MINUTES OF REGULAR MEETING OF THE BOARD OF REVIEW
OCTOBER 2, 2019

JOSEPH P. SIEBER, CHAIRPERSON
NANCY W. HUNT, VICE-CHAIRPERSON
A regular meeting of the Board of Review was held on Wednesday, October 2, 2019 at 10:00 a.m., in Trenton, New Jersey

PRESENT: Joseph Sieber, Chairman, Nancy Hunt, Vice-Chair and William Scaglione, 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 25, 2019 Board meeting.

ACTION: THE BOARD ACCEPTED TO ADOPT THE MINUTES OF THE SEPTEMBER 25, 2019 BOARD MEETING.

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

1. DOUGLAS STOUT BOR DKT. 00188476

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

2. CLAUDE DELORRAINE BOR DKT. 00186796

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

3. BURNIS PARRISH BOR DKT. 00184297

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

4. PORSHA SAWYER BOR DKT. 00183172

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

5. THOMAS TORTORELLA BOR DKT. 00187399

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

6. FREDDY MALAVE BOR DKT. 00180311

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

7. DONNA CLAYTON BOR DKT. 00179412

   Claimant appealed a decision of the Appeal Tribunal denying a request to reopen.
8. JO CARLO
BOR DKT. 00178972
Claimant appealed the decision of the Appeal Tribunal which held a disqualification for discharge for misconduct connected to the work.

9. ERIN MCQUIRE
BOR DKT. 00185967
Claimant appealed the Appeal Tribunal decision holding the claim valid with a weekly benefit rate of $696.00 and a maximum benefit amount of $18,096.00.

**ACTION:** THE BOARD ACCEPTED THE ABOVE CASES AS DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW.

**A-2 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS**

1. LAMAR WILLIAMS
BOR DKT. 00182010
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

2. LAMAR WILLIAMS
BOR DKT. 00185339
Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause.

3. OLGA BERNAL
BOR DKT. 00187148
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

4. HELEN PORTEE
BOR DKT. 00188244
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

5. CINDY NIEVES
BOR DKT. 00184123
Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for misconduct connected with the work.
6. DOROTHY BADECKI  
BOR DKT. 00187006

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

7. MICHAEL ROSS  
BOR DKT. 00185375

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits since New Jersey does not have a reciprocal agreement with the foreign country in which the claimant resides and a non-fraud refund.

8. LEON PITTMAN  
BOR DKT. 00186153

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

9. ANNETTE WAGNER  
BOR DKT. 00186215

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

10. RAFAEL MORALES-CHAVES  
BOR DKT. 00178005

Claimant appealed decision of the Appeal Tribunal holding period of ineligibility for availability for work and active search for work issues.

11. KESHA BARLEY  
BOR DKT. 00187187

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

12. BILL BONVIE  
BOR DKT. 00187191

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

13. MELINDA ROBERTS  
BOR DKT. 00186605

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

14. DARYA SMITH  
BOR DKT. 00187868

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.
15. TIMOTHY KILGORE BOR DKT. 00187960
Employer appealed the decision of the Appeal Tribunal holding a disqualification for benefits for misconduct connected with the work.

16. JOSEPH KIRCHNER BOR DKT. 00187398
Claimant appealed the decision of the Appeal Tribunal which denied the claimant’s request for a pre-date of an unemployment claim.

17. JENNIFER MICHINSKI BOR DKT. 00187420
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

18. ANTOINETTE CAMPBELL BOR DKT. 00186978
Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for misconduct connected with the work.

19. CRYSTAL GAMBLE BOR DKT. 00186670
The claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

20. DAISY WELLS BOR DKT. 00186189
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

21. ALEXIS WILLIAMS BOR DKT. 00187998
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

22. RYAN TURPIN BOR DKT. 00186595
Claimant appealed a decision of the Appeal Tribunal holding a disqualification for leaving the work voluntarily.

