MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
SEPTEMBER 11, 2019

JOSEPH P. SIEBER, CHAIRPERSON
NANCY W. HUNT, VICE-CHAIRPERSON
A regular meeting of the Board of Review was held on Wednesday, September 11, 2019 at 10:00 a.m., in Trenton, New Jersey.

PRESENT: Nancy Hunt, Vice-Chair and William Scaglione, Acting Board Member, 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.
SECTION A – HEARING MATTERS

BOARD MINUTES:

Submitted for adoption are the minutes of the September 4, 2019 Board meeting.

ACTION: THE BOARD VOTED TO ADOPT THE MINUTES OF THE SEPTEMBER 4, 2019 BOARD MEETING.

A-1 WITHDRAWAL OF APPEALS

1. TYRONE BAKER BOR DKT. 00186329

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

ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASE AS A WITHDRAWAL OF AN APPEAL TO THE BOARD OF REVIEW.

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

1. LIZZY MARIN BOR DKT. 174588

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

2. MICHELLE MASON BOR DKT. 00182530

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

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. JENNIFER ROSARIO  BOR DKT. 00125121

Claimant requests a reconsideration of the Board of Review decision affirming the Appeal Tribunal decision which held the claimant disqualified for benefits for severe misconduct connected with the work.

2. REGINALD BARFIELD  BOR DKT. 00182094

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

3. LENA FINLEY  BOR DKT. 00181276

Claimant requests a reconsideration of the Board of Review decision affirming the Appeal Tribunal decision which held the claimant’s unemployment claim invalid due to insufficient base year earnings/non-covered employment/alternate base year.

4. JORGE LUDIZACA  BOR DKT. 00181587

Claimant requests a reconsideration of the Board of Review decision affirming the Appeal Tribunal decision which held the claimant disqualified for benefits for leaving work voluntarily.

**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. DOROTHY SMITH  BOR DKT. 00079106

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

2. KARLA SMITH  BOR DKT. 00173831

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.
3. JENNIFER JOHNSON  BOR DKT. 00185122
   Claimant appealed decision of the Appeal Tribunal holding disqualification for voluntary leaving.

4. DANNIS DUBLIN  BOR DKT. 00177154
   Claimant appealed the decision of the Appeal Tribunal denying the request to reopen the matter due to non-registration for the hearing.

5. CAROLAN FLOYD  BOR DKT. 00175144
   Claimant appealed the decision of the Appeal Tribunal denying the request to reopen the matter due to non-registration for the hearing.

6. DAWN MINNEY  BOR DKT. 00179988
   Employer appealed decision of the Appeal Tribunal holding no disqualification for discharge from the employment.

7. WILBERT MUÑOZ  BOR DKT. 00184488
   Claimant appealed a decision of the Appeal Tribunal holding the claimant liable for non-fraud refund.

8. BIAGIO GIUGNO  BOR DKT. 00184445
   Employer appealed a decision of the Appeal Tribunal holding no disqualification for misconduct connected with the work.

9. MICHAEL TITTERMARY  BOR DKT. 00185135
   Claimant appealed a decision of the Appeal Tribunal holding period of ineligibility for failing to report in accordance with Division regulations.

10. KEVIN VIVENZIO  BOR DKT. 00181098
    Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

11. LIYA PETROSYAN  BOR DKT. 00185084
    Claimant appealed a decision of the Appeal Tribunal holding an ineligibility under unavailability for work.
12. MORGAN JENSEN     BOR DKT. 00185001

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.

