MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
NOVEMBER 20, 2019

JOSEPH P. SIEBER, CHAIRPERSON
NANCY W. HUNT, VICE-CHAIRPERSON
A regular meeting of the Board of Review was held on Wednesday, November 20, 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 November 13, 2019 Board meeting.

ACTION: THE BOARD VOTED TO APPROVE THE MINUTES OF NOVEMBER 13, 2019 WITH A NOTATION THAT A CORRECTION WAS MADE TO REFLECT THE CORRECT DATE. NOVEMBER 6, 2019 WAS WRITTEN IN ERROR AND CORRECTED TO NOVEMBER 13, 2019.

A-1 VACATED APPEALS TO THE BOARD OF REVIEW

1. JAZMYN HINTON BOR DKT. 00143729

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 AS A VACATED APPEAL TO THE BOARD OF REVIEW.

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

1. ERIKA STREETER BOR DKT. 00178707

The employer appealed a decision of the Appeal Tribunal holding no disqualification for leaving work voluntarily, no disqualification of benefits for refusing suitable work, and no disqualification of benefits for being a full-time student.

2. LILLIAN BAUTISTA BOR DKT. 00189838

Claimant appealed decision of the Appeal Tribunal holding a period of ineligibility on the ground that the claimant was not available for work.

3. CASSANDRA ALSTON BOR DKT. 00104769

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.
4. GUSTAVO PAREDES  
BOR DKT. 00168025

Claimant appealed to the courts from the decision of the Board of Review affirming the Appeal Tribunal’s order denying the request to reopen.

5. BRITNEY GASKINS  
BOR DKT. 00190244

Claimant appealed a 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-3 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. NICOLO FRANCESCONI  
BOR DKT. 00192267

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

2. JAMILAH GRISWOLD  
BOR DKT. 00192360

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

3. JASMINE ROACH  
BOR DKT. 00193623

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

4. JEFFREY HEMINGWAY  
BOR DKT. 00190267

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

5. JEFFREY HEMINGWAY  
BOR DKT. 00190271

Claimant appealed a decision of the Appeal Tribunal denying the request to reopen the matter due to non-registration for the hearing.
6. RAMIA NADDAF  
BOR DKT. 00186097  
Claimant appealed decision of the Appeal Tribunal holding a disqualification for leaving the work voluntarily without good cause attributable to such work.

7. BRYANT MILLS, SR.  
BOR DKT. 00192550  
Claimant appealed the decision of the Appeal Tribunal which denied the claimant’s request for a pre-date of an unemployment claim.

8. ZENOBIA MCWHORTER  
BOR DKT. 00192617  
Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause.

9. GRACIA ANASTASIA  
BOR DKT. 00181287  
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

10. BAHIG TAWFELLOS  
BOR DKT. 00187577  
Claimant appealed a decision of the Appeal Tribunal reducing the weekly benefit rate due to a pension offset.

11. DONNA LYDECKER  
BOR DKT. 00191288  
Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

12. CARL BEECHER  
BOR DKT. 00184684  
Claimant appealed decision of the Appeal Tribunal holding a disqualification for voluntarily leaving the work without good cause attributable to such work.

13. JOHN SPAGNOLA  
BOR DKT. 00191720  
Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

14. JOSEPH MATTHEWS  
BOR DKT. 00192084  
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.
15. AROLD TURNER  

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

16. MARY CRAWFORD  

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

17. NYDIRAH BANKS  

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

18. VITO MAFFEI  

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

19. MICHAEL RICH  

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

20. ADRIANA RODRIGUEZ-COREANO  

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

21. VIRGILIO MARTINEZ  

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

22. ANTHONY BONANNO  

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

23. CINDY ORTEGA  

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.
24. JOHN ASCIONE  
BOR DKT. 00192480

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

25. MANUEL ALMODOVAR  
BOR DKT. 00192552

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

26. JUDITH KOMLODI  
BOR DKT. 00193167

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

27. IYANNA NEAL  
BOR DKT. 00192701

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

28. ROXANNE GILL  
BOR DKT. 00191353

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

29. MICHELLE YOUNGER  
BOR DKT