23. DWAYNE MOORE BOR DKT. 00183725
Claimant appealed the decision of the Appeal Tribunal denying the request to reopen the matter due to non-registration for the hearing.
24. VIOLA RAND  BOR DKT. 00183868
   Claimant appealed the decision of the Appeal Tribunal denying the request to reopen the matter due to non-registration for the hearing.

25. RITA HANDA  BOR DKT. 00171987
   Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause.

26. MICHAEL JAFELICE  BOR DKT. 00181668
   Claimant appealed the decision of the Appeal Tribunal denying the request to reopen the matter due to non-registration for the hearing.

27. JEAN CALLAHAN  BOR DKT. 00187695
   Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

28. KELLY KINLOCH  BOR DKT. 00181168
   Employer appealed the decision of the Appeal Tribunal denying the request to reopen the matter due to non-registration for the hearing.

29. ROGINA WILLIAMS  BOR DKT. 00187510
   Employer appealed a decision of the Appeal Tribunal holding no disqualification for misconduct connected with the work.

30. RONALD ZELINSKI  BOR DKT. 00184428
   Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

31. CAROLIN LOPEZ  BOR DKT. 00187050
   Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for misconduct connected with the work.

32. PHILLIP PITTMAN  BOR DKT. 00188076
   Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.
33. CONNER LANGLOIS
BOR DKT. 00187197
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.

34. BRIAN RICHARDSON
BOR DKT. 00178532
Claimant appealed decision of the Appeal Tribunal holding a disqualification for voluntarily leaving the work.

35. CANDIDA BURGOS
BOR DKT. 00186804
Claimant appealed decision of the Appeal Tribunal holding a disqualification for voluntarily leaving the work.

36. SADE BROWN
BOR DKT. 00186236
Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

37. FRANK SANTORO
BOR DKT. 00181291
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

38. EDWARD CREIGHTON
BOR DKT. 00188560
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

39. KARY DUFF
BOR DKT. 00187974
Claimant appealed the Appeal Tribunal decision holding the unemployment claim invalid.

40. WILLIAM MAXWELL
BOR DKT. 00187615
Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for misconduct connected with the work.

41. ANTHONY COSENTINO
BOR DKT. 00182740
Claimant appealed a decision of the Appeal Tribunal holding the claimant for a non-fraud refund.
42. KEITH CLARKE, JR. BOR DKT. 00188250

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

43. MIKAELA DUNN BOR DKT. 00187662

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

44. GARY AMOS BOR DKT. 00187493

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

45. SAMUEL MILLER BOR DKT. 00185592

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had a reasonable assurance of reemployment with an educational institution.

46. SAMUEL MILLER BOR DKT. 00185582

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment with an educational institution.

47. DONICA RYLAND BOR DKT. 00181979

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

48. EDWARD HARRIS BOR DKT. 00187800

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for Additional Benefits During Training (ABT).

49. VITO MAFFEI BOR DKT. 00179289

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

50. DEQUAN STEELE BOR DKT. 00180221

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.
51. EILEEN LERRO      BOR DKT. 00187608
Claimant appealed a decision of the Appeal Tribunal holding a disqualification for discharge for misconduct connected with the work.

52. THOMAS GULIANO     BOR DKT. 00184205
Claimant appealed the decision of the Appeal Tribunal denying the request to reopen the matter due to non-registration for the hearing.

53. QAWAUN WHITE      BOR DKT. 00184306
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

54. ADAM COMOLLO       BOR DKT. 00187322
Claimant appealed a decision of the Appeal Tribunal holding a disqualification for voluntarily leaving the work.

55. EDWARD MCHALE      BOR DKT. 00187881
Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

56. RUBEN SALGADO      BOR DKT. 00188528
Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

57. VELVET MCNEIL      BOR DKT. 00190303
Employer appealed a decision of the Appeal Tribunal dismissing the claimant’s appeal under no justiciable issue.

