MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
MARCH 11, 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 11, 2020 at 10:00 a.m., in Trenton, New Jersey

PRESENT: Joseph Sieber, Chairman, Nancy Hunt, Vice-Chair, William Scaglione, Board Member, Sharahzad 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 March 4, 2020 Board meeting.

ACTION:    THE BOARD VOTED TO ADOPT THE MINUTES OF THE MARCH 4, 2020 BOARD MEETING.

EXECUTIVE SESSION:

10:06  THE BOARD VOTED TO GO INTO EXECUTIVE SESSION FOR LEGAL ADVICE. DISCUSSING YAVICH CASE. A MOTION WILL BE MADE TO REMAND THIS CASE BACK TO THE BOARD TO REVISE AND COMPLETE THE DECISION.

10:26  THE BOARD VOTED TO COME OUT OF EXECUTIVE SESSION AND RESUME THE OPEN PUBLIC MEETING.

SECTION A – HEARING MATTERS

A-1  VACATED APPEALS TO THE BOARD OF REVIEW

1. MELINDA PAL LIFANGO  BOR DKT. 00200859

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 CASE AS A VACATED APPEAL TO THE BOARD OF REVIEW.

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

1. JULIA ALLEN  BOR DKT. 00198231

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

2. GABRIEL MEDINA  BOR DKT. 00200792

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.
3. DANIEL SMITH
BOR DKT. 00199775

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

4. SHAVONNA LONG
BOR DKT. 00200665

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for gross misconduct connected with the work. (and the validity of the claim).

**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. KERRY SAUNDERS
BOR DKT. 00170230

Claimant requests reconsideration of the Board of Review’s decision reversing the Appeal Tribunal’s decision holding the claimant disqualified for benefits under N.J.S.A. 43:21-5(a).

2. HILDA GONZALEZ DE ALVAREZ
BOR DKT. 00197466

Claimant requests reconsideration of the Board of Review’s decision affirming the Appeal Tribunal’s decision holding the claimant disqualified for benefits for leaving work voluntarily.

3. NATALIE ROBINSON
BOR DKT. 00185411

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.

**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. STEPHANIE WOODARD
   BOR DKT. 00200688
   Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

2. GERALD KUBIAK
   BOR DKT. 00193830
   Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

3. LINDA THURBER
   BOR DKT. 00199889
   Claimant appealed the Appeal Tribunal decision holding the unemployment claim valid.

4. GREGORY GIBBS
   BOR DKT. 00201654
   Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for misconduct connected with the work.

5. CHRISTOPHER KAYAL
   BOR DKT. 00201851
   Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under reporting requirements.

6. GABRIEL MEDINA
   BOR DKT. 00200792
   Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

7. BILAL DOUGHTY
   BOR DKT. 00198737
   Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

8. MICHAEL BENDAR
   BOR DKT. 00201233
   Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

9. DARLENE MARANT
   BOR DKT. 00203619
   Claimant appealed decision of the Appeal Tribunal holding a disqualification for discharge for misconduct connected with the work.
10. CARLYN MITCHELL  
BOR DKT. 00202674

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

11. KEITH MURRAY  
BOR DKT. 00202432

Claimant appealed the decision of the Appeal Tribunal holding the claimant disqualified for benefits for gross misconduct connected with the work and the validity of the claim.

12. MAI KERUAKOUS  
BOR DKT. 00198366

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

13. MARIA MAURICIO  
BOR DKT. 00201826

Claimant appealed the decision of the Appeal Tribunal holding a period of ineligibility on the ground the claimant did not report in accordance with the regulations of the Division.

14. MARIA MAURICIO  
BOR DKT. 00201824

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

15. INGRID PEREZ  
BOR DKT. 00201079

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

16. ROBERT COMPANA  
BOR DKT. 00202526

Claimant appealed the decision of the Appeal Tribunal which denied the claimant’s request for a predate of an unemployment claim.

17. JOSE MARTINEZ  
BOR DKT. 00196335

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work.
18. CARMEN RODRIGUEZ

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

19. BERNICE WARNER

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

20. DANISHA ROBINSON

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

21. TANYA JACKSON

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

22. THERESA D’AGOSTINO

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

23. KRISTEN STUBLE

Claimant appealed a decision of the Appeal Tribunal holding a misconduct disqualification.

24. MICHAEL MENDOZA

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

25. JENNIFER GARCIA

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

26. LACEE NUTTER

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.
27. LISA RENDON
BOR DKT. 00193284
Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

28. MARISSA KRANT
BOR DKT. 00202483
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

29. RALPH STORM
BOR DKT. 00203293
Employer appealed a decision of the Appeal Tribunal, holding no disqualification of benefits for misconduct connected with the work.

30. MARCIA MATOS
BOR DKT. 00202564
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

31. LARISSA CASTRO-DELACRUZ
BOR DKT. 00201279
Claimant appealed the decision of the Appeal Tribunal holding the claimant disqualified for benefits for leaving work voluntarily.

32. GEORGE BENT
BOR DKT. 00201746
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

33. SCHNELL EASLEY
BOR DKT. 00202692
Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

34. CHARLES KARPEL
BOR DKT. 00197407
The claimant is appealing a decision of the Appeal Tribunal holding the claimant disqualified and liable for a fraud refund.

**ACTION:**
THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS. #36 LACEE NUTTER WILL BE REWRITTEN TO CORRECT THE FINDINGS OF FACT WITH REGARD TO THE REFUND.
A-5 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. JOHN FRIEDLANDER  
BOR DKT. 00193355

Claimant appealed a decision of the Appeal Tribunal holding a reduction of benefits due to a pension offset and a liability for a non-fraud refund.

2. VEDA BERRY  
BOR DKT. 00201595

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

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

A-6 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. SHAKURA PERRY  
BOR DKT. 00202061

Claimant appealed the 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 MOVE THE ABOVE CASE TO THE AFFIRMATION LIST AS IT IS AN AFFIRMATION OF AN APPEAL TRIBUNAL DECISION AND NOT A MODIFICATION OF AN APPEAL TRIBUNAL DECISION.

A-7 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. JULIAN LEON  
BOR DKT. 00195250

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

2. KIMBERLY SCHANCK  
BOR DKT. 00198339

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

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for refusing suitable work and non-fraud refund liability.

4. DONNA ZACHODYLO

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

5. GUILLERMO HERNANDEZ

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

6. GERARDO VILLACIS

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

7. SHAKIERA SMITH

Claimant appealed the decision of the Appeal Tribunal holding no disqualification for leaving the work voluntarily and holding the claim invalid on the ground that the claimant was not unemployed.

8. KENNETH WISNIESKI

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

9. SHELLY COHEN

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

10. AGUSTIN RAMOS

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.
11. TARYN MOBERG-NOONAN  
BOR DKT. 00202852

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for misconduct connected with the work, no disqualification of benefits for leaving work voluntarily and not liable for non-fraud refund.

**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 MAHONEY  
BOR DKT. 00191637

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

**ACTION:** THE BOARD VOTED TO TABLE THE ABOVE CASE UNTIL THE MEETING OF MARCH 18, 2020.

B-2 SHARON MORGAN  
BOR DKT. 00202142

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.

B-3 GLENDA ALARCON GUILLEN  
BOR DKT. 00195548

Claimant appealed a decision of the Appeal Tribunal holding the claimant disqualified for benefits due to the claimant’s full-time school attendance.

**ACTION:** THE BOARD VOTED TO REVERSE THE TIMELINESS ON THE ABOVE CASE AND REMAND FOR ADDITIONAL TESTIMONY ON THE MERITS.