MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
OCTOBER 9, 2019

JOSEPH P. SIEBER, CHAIRPERSON

NANCY W. HUNT, VICE-CHAIRPERSON
A regular meeting of the Board of Review was held on Wednesday, October 9, 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 October 2, 2019 Board meeting.

ACTION: THE BOARD VOTED TO APPROVE AND ADOPT THE MINUTES OF THE SEPTEMBER 2, 2019 MEETING.

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

1. ADRIENNE GRANT BOR DKT. 00181978

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

2. ETOYA TORAN BOR DKT. 00178553

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

3. JESSICA REIZIS BOR DKT. 00182874

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

4. YVROSE ETIENNE BOR DKT. 00181871

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

5. HELEN GOINS BOR DKT. 00188214

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

6. KHAALIQ MUHAMMAD BOR DKT. 00187854

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under active search for work.
7. TAKKIA NORFLEET  
BOR DKT. 00186898
Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under ability to work.

8. LEONILDE MONIZ  
BOR DKT. 00187586
Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause.

9. MELISSA TROVATO  
BOR DKT. 00188743
Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily and not liable for a non-fraud refund.

10. ERIK NORRIS  
BOR DKT. 00187027
Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for misconduct connected with the work.

11. JAQUIR QUEEN  
BOR DKT. 00181230
Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause.

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

**A-2** DENIAL OF REOPENING REQUESTS TO THE BOARD OF REVIEW

1. PATRICIA MOSELY  
BOR DKT. 00182768
Employer request reconsideration of the Board of Review decision affirming the Appeal Tribunal decision holding the claimant not disqualified for leaving work voluntarily.

2. GLORIA BATISTA-MORA  
BOR DKT. 00182936
Claimant requests a reconsideration of the Board of Review decision affirming the Appeal Tribunal decision holding the claimant ineligible for Additional Benefits During Training (ABT).
ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS REOPENING REQUESTS TO THE BOARD OF REVIEW.

A-3 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. KEITH DESCOTEAU BOR DKT. 00187734
   Claimant appealed a decision of the Appeal Tribunal holding a period of ineligibility as the claimant was not available for work.

2. TAREK ALAYDI BOR DKT. 00187647
   Claimant appealed a decision of the Appeal Tribunal holding a disqualification for discharge for misconduct connected with the work.

3. SETH NAPP BOR DKT. 00182039
   Claimant appealed a decision of the Appeal Tribunal denying a request to vacate the decision dismissing the appeal and scheduling a new hearing.

4. DOROTHY HARRELL BOR DKT. 00188167
   Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

5. MIGDALIA AYALA BOR DKT. 00187929
   Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work.

6. LYNNE NOWAK BOR DKT. 00188392
   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.

7. LISA ROGERS BOR DKT. 00187937
   Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

8. JESSICA DEJESUS BOR DKT. 00187428
   Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.
9. RAJANI KHWAOUNJU
   BOR DKT. 00186662
   Claimant appealed the decision of the Appeal Tribunal which denied the claimant’s request for a pre-date of an unemployment claim.

10. MERYL LOLAS
    BOR DKT. 00186451
    Claimant appealed decision of the Appeal Tribunal holding a disqualification for voluntarily leaving the work.

11. LORENZO THOMPSON
    BOR DKT. 00188461
    Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

12. MARIANNA DELGADO
    BOR DKT. 00188195
    Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

13. JACLYN LORBER
    BOR DKT. 00189967
    Claimant appealed decision of the Appeal Tribunal holding her ineligible for Additional Benefits during Training.

14. JALEEN MORRIS
    BOR DKT. 00187280
    Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

15. JUSTIN BUTTERMAN
    BOR DKT. 00183400
    Employer appealed decision of the Appeal Tribunal denying a request to reopen the claim.

16. MIGUEL RODRIGUEZ
    BOR DKT. 00189138
    Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for Additional Benefits During Training (ABT).

17. JAMES DONNELLY
    BOR DKT. 00188735
    Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.
18. CAROL SCALETTI  
Employer #2 appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily.

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

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

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

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

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

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

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

26. ASHLEY ASMONDA  
Claimant appealed a decision of the Appeal Tribunal holding her not ineligible for benefits under availability for work and a disqualification of benefits for leaving work voluntarily.
27. NAJEARIA ELLENWOOD  
BOR DKT. 00189336  
Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

28. TERRI CINTRON  
BOR DKT. 00188635  
Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work.

29. APRIL CALDWELL  
BOR DKT. 00188746  
Claimant appealed a decision of the Appeal Tribunal holding a disqualification for voluntarily leaving the work.

30. KARYM MASSUH  
BOR DKT. 00187324  
Employer appealed the Appeal Tribunal decision holding the unemployment claim invalid.

31. IRA JASKOLL  
BOR DKT. 00189027  
Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause.

32. NATHANIEL THOMAS  
BOR DKT. 00189862  
Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as late without good cause.

33. ANNETTE MOREL  
BOR DKT. 00183425  
Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as late without good cause.

34. KAMEISHA JOHNSON  
BOR DKT. 00188629  
Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work.

35. LYNDIA NATIVIDAD  
BOR DKT. 00189685  
Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as late without good cause.
36. BRIDGET BOWEN  BOR DKT. 00186572

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily with no toll out.

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

A-4  REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. ANTHONY D’AGOSTINO  BOR DKT. 00185945

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

2. AFRODITI DECKER  BOR DKT. 00189110

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and ineligibility for benefits as the claimant had reasonable assurance of reemployment between terms. The claimant also appealed a non-fraud refund.

3. DANGELY MESA  BOR DKT. 00187161

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

4. HOUSSAM TOUFFAILI  BOR DKT. 00188855

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

5. ROSA PEREZ  BOR DKT. 00187919

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

**ACTION:** THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS REVERSALS OF APPEAL TRIBUNAL DECISIONS.
A-5 Modifications of Appeal Tribunal Decisions

1. CARLA SARAVANOS  BOR DKT. 00187145

The claimant appealed a decision of the Appeal Tribunal which held the claimant ineligible for disability during unemployment benefits under reporting requirements.

2. LAZARA RIVERO  BOR DKT. 00188845

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

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

A-6 Remands to the Appeal Tribunal or Deputy

1. VALERIE OTT  BOR DKT. 00185386

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

2. SHAMONDA CRIBB  BOR DKT. 00187699

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

3. KAYLEE COLLINS  BOR DKT. 00187272

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

4. JASMINE HENDERSON  BOR DKT. 00181795

Employer appealed the decision of the Appeal Tribunal which denied the request to reopen the appeal.

5. KELVIN CALVA  BOR DKT. 00183800

Claimant appealed decision of the Appeal Tribunal denying the request to reopen the appeal.
6. BEATRICE FLIPPEN  BOR DKT. 00168008

Deputy appealing decision of the Appeal Tribunal holding claimant liable for a non-fraud refund.

7. CARL SCHUENEMANN  BOR DKT. 00183404

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

8. NIKKI GRAY  BOR DKT. 00179911

Employer appealed a decision of the Appeal Tribunal holding the claimant eligible for benefits on the ground that she was available for work.

9. PATRICIA CHARLES  BOR DKT. 00187183

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

10. ROCHELLE WALKER  BOR DKT. 00182745

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

11. LAWRENCE MYRICK  BOR DKT. 00154435

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

12. ADNAND SHAHAJ  BOR DKT. 00187947

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

13. SHERRECE ROOKS  BOR DKT. 00189508

Hearing could not be found checked digital recording using SS#, claimant’s name, date of hearing and AE’s # but no hearing can be found.

14. KAYLAH LEWIS  BOR DKT. 00189271

The employer appealed a decision of the Appeal Tribunal holding no disqualification as the discharge was not for misconduct connected to the work.
15. JOSE QUINONEZ  
BOR DKT. 00188764  

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

16. KAYLEE COLLINS  
BOR DKT. 00187272  

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

**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**  
BERNICE BARKHAMER  
BOR DKT. 00183898  

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

**ACTION:** THE BOARD VOTED TO REMAND THE ABOVE CASE TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY REGARDING ALL THE CLAIMANT’S EMPLOYERS.

**B-2**  
SAMARA KRAFT  
BOR DKT. 00155363  

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’S DECISION AND REJECT THE ATTORNEY’S CONTENTION THAT THERE WAS A DUE PROCESS VIOLATION.

B-3 MARVIN SALAZAR
BOR DKT. 00188864

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under active search for work, and holding the claimant liable for a non-fraud refund.

ACTION: THE BOARD VOTED TO TABLE THIS CASE UNTIL THE MEETING OF OCTOBER 16, 2019.

B-4 MARIETTE GUAY
BOR DKT. 00187717

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 WITH A REWRITE TO ADD ADDITIONAL DETAILS WITH RESPECT TO THE REASON THE CLAIMANT VOLUNTARILY LEFT THE JOB.

B-5 TOMASA RUIZ
BOR DKT. 00188712

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

ACTION: THE BOARD VOTED TO REVERSE THE VOLUNTARY QUIT DISQUALIFICATION AND REMAND TO THE DEPUTY THE CLAIMANT’S AVAILABILITY.

B-6 VICTOR CAMACHO
BOR DKT. 00187787

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 AS THE RECORD DID NOT SUPPORT THE FINDINGS THAT THE CLAIMANT HAD GOOD CAUSE FOR LEAVING WORK.

B-7 RICHARD MULE BOR DKT. 00189311

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

ACTION: THE BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION ON THE TIMELINES AND REMAND FOR TESTIMONY ON THE MERITS.

B-8 AMANDA CAPONEGRO BOR DKT. 00187264

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

ACTION: THE BOARD VOTED TO REMAND FOR ADDITIONAL TESTIMONY REGARDING CLAIMANT'S DISABILITY AND FOR CLAIMANT'S MEDICAL DOCUMENTATION.

B-9 BIBIANA MILLER BOR DKT. 187944

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

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION WITH A MODIFICATION CITING THE HOPKINS CASE.

B-10 AMBIMBOLA ATOBATELE BOR DKT. 00188358

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily, misconduct connected with the work, refusing suitable work and not ineligible for benefits under availability for work.
ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION WITH A REWRITE.