58. CARLOS GONZALEZ    BOR DKT. 00187317
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

59. EDWARD SOZIO       BOR DKT. 00187935
Claimant appealed the decision of the Appeal Tribunal holding a disqualification as the claimant did not meet the reporting requirements of the Division.
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

61. CRAIG BEY
BOR DKT. 00187222

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

62. BERNADETTE DE LEON
BOR DKT. 00176894

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

63. CHANELL GRIFFIN
BOR DKT. 00186838

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

64. MOLLY LAMENIA
BOR DKT. 00182700

Claimant appealed a decision of the Appeal Tribunal holding the employer filed a timely appeal and a disqualification of benefits for leaving work voluntarily.

65. ALEXANDRIA DAMESTOIR
BOR DKT. 00189164

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

66. SIMONE JELKS BANDISON
BOR DKT. 00189757

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

ACTION: THE BOARD ACCEPTED THE ABOVE CASES AS AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS.
A-3 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. DARLENE KEENAN  BOR DKT. 00185561

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

2. CONNIE BIANCULLI  BOR DKT. 00187269

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

3. ANAYERI GARCIA  BOR DKT. 00188717

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

4. DAWN KAMINSKI  BOR DKT. 00187740

Claimant appealed a decision of the Appeal Tribunal holding a period of ineligibility as she was not actively seeking work.

5. JOSE LUIS CANDELARIO  BOR DKT. 00187053

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

ACTION: THE BOARD ACCEPTED THE ABOVE CASES AS REVERSALS OF APPEAL TRIBUNAL DECISIONS.

A-4 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. GABRIEL DIAZ  BOR DKT. 00185314

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

2. TAMARA BUTLER  BOR DKT. 00187660

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.
3. LOVISHA DIXON BOR DKT. 00188973
   Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as late without good cause.

4. GABRIEL BLOCK BOR DKT. 00185247
   Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

5. INSHIRA GRAHAM BOR DKT. 00187657
   Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

6. RUBIN COLLINS BOR DKT. 00185739
   Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

7. YAHMENA BASS-COCHRAN BOR DKT. 00188419
   Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

8. ROBERT BRENNAN BOR DKT. 00188597
   Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for misconduct connected with the work.

9. JOAN SULLIVAN BOR DKT. 00177330
   Claimant appealed a decision of the Appeal Tribunal dismissing the appeal.

10. WILLIAM GIERSBACH BOR DKT. 00186532
    Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily.

11. LINDA JUNG BOR DKT. 00186976
    Claimant appealed decision of the Appeal Tribunal holding a disqualification for voluntarily leaving the work and holding claimant liable for non-fraud refund.
ACTION:  THE BOARD ACCEPTED THE ABOVE CASES AS REMANDS TO THE APPEAL TRIBUNAL OR THE DEPUTY.

SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1  RONALD WALMACH  BOR DKT. 00179770

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

ACTION:  THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION HOLDING NO DISQUALIFICATION FOR BENEFITS.

B-2  JOANN VAN DYKE  BOR DKT. 00186775

Claimant appealed the decision of the Appeal Tribunal holding the appeal filed timely and holding a disqualification for voluntarily leaving the work.

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

B-3  FINESSE SIMMS  BOR DKT. 00180055

Claimant appealed the decision of the Appeal Tribunal holding a disqualification for voluntarily leaving the work, holding a period of ineligibility as the claimant was not able to work and holding the claimant liable for a non-fraud refund.

ACTION:  THE BOARD VOTED TO MODIFY THE APPEAL TRIBUNAL DECISION HOLDING NO DISQUALIFICATION FOR VOLUNTARY LEAVING, AND INELIGIBLE FOR BENEFITS UNDER AN AVAILABILITY FOR WORK ISSUE.
ARNALDO MENDOZA     BOR DKT. 00185664

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

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

RODRIGO GAMON     BOR DKT. 00180606

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 DISQUALIFICATION FOR VOLUNTARILY LEAVING WORK.

MARIA WHITTEN     BOR DKT. 00187443

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

ACTION: THE BOARD VOTED TO MODIFY THE APPEAL TRIBUNAL DECISION FROM A VOLUNTARY QUIT DISQUALIFICATION TO A MISCONDUCT DISQUALIFICATION.