MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
OCTOBER 30, 2019

JOSEPH P. SIEBER, CHAIRPERSON

NANCY W. HUNT, VICE-CHAIRPERSON
A regular meeting of the Board of Review was held on Wednesday, October 30, 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 23, 2019 Board meeting.

ACTION: THE BOARD VOTED TO APPROVE THE MINUTES OF THE OCTOBER 23, 2019 MEETING.

OLD BUSINESS:

1. LISA GESNER BOR DKT. 0189160

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 TO BE PLACED AS OLD BUSINESS IN THE MEETING OF NOVEMBER 6, 2019.

2. DAPHNE KAPLAN BOR DKT. 00144288

Case remanded from Superior Court to review the monetary eligibility on the claim dated August 20, 2017 and for non-fraud refund request. (This case was on the August 28, 2019 agenda and is being put back on this agenda for reconsideration).

ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASE BACK FROM THE COURT AND REMAND TO THE APPEAL TRIBUNAL FOR A NEW HEARING WITH A SUBPEONA TO THE DEPUTY.

A-1 VACATED APPEALS TO THE BOARD OF REVIEW

1. DAMIEN WALKER BOR DKT. 00191297

Claimant appealed a decision of the Appeal Tribunal granting the claimant’s request for withdrawal of his appeal of a non-fraud refund.
2. ASWAH CROWDER  
BOR DKT. 00181435

The employer appealed the Deputy’s determination denying relief of benefit charges.

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

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

1. PAUL SULLIVAN  
BOR DKT. 00182884

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

2. ASHWIN NAGRE  
BOR DKT. 00189783

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

3. AMIER HOOD  
BOR DKT. 00182604

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

4. RUDDY CASTILLO  
BOR DKT. 00189251

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

5. CHARLES TURNER  
BOR DKT. 00188297

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

6. ADAM MACKNOWSKY  
BOR DKT. 00189151

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 DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW.

A-3 REQUEST FOR RECONSIDERATION FROM THE SUPERIOR COURT

1. ROSE GONZALEZ BOR DKT. 00164879

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 CASE BACK FROM THE COURT AND REMAND TO DISCUSS MEDICAL DOCUMENTATION.

A-4 DENIAL OF REOPENING REQUESTS TO THE BOARD OF REVIEW

1. BEVERLY COOPER BOR DKT. 00182438

Claimant requests a reconsideration of the Board of Review decision affirming the Appeal Tribunal decision which held the claimant ineligible for benefits under ability for work and liability to a non-fraud refund.

2. TYRONE BAKER BOR DKT. 00186329

Claimant requests a reconsideration of the Board of Reviews decision affirm the Appeal Tribunal decision which dismissed the claimant’s appeal as late without good cause. (A memo will be sent to the Appeal Tribunal)

3. DAHLIA RODRIGUEZ BOR DKT. 00187167

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

4. SHAVONNE KNOLTON BOR DKT. 00183870

Claimant requests a reconsideration of the Board of Review’s decision affirming the Appeal Tribunal decision which held the claimant liable for a non-fraud refund.
5. BILL BONVIE  
BOR DKT. 00187191

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.

**ACTION:** THE BOARD VOTED TO ACCEPT ABOVE CASES AS DENIALS OF REOPENINGS TO THE BOARD OF REVIEW.

### A-5 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. CHUKWUAMEKA KENDRICK  
BOR DKT. 00182523

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

2. CHRISTOPHER WILEMAN  
BOR DKT. 00176525

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

3. HERIBERTO GALVIS  
BOR DKT. 00190023

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

4. MARIE MONTALVO  
BOR DKT. 00190332

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

5. TANISHA HILL  
BOR DKT. 00191370

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

6. BENJAMIN BIGBY  
BOR DKT. 00184844

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.
7. DIVYANG SHAH  BOR DKT. 00190293

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

8. ASHLEY POUSCHEL  BOR DKT. 00189836

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

9. VICTOR SANTIAGO  BOR DKT. 00186548

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

10. TROI EVERETT  BOR DKT. 00187632

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work, ability to work and active search for work.

11. DANIELLE SLINGBAUM  BOR DKT. 00190596

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

12. HAILEY TUCCI  BOR DKT. 00190732

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

13. KATHRYN DENZ  BOR DKT. 00189485

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

14. ABDULBASIR CUSHMERE  BOR DKT. 00182428

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.
15. SHAVONNAH GORDON
BOR DKT. 00188278
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

16. CARLOS RIVERA
BOR DKT. 00190597
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

17. LISETTE RODRIGUEZ
BOR DKT. 00190615
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

18. BARBARA HUNTER
BOR DKT. 00190896
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

19. MARIA THOMPSON
BOR DKT. 00186658
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

20. BRIAN WARREN
BOR DKT. 00189409
Claimant appealed decision of the Appeal Tribunal holding no disqualification for discharge from the work and holding disqualification for leaving the work voluntarily without good cause attributable to such work.

21. VINCENT ROBERTELLO
BOR DKT. 00191698
Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

22. TERRY DAVIS
BOR DKT. 00191376
Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

23. TABITHA LAURENZO
BOR DKT. 00189729
Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.
24. NADIA GABSI

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

25. NASTASSIA DAVIS

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.

26. NAQUASHA SALMOND

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

27. JOSEPH MACLARDY

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

28. KELLY MATOS

Claimant appealed a decision of the Appeal Tribunal holding no disqualification for discharge from the work and holding the claimant ineligible as the claimant was not available for work.

29. GEOFFREY WAUMANS

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

30. PATERICIA GRANT

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

31. JANET CICCHINI

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

32. INAYAH HARRISON

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits or leaving work voluntarily.
33. CHRISTA SALVIANO

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

34. CAMMIE GRAYS

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

35. ANA NUÑEZ

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal of the Director’s determinations on the ground that the appeal was filed late without good cause.

36. ERIC CONTY

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

37. SHIREELYN GORDON

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause and the claimant ineligible for benefits under availability for work.

38. KALVIN BATTS

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

39. DAVID ERQUINIGO

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

40. HEATHER LAMB

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as late without good cause.
41. CARLOS HINCAPIE  BOR DKT. 00190733

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

42. GIANCARLO RAMOS  BOR DKT. 00186524

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

43. LAURA SEELEY  BOR DKT. 00191093

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

44. TANYA VIALET  BOR DKT. 00191930

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

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

**A-6 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS**

1. JESUS CINTRON  BOR DKT. 00189809

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

**ACTION:** THE BOARD VOTED TO ACCEPT THE ABOVE CASE AS A MODIFICATION OF AN APPEAL TRIBUNAL DECISION.

**A-7 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY**

1. ERIC STURGIS  BOR DKT. 00190762

Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for misconduct connected with the work.
2. SANDRA LEIBELL  
BOR DKT. 00184382
Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as late without good cause.

3. JEERIC PRITCHETT  
BOR DKT. 00190266
Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for misconduct connected with the work.

4. DANIEL KING  
BOR DKT. 00189874
Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

5. DARLENE RIVERS  
BOR DKT. 00191205
Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause.

6. DARLENE RIVERS  
BOR DKT. 00191206
Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause.

7. KAREN MOORE  
BOR DKT. 00188216
Claimant appealed the decision of the Appeal Tribunal which held the claimant liable for a non-fraud refund.

8. ANNETTE QUINTANA  
BOR DKT. 00192055
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

9. INYAH MORALES  
BOR DKT. 00192572
Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for misconduct connected with the work.

10. RAYMONDO CASILLAS  
BOR DKT. 00174638
Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for failing to report in accordance with the regulations of the Division.
11. MICHELLE FERREIRAS
BOR DKT. 00191037
Claimant appealed decision of the Appeal Tribunal holding a disqualification for leaving work voluntarily and holding the claimant liable for non-fraud refund.

12. TRACI JUDGE
BOR DKT. 00185507
Claimant appealed the decision of the Appeal Tribunal denying the request to reopen the matter due to non-registration for the hearing.

13. FAYYAZ MAJEED
BOR DKT. 00185433
Claimant appealed decision of the Appeal Tribunal holding the claimant disqualified for benefits on the ground that the claimant was discharged for misconduct connected with the work.

14. AMY DOOLEY
BOR DKT. 00190675
Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for misconduct connected with the work.

15. JEFF DONKIN
BOR DKT. 190840
Claimant appealed the Appeal Tribunal decision holding the unemployment claim valid with 13 weeks of benefits.

16. RAUL CABALLERO
BOR DKT. 00185640
The employer appealed a decision of the Appeal Tribunal holding no disqualification as the claimant did not leave the work voluntarily without good cause attributable to the work.

17. DAVID VICTORIA
BOR DKT. 00191765
Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for misconduct connected with the work.

18. DANILO SALGADO
BOR DKT. 00191721
Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with 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  MATTHEW TOLLI  BOR DKT. 00187401

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

ACTION:  THE BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL FOR THE CLAIMANT’S ELIGIBILITY BEYOND A REASONABLE ASSURANCE PERIOD AS THE CLAIMANT WAS A NON-PROFESSIONAL EMPLOYEE NOT BACK TO WORK.

B-2  MARIA PINTO  BOR DKT. 00184164

Claimant is appealing the decision of the Appeal Tribunal holding a disqualification for voluntarily leaving the work without good cause attributable to the work and holding her liable for a non-fraud refund.

ACTION:  THE BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL NO VOLUNTARY QUIT AND NO MISCONDUCT. APPELLATE SPECIALIST HAS TO WRITE NEW DECISION.

B-3  TRACI WILLIS  BOR DKT. 00179492

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

ACTION:  THE BOARD VOTED TO TABLE THIS CASE FOR FURTHER DISCUSSION ON THE NOVEMBER 6, 2019 MEETING.