MINUTES OF REGULAR MEETING OF THE BOARD OF REVIEW
MARCH 4, 2020

JOSEPH SIEBER, CHAIRMAN
NANCY HUNT, VICE-CHAIRPERSON
WILLIAM SCAGLIONE, BOARD MEMBER
A regular meeting of the Board of Review was held on Wednesday, March 4, 2020 at 10:00 a.m., in Trenton, New Jersey

PRESENT: Nancy Hunt, Acting Chairperson, William Scaglione, Board Member.

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.
Submitted for adoption are the minutes of the February 26, 2020 Board meeting.

**ACTION:** THE BOARD VOTED TO ADOPT THE MINUTES OF THE FEBRUARY 26, 2020 MEETING.

**EXECUTIVE SESSION:**

10:13 THE BOARD VOTED TO GO INTO EXECUTIVE SESSION FOR LEGAL ADVICE. DAG RIMA HAD QUESTIONS REGARDING YAVICH COURT CASE.

10:26 THE BOARD REMAINED IN EXECUTIVE SESSION FOR LEGAL ADVICE. DAG, ANDY JONG GAVE THE BOARD AN UPDATE OF HIS CASE YANIRIS PICHARDO.

10:33 THE BOARD VOTED TO COME OUT OF EXECUTIVE SESSION, AT WHICH TIME THE OPEN PUBLIC MEETING RESUMED.

**OLD BUSINESS:**

1. CHRISTA FISHER BOR DKT. 00184541

This case is placed on this agenda as old business with reference to case originally voted to remand because of a due process violation on the agenda of February 19, 2020 on the discussion list as # B-4. But this case was previously remanded on the agenda of September 11, 2019 on the discussion as #B-1.

**ACTION:** THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION AND HOLD VOLUNTARY LEAVING.

**SECTION A – HEARING MATTERS**

**A-1 VACATED APPEALS TO THE BOARD OF REVIEW**

1. CHRISTIAN TAFUR BOR DKT. 00197960

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for Additional Benefits During Training (ABT).
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. TAMIA HARRIS BOR DKT. 00180325
   Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work and liability to a non-fraud refund.

2. JONATHAN ROYCE BOR DKT. 00198498
   Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for misconduct connected with the work.

3. AMANDA L. SCHWEIGHARDT BOR DKT. 00189040
   Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause.

4. STEFANIA DOLIVERA BOR DKT. 00198994
   Claimant appealed a 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  DENIAL OF REOPENING REQUESTS TO THE BOARD OF REVIEW

1. JEFFREY HEMINGWAY BOR DKT. 00190271
   Claimant requests reconsideration of the Board of Review’s decision affirming the Appeal Tribunal decision denying the request to reopen the matter due to non-registration for the hearing.

2. CLAUDIA FARRELL BOR DKT. 00199325
   Claimant request reconsideration of the Board of Review’s decision affirming the Appeal Tribunal’s decision holding no disqualification of benefits for misconduct connected with the work.
3. JENNY CAMPBELL  BOR DKT. 00193541
Claimant requests reconsideration of the Board of Review’s decision affirming the Appeal Tribunal’s decision holding a disqualification of benefits for leaving work voluntarily.

4. LINDA BURKE  BOR DKT. 00200317
Employer requests reconsideration of the Board of Review’s decision affirming the Appeal Tribunal’s decision holding no disqualification of benefits for misconduct connected with the work.

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

A-4 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. MANUEL CUELLAR  BOR DKT. 00201849
Claimant filed an appeal of the Appeal Tribunal decision holding a disqualification for discharge for misconduct connected to the work.

2. MICHAEL BARNEY  BOR DKT. 00203078
Claimant appealed the decision of the Appeal Tribunal which held a disqualification for voluntarily leaving the work without good cause attributable to such work.

3. ANITA RUST  BOR DKT. 00200604
Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause.

4. SUSAN MACK  BOR DKT. 00193308
Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work.

5. DERRICK CHATMAN  BOR DKT. 00194936
Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause.
6. TANYA WENTZ  
BOR DKT. 00200862
Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for Additional Benefits During Training (ABT).

7. MARK JACKSON  
BOR DKT. 00199902
Claimant appealed the decision of the Appeal Tribunal holding a disqualification for leaving the work voluntarily without good cause attributable to such work.

8. JOHN CHEW  
BOR DKT. 00200719
Claimant appealed the Appeal Tribunal decision reducing his weekly benefit rate (WBR) from $696.00 to $0 due to receipt of pension from a base year employer.

9. JON STEIGER  
BOR DKT. 00193107
Claimant appealed the decision of the Appeal Tribunal holding a disqualification for leaving the work voluntarily without good cause attributable to such work.

10. FRANK ZUMMO  
BOR DKT. 00201159
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

11. GLORIA LUGO  
BOR DKT. 00202010
Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and liable for a non-fraud refund.

12. TYSHAWN SIMMONS  
BOR DKT. 00190075
Claimant appealed the decision of the Appeal Tribunal denying the request to reopen the matter for non-registration for the hearing.

