MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
OCTOBER 23, 2019

JOSEPH P. SIEBER, CHAIRPERSON

NANCY W. HUNT, VICE-CHAIRPERSON
A regular meeting of the Board of Review was held on Wednesday, October 23, 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 16, 2019 Board meeting.

ACTION: THE BOARD VOTED TO APPROVE THE MINUTES OF THE OCTOBER 16, 2019 MEETING, WITH THE EXCEPTION OF BOR DKT. 00144288 DAPHNE KAPLAN, WHICH WAS TABLED TO THE OCTOBER 30, 2019 BOARD MEETING.

A-1 VACATED APPEALS TO THE BOARD OF REVIEW

1. SEAN HEATH BOR DKT. 00167490

The claimant appealed a determination of the Deputy holding the claimant ineligible for benefits for failing to report in accordance with regulations of the Division.

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. ANTHONY DINARO BOR DKT. 00188575

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

2. CORRY ALLEN BOR DKT. 00177873

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

3. NANCY VINELLA BOR DKT. 00182625

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.
ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW.

A-3 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. WLADYSLAW DZIABA BOR DKT. 00182722
   Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

2. EMILY DANIELS BOR DKT. 00185600
   Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

3. SULTAN TARKAN BOR DKT. 00189236
   Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability to work and liable for a non-fraud refund.

4. CAROLYN BORGER BOR DKT. 00181777
   Claimant appealed a decision of the Appeal Tribunal holding a disqualification for leaving the work voluntarily and holding a liability for a non-fraud refund.

5. ANTHONY RUIZ BOR DKT. 00187709
   Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as late without good cause.

6. BRANDY DURANT BOR DKT. 00189660
   Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for misconduct connected with the work.

7. MELINDA KNUDSEN BOR DKT. 00188294
   Claimant appealed the Appeal Tribunal decision holding the disability during unemployment claim invalid.

8. WILLIAM PALOMINO BOR DKT. 00190290
   Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.
9. DARIUZ CEGIELNIK  
BOR DKT. 00190483

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

10. MICHAEL PAOLELLO  
BOR DKT. 00189691

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

11. ISHMAEL BOAKAI  
BOR DKT. 00189641

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

12. MERCEDES FRIAS  
BOR DKT. 00189697

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

13. BROOKE DESOMMA  
BOR DKT. 00189468

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

14. OCTAVIA BRADLEY  
BOR DKT. 00189372

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

15. OCTAVIA BRADLEY  
BOR DKT. 00189373

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

16. SUSAN MIKLAUSCHINA  
BOR DKT. 00189588

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

17. CESAR MARTINEZ-PEREZ  
BOR DKT. 00190428

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause.
18. ERICA LILLIS  
BOR DKT. 00189380
Claimant appealed the decision of the Appeal Tribunal holding a disqualification for benefits for misconduct connected with the work.

19. ALEXIS LACH  
BOR DKT. 00191182
Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms, and holding that wages from non-school employment are insufficient to establish a valid claim.

20. CESAR SEGURA  
BOR DKT. 00187878
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

21. NAGINA LEACH  
BOR DKT. 00169145
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

22. FRED BURG  
BOR DKT. 00184393
Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms.

23. DAWN JOHNSON  
BOR DKT. 00158691
Employer appealed decision of the Appeal Tribunal holding no disqualification as the claimant did not refuse an offer of suitable work without good cause.

24. CHRISTOPHER MARTONE  
BOR DKT. 00187269
Claimant appealed a decision of the Appeal Tribunal denying the request to reopen the matter.

25. LAKEISHA GLASTER  
BOR DKT. 00191691
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for gross misconduct connected with the work.
26. JOANNE WILLIAMS BOR DKT. 00189562

Employer appealed a decision of the Appeal Tribunal holding the claimant eligible for benefits under availability for work.

27. ANDREW MATEFFY BOR DKT. 00168295

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

28. CRAIG HOFFMAN BOR DKT. 00186366

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

29. SHAYNA COLON BOR DKT. 00189086

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

30. ANTHONY UCHIN BOR DKT. 00190129

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

31. KELLY MILLER BOR DKT. 00187565

Employer appealed a decision of the Appeal Tribunal which held no disqualification as the suspension was not for misconduct connected to the work.