13. KIMBERLY CARR     BOR DKT. 00184490

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

14. MICHAEL COLBERT     BOR DKT. 00186353

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

15. OMAR MUSTAFA     BOR DKT. 00185601

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

16. EVELYN STABILE     BOR DKT. 00176380

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

17. CHIBUIKEM NWANONYIRI     BOR DKT. 00178364

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

18. TRUDY LITTLE     BOR DKT. 00180925

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

19. KRISTIN MURRAY     BOR DKT. 00186218

Claimant appealed a decision of the Appeal Tribunal which denied the claimant’s request for a pre-date of an unemployment claim.
<table>
<thead>
<tr>
<th>Claimant</th>
<th>DKT Number</th>
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<tbody>
<tr>
<td><strong>AMY BAXES</strong></td>
<td>BOR DKT. 00177410</td>
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<tr>
<td>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.</td>
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<tr>
<td><strong>MARQUES CANTY</strong></td>
<td>BOR DKT. 00186473</td>
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<tr>
<td>Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.</td>
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<tr>
<td><strong>MICHAEL CANNON</strong></td>
<td>BOR DKT. 00186053</td>
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<tr>
<td>Claimant appealed the decision of the Appeal Tribunal holding a disqualification for discharge for misconduct connected with the work.</td>
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<tr>
<td><strong>SUZANNE SULLIVAN</strong></td>
<td>BOR DKT. 00186105</td>
</tr>
<tr>
<td>Claimant appealed a decision of the Appeal Tribunal holding a disqualification for voluntarily leaving the work.</td>
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<tr>
<td><strong>PAUL DOLAN</strong></td>
<td>BOR DKT. 00182608</td>
</tr>
<tr>
<td>Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.</td>
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<tr>
<td><strong>VLADIMIR GONZALEZ</strong></td>
<td>BOR DKT. 00185826</td>
</tr>
<tr>
<td>Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.</td>
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<tr>
<td><strong>RHODA LIVINGSTON</strong></td>
<td>BOR DKT. 00185351</td>
</tr>
<tr>
<td>Claimant appealed decision of the Appeal Tribunal holding the appeal late with good cause and holding a disqualification for voluntary leaving the work.</td>
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</tr>
<tr>
<td><strong>LORI WALERSKI</strong></td>
<td>BOR DKT. 00179324</td>
</tr>
<tr>
<td>Claimant appealed a decision of the Appeal Tribunal holding the claimant with a fraud disqualification.</td>
<td></td>
</tr>
<tr>
<td><strong>LORI WALERSKI</strong></td>
<td>BOR DKT. 00179331</td>
</tr>
<tr>
<td>Claimant appealed a decision of the Appeal Tribunal holding the claimant with a fraud disqualification.</td>
<td></td>
</tr>
</tbody>
</table>
29. DIANA DOMENECH  BOR DKT. 00183955
   Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause.

30. SAHID RAHMAN  BOR DKT. 00184950
   Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as late without good cause.

31. SUSAN KROTOWSKI  BOR DKT. 00176967
   Claimant appealed the decision of the Appeal Tribunal denying the request to reopen the matter due to non-registration for the hearing.

32. ELIZABETH AMPADU  BOR DKT. 00181693
   Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as late without good cause.

33. ELIZABETH AMPADU  BOR DKT. 00181696
   Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as late without good cause.

34. ELIZABETH AMPADU  BOR DKT. 00181700
   Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as late without good cause.

35. ELIZABETH AMPADU  BOR DKT. 00181704
   Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as late without good cause.

36. ELIZABETH AMPADU  BOR DKT. 00181706
   Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as late without good cause.

37. RAY VALENTIN  BOR DKT. 00184363
   Claimant appealed the decision of the Appeal Tribunal holding a disqualification for voluntarily leaving the work.
38. ELISHA BARNES  BOR DKT. 00182469

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

39. KENIA HERRERA  BOR DKT. 00185016

Employer appealed the decision of the Appeal Tribunal holding no disqualification for voluntarily leaving the work and holding the claimant eligible for benefits as she was available for work.

40. HOMER EAFFORD  BOR DKT. 00185469

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

41. ALVIN JOHNSON  BOR DKT. 00185830

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

42. MARIA POCSI  BOR DKT. 00185902

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

43. VICKIE KELLEM  BOR DKT. 00185390

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

44. DONNA BROWN  BOR DKT. 00186334

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

45. JONATHAN RIBEIRO  BOR DKT. 00186239

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

46. LAURA FEMINELLA  BOR DKT. 00186521

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.
47. GRETA GILHOOLEY  BOR DKT. 00178833

Claimant appealed the Appeal Tribunal decision holding the unemployment claim invalid.

48. MARIA TEJADA  BOR DKT. 00185037

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

49. ERICKA TAYLOR  BOR DKT. 00185888

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

50. DON COLEMAN  BOR DKT. 00182241

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

51. DAWN FIFTH  BOR DKT. 00184987

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

52. CARLOS CARRANZA  BOR DKT. 00186368

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 TO THE BOARD OF REVIEW.

**A-5**  REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. ROBIN DWYER  BOR DKT. 00184619

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.
2. QUIANA BREWINGTON

BOR DKT. 00186725

Claimant appealed decision of the Appeal Tribunal holding no disqualification for voluntarily leaving the work, holding an ineligibility for not being available for work and holding the claimant liable for non-fraud refund.

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

A-6 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. LOVELLA WAMBOLD

BOR DKT. 00186729

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms.

2. LOVELLA WAMBOLD

BOR DKT. 00186730

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms.

3. CANDIDO PEREZ

BOR DKT. 00185349

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.

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

A-7 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. SERGIO BACA

BOR DKT. 00185373

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.
2. ROBERT ALLEN, SR.    BOR DKT. 00183478
   Claimant requests a reconsideration of the Board of Review decision affirming the Appeal Tribunal decision which held the claimant disqualified for benefits for misconduct connected with the work.

3. ALEXANDER ROSARIO    BOR DKT. 00186193
   Employer appealed a decision of the Appeal Tribunal holding no disqualification for benefits for misconduct connected with the work.

