    LINDA BURKE    BOR DKT. 00200317

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

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION HOLDING NO DISQUALIFICATION OF BENEFITS FOR MISCONDUCT CONNECTED WITH THE WORK.

B-4    CHRISTA FISHER    BOR DKT. 00184541

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

ACTION: THE BOARD VOTED TO REMAND THIS CASE TO A NEW EXAMINER WITHIN THE SAME DISTRICT AS THERE WAS A VIOLATION OF DUE PROCESS.

B-5    CLIFFORD STEINER    BOR DKT. 00197635

Claimant’s wife appealed a decision of the Appeal Tribunal holding the claimant disqualified for leaving work voluntarily.

ACTION: THE BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL TO GET ADDITIONAL INFORMATION REGARDING THE STATUS AND VALIDITY OF THE CLAIMANT’S MEDICAL CARD.

B-6    DESTINY PEREZ    BOR DKT. 00200729

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

ACTION: THE BOARD VOTED TO AFFIRM THE VOLUNTARY QUIT DISQUALIFICATION IMPOSED BY THE APPEAL TRIBUNAL.
LASHAUN SMITH  
BOR DKT. 00200113

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.

AMANDA POWELL  
BOR DKT. 00199813

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 HOLDING NO VOLUNTARY QUIT OR MISCONDUCT DISQUALIFICATIONS; HOLDING A VOLUNTARY QUIT ALLOWED.

YITZCHAK PERLBERG  
BOR DKT. 00200889

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

**ACTION:** THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION IN PART, AND REMAND FOR ADDITIONAL TESTIMONY REGARDING THE REFUND.

ROSEMARIE ROBINSON  
BOR DKT. 00194678

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.
10:28 THE BOARD VOTED TO GO INTO EXECUTIVE SESSION FOR LEGAL ADVICE.

10:33 THE BOARD VOTED TO COME OUT OF EXECUTIVE SESSION AND RESUME THE REGULAR OPEN PUBLIC MEETING.

11:00 THE BOARD VOTED TO GO INTO EXECUTIVE SESSION FOR LEGAL ADVICE.

11:25 THE BOARD VOTED TO COME OUT OF EXECUTIVE SESSION AND RESUME THE REGULAR OPEN PUBLIC MEETING. AT WHICH TIME A MOTION WAS MADE BY CHAIRMAN JOSEPH SIEBER TO ADJOURN THE MEETING. THE MOTION WAS SECONDED BY VICE-CHAIRPERSON NANCY HUNT.