13. BRIANA RAREY  
BOR DKT. 00201562
Claimant appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily and ineligible for benefits from December 1, 2019 through January 18, 2020.

14. HECTOR LEON  
BOR DKT. 00196871
Claimant appealed a decision of the Appeal Tribunal denying the request to reopen the matter due to non-registration for the hearing.
15. MYRON BULLUCK
   Employer appealed a decision of the Appeal Tribunal dismissing the appeal as late without good cause.

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

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

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

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

20. IRVIN WALKER
   Claimant appealed the decision of the Appeal Tribunal holding the claimant disqualified for benefits for misconduct connected with the work.

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

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

23. TYNEISHA REEVEY
   Claimant appealed the decision of the Appeal Tribunal holding a disqualification for refusing suitable work.
24. SEAN FLYNN  
BOR DKT. 00201225
Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits under reporting requirements.

25. MARIA PEÑA  
BOR DKT. 00193591
Claimant appealed a decision of the Appeal Tribunal holding a disqualification for leaving the work voluntarily without good cause attributable to such work and holding the claimant liable for a non-fraud refund.

26. CATHERINE BAKAR  
BOR DKT. 00201787
Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

27. JAMAL AKINS  
BOR DKT. 00201798
Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

28. KEVIN VANDERSTOOP  
BOR DKT. 00201994
Claimant appealed the decision of the Appeal Tribunal which denied the claimant’s request for a pre-date of an unemployment claim.

29. RACHEL KAPLAN  
BOR DKT. 00200284
Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

30. SCOTT MILTON  
BOR DKT. 00202698
Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

31. FORTUNATO MARCUZZI  
BOR DKT. 00189579
Claimant appealed the Appeal Tribunal decision holding the unemployment claim invalid.

32. JANA EVANS  
BOR DKT. 00197301
Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause.
33. SOHAIB YOUSAF  BOR DKT. 00195657

Claimant appealed the 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 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS. #21 DANIELLE INGRAFFIA WAS NOT MAILED OUT. THE BOARD APPROVED IT, HOWEVER PER WILLIAM SCAGLIONE A CORRECTION HAD TO BE MADE SO THE FILE WAS PULLED AND IT WAS PLACED BACK IN THE BOARD’S QUEUE.

A-5 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. TATYANNA LOWELL  BOR DKT. 00201911

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

2. NATHALIE URENA  BOR DKT. 00201871

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 REVERSALS OF APPEAL TRIBUNAL DECISIONS.

A-6 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. SHERELL RUSH  BOR DKT. 00202584

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for leaving the work voluntarily and holding the claimant liable to refund the sum of $1,635.00 for the weeks ending October 19, 2019 through December 7, 2019.

2. LINDA FERRAINA  BOR DKT. 00201722

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work.
ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS.

A-7 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. BRIAN HOFFMAN
   BOR DKT. 00198726
   Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for misconduct connected with the work.

2. KENNETH BISPELS
   BOR DKT. 00201105
   Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily.

3. JOHN BONAMO
   BOR DKT. 00202060
   Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as late without good cause.

4. STEPHANIE CEASER
   BOR DKT. 00196292
   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 MICHAEL JOHNSON
   BOR DKT. 00194205
   Claimant appealed a 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 AFFIRM THE APPEAL TRIBUNAL DECISION WITH NOTATION THAT THE EMPLOYER WAS AT THE HEARING.
B-2  JAMES WILCOX  BOR DKT. 00200505

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 AND HOLD THE CLAIMANT DISQUALIFIED FOR BENEFITS FOR MISCONDUCT CONNECTED WITH THE WORK.

B-3  JASON WARREN  BOR DKT. 00195718

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

**ACTION:**  THE BOARD VOTED TO DISMISS THE ABOVE CASE WITH A REWRITE TO ADDRESS GOOD CAUSE IN THE DECISION.

B-4  DARRELL LEWIS  BOR DKT. 00201854

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.

B-5  KEVIN CEASER  BOR DKT. 00190139

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.
B-6 CHELSEA JONES  
BOR DKT. 00203364

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.

B-7 REBECCA SMALL-MCAVOY  
BOR DKT. 00201653

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.

B-8 TIFFANY STROUD  
BOR DKT. 00202209

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

ACTION: THE BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION HOLDING M.C. DENIED.

B-9 VINCENZO TUBITO  
BOR DKT. 00192919

Claimant appealed a decision of the Appeal Tribunal which held no disqualification for discharge from the work and held a disqualification for leaving the work voluntarily without good cause attributable to such work.

ACTION: THE BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL TO ADDRESS THE REASON FOR REOPENING.
Claimant appealed a decision of the Appeal Tribunal holding disqualification for discharge from the work and holding a disqualification for leaving the work voluntarily without good cause attributable to such work.

**ACTION:** THE BOARD VOTED TO MODIFY THE APPEAL TRIBUNAL DECISION AND HOLD NO VQ NO MC.

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

**ACTION:** THE BOARD VOTED TO REMAND TO THE APPEAL TRIBUNAL TO FOLLOW UP ON MEDICAL DOCUMENTATION.