32. TYASIA DRINKARD BOR DKT. 00175810

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

33. KEISHA RAY BOR DKT. 00190882

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

34. BARRY SHAW BOR DKT. 00189787

Claimant’s estate appealed a decision of the Appeal Tribunal denying several requests for a waiver of refund of unemployment benefits.
35. BARRY SHAW
BOR DKT. 00189790

Claimant’s estate appealed a decision of the Appeal Tribunal denying several requests for a waiver of refund of unemployment benefits.

36. BARRY SHAW
BOR DKT. 00189792

Claimant’s estate appealed a decision of the Appeal Tribunal denying several requests for a waiver of refund of unemployment benefits.

37. BARRY SHAW
BOR DKT. 00189793

Claimant’s estate appealed a decision of the Appeal Tribunal denying several requests for a waiver of refund of unemployment benefits.

38. BARRY SHAW
BOR DKT. 00189794

Claimant’s estate appealed a decision of the Appeal Tribunal denying several requests for a waiver of refund of unemployment benefits.

39. CRYSTAL ROGERS
BOR DKT. 00192219

Claimant appealed decision of the Appeal Tribunal dismissing the appeal of the Deputy’s determination on the ground that it was filed late without good cause.

40. MICHAEL GALLO
BOR DKT. 00190280

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

41. PEDRITO RAMIREZ
BOR DKT. 00180486

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

42. PERRI CRAVEN
BOR DKT. 00185099

Claimant appealed a decision of the Appeal Tribunal holding the claim for disability benefits during unemployment invalid.

43. JOSEPH O’CONNOR
BOR DKT. 00186430

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.
44. BRANDI MCINTYRE  
BOR DKT. 00190686

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

45. DEBORAH HAHN  
BOR DKT. 00191477

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

46. DIANE GOWDY  
BOR DKT. 00183708

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

47. KRISTEN PETRISKO  
BOR DKT. 00190383

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

48. HAMID ALOUACH  
BOR DKT. 00189525

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

49. HAMID ALOUACH  
BOR DKT. 00189523

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

50. HAMID ALOUACH  
BOR DKT. 00189527

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

51. HAMID ALOUACH  
BOR DKT. 00189524

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms.
52. GAY BARTHER  
BOR DKT. 00190333

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

53. GUSTAVO JAIMES VELASCO  
BOR DKT. 00189981

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

54. NICOLE MASTRANGELO  
BOR DKT. 00189503

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

55. MATTHEW OTCHY  
BOR DKT. 00190118

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

56. LISA FAUST  
BOR DKT. 00189852

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

57. PAMELA INCA  
BOR DKT. 00184130

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

58. SHAKEENA SMALLEY  
BOR DKT. 00191074

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

59. ERIC POTTER  
BOR DKT. 00190484

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

60. ELSIE RIVERA  
BOR DKT. 00190547

The claimant filed an appeal to a decision of the Appeal Tribunal which held the claimant ineligible for benefits for failing to report in accordance with the regulations of the Division.
61. ROBIN BREINER
BOR DKT. 00190215
Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for Additional Benefits During Training (ABT).

62. MARY ANN LYNN
BOR DKT. 00178594
Claimant appealed the decision of the Appeal Tribunal holding disqualification of benefits for leaving work voluntarily.

63. JONETTE HUNT
BOR DKT. 00190790
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.

64. SARAH FARMER
BOR DKT. 00191588
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

65. MELISSA POLANCO
BOR DKT. 00189063
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

66. SANDRO MATIAS
BOR DKT. 00182115
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

67. DENISE HOLLERBACH
BOR DKT. 00183504
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 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS.
A-4  REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. HENRIETTA GABLE  BOR DKT. 00187983

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

ACTION:  THE BOARD VOTED TO REMOVE THIS CASE FROM THE REVERSAL CATEGORY AND REMAND IT TO THE APPEAL TRIBUNAL TO GATHER ADDITIONAL INFORMATION.

A-5  MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. FRANK SCAVELLI  BOR DKT. 00189425

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

2. KRISTY GASPARINO  BOR DKT. 00189786

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

3. JACQUES ARGILAGOS  BOR DKT. 00191237

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

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

A-6  REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. FRANK SCAVELLI  BOR DKT. 00189428

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

2. LATOI MCNATT  BOR DKT. 00171299

Claimant appealed decision of the Appeal Tribunal denying request to reopen.
3. RALPH GAUDIN             BOR DKT. 00189858

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

4. DELMAR MOORE, JR.        BOR DKT. 00183067

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

5. CALVIN ARMSTRONG         BOR DKT. 00186277

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

6. TIFFANY RICHARDSON       BOR DKT. 00185354

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

7. SHATYANA FRAZIER         BOR DKT. 00188037

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

8. ANTHONY FERRENTINO       BOR DKT. 00191075

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

9. KYLE ZYSKOWSKI           BOR DKT. 00183510

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

10. SAKU HERRING            BOR DKT. 00189839

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

11. TIMOTHY BUSCH           BOR DKT. 00188197

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for misconduct connected with the work.
12. GORDHANBHAI VEKARIA  BOR DKT. 00184492

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

13. RAMIL KISMAT  BOR DKT. 00181649

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

14. TARIQ JOHNSON  BOR DKT. 00184189

Claimant appealed the decision of the Appeal Tribunal holding a disqualification for discharge for misconduct connected to 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** JOSE SOTOMAYOR  BOR DKT. 00189737

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 HOLDING A VOLUNTARY QUIT DISQUALIFICATION.

**B-2** DARLENE TIMOTHY  BOR DKT. 00189187

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

**ACTION:** THE BOARD VOTED TO REMAND THIS CASE TO ADDRESS THE ISSUE OF WHETHER THE CLAIMANT LEFT WORK VOLUNTARILY WITHOUT GOOD CAUSE.
PERRY CALLAS
BOR DKT. 00189290

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 HOLDING A VOLUNTARY QUIT DISQUALIFICATION.

CHRISTOPHER WILLIAMS
BOR DKT. 00177545

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 HOLDING A VOLUNTARY QUIT DISQUALIFICATION.

LISA GESNER
BOR DKT. 00189160

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under ability to work and liability to a non-fraud refund.

ACTION: THE BOARD VOTED TO TABLE THIS CASE FOR FURTHER CONSIDERATION.

KYLE MASTERS
BOR DKT. 00164848

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 HOLDING A VOLUNTARY QUIT DISQUALIFICATION.
B-7  SONGCERI CUTTINO  BOR DKT. 00190081

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

ACTION:  THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL HOLDING MISCONDUCT ALLOWED.

B-8  JOSEPH KEATING  BOR DKT. 00189487

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 AFFIRM THE APPEAL TRIBUNAL DECISION HOLDING THE CLAIMANT INELIGIBLE FOR BENEFITS BETWEEN TERMS AS THE CLAIMANT HAD REASONABLE ASSURANCE OF REEMPLOYMENT.

B-9  ALEXANDER LAKATOS  BOR DKT. 00191102

Claimant appealed the decision of the Appeal Tribunal which held the claimant ineligible for DDU benefits on the ground that the claim was filed late without good cause.

ACTION:  THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION HOLDING THE CLAIMANT INELIGIBLE FOR DISABILITY DURING UNEMPLOYMENT BENEFITS ON THE GROUND THAT THE CLAIM WAS FILED LATE WITHOUT GOOD CAUSE.

EXECUTIVE SESSION:

AT 11:21 THE BOARD VOTED TO GO INTO EXECUTIVE SESSION FOR LEGAL ADVICE REGARDING A SUPERIOR COURT ORDER.

AT 11:34 THE BOARD VOTED TO COME OUT OF EXECUTIVE SESSION AT WHICH TIME THE OPEN PUBLIC MEETING WAS ADJOURNED.