4. STEPHANIE GARCIA    BOR DKT. 00186122
   Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

5. JOSEPH OCHOA    BOR DKT. 00178680
   Claimant appealed the decision of the Appeal Tribunal denying the request to reopen the matter due to non-participation.

6. SHAQUILLA SIMMONS    BOR DKT. 00185412
   Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily and for misconduct connected with the work.

7. CASEY CARROLL    BOR DKT. 00185740
   Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for misconduct connected with the work.

8. DWAYNE CROOK    BOR DKT. 00184747
   Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily and no disqualification for benefits for misconduct connected with the work.

9. IVANNA VILLAVIZAR    BOR DKT. 00184913
   Claimant appealed a decision of the Appeal Tribunal holding a disqualification for leaving the work voluntarily.
10. JAZMIN COZY BOR DKT. 00178907

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

11. GARY LAMB BOR DKT. 00176898

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

12. SHANIECE WILLIAMS BOR DKT. 00184316

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

13. JUSTIN A. DELANEY BOR DKT. 00031456

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

14. MEAGHAN KROLL BOR DKT. 00182573

Employer appealed decision of the Appeal Tribunal which held no disqualification for voluntarily leaving the work and no disqualification for discharge for misconduct connected with the work.

15. JESUS BRITO BOR DKT. 00179278

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 DEPUTY.

SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 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 ACCEPTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL TO THE SAME EXAMINER TO ALLOW LEGAL REPRESENTATION AND TO SUBPOENA THE WITNESS.

B-2 CYNTHIA CORDOVA BOR DKT. 00174643

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

ACTION: THE BOARD ACCEPTED TO AFFIRM THIS CASE WITH A RE-WRITE TO INCLUDE REGULATON N.J.A.C. 12:17-12.7.

B-3 SOLANYI ROJAS BOR DKT. 00185143

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

ACTION: THE BOARD ACCEPTED TO REMAND THE CASE TO THE APPEAL TRIBUNAL AND TO SUBPOENA THE EMPLOYER FOR ADDITIONAL TESTIMONY.

B-4 CYNTHIA JACKSON BOR DKT. 00167115

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

ACTION: THE BOARD ACCEPTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY.

B-5 DENISE ASKEW BOR DKT. 00177374

Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for misconduct connected with the work.
ACTION: THE BOARD ACCEPTED TO AFFIRM THE APPEAL TRIBUNAL DECISION IN THIS CASE.

B-6 WILLMA MYRICK  BOR DKT. 00184558

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

ACTION: THE BOARD ACCEPTED TO AFFIRM THE APPEAL TRIBUNAL IN THIS CASE AND ADD ADDITIONAL PARAGRAPH.

B-7 CATHERINE DICKERSON  BOR DKT. 00186022

Claimant appealed decision of the Appeal Tribunal holding a period of ineligibility as claimant was not available for work and was not actively seeking work.

ACTION: THE BOARD ACCEPTED TO MODIFY THE DECISION IN THIS CASE AND SET ASIDE THE PORTION OF ASW BECAUSE THE BOARD DID NOT HAVE JURISDICTION.

B-8 ROGER WEST  BOR DKT. 00185771

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

ACTION: THE BOARD ACCEPTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL AND ADD SECOND EMPLOYER TO THE DOCKET AND TO GET A BETTER RECORD OF THE CLAIMANT’S TERMS OF HIRE

B-9 YOCHIEVED KATZ  BOR DKT. 00169240

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily and claimant was not liable for a non-fraud refund.  (Supplemental Case for Discussion)
**BOARD OF REVIEW MINUTES – SEPTEMBER 11, 2019**

**MEETING**

**ACTION:** THE BOARD ACCEPTED TO TABLE THIS CASE TO BE DISCUSSED IN THE MEETING OF SEPTEMBER 18, 2019.

**B-10 DESTHY MATOUBA**

BOR DKT. 00180141

Claimant appealed a decision of the Appeal Tribunal holding a period of ineligibility as the claimant failed to report in accordance with Division regulations.

**ACTION:** THE BOARD ACCEPT TO AFFIRM THE APPEAL TRIBUNAL DECISION IN THIS CASE DISMISSING THE APPEAL AS LATE WITHOUT GOOD CAUSE TO THE BOARD OF REVIEW.

**B-11 SELENA RATLIFF-ROBINSON**

BOR DKT. 00177787

Reopened Appeal Tribunal decision for review of the Board of Review decision. Per the Deputy’s e-mail to the Board of Review, it was not clear as the purpose of the alternate base year and a date is necessary for the base year to be used. Discuss for clarification of Deputy’s e-mail.

**ACTION:** THE BOARD ACCEPTED TO ISSUE A CORRECTED DECISION IN THIS CASE TO SPECIFY ALTERNATE BASE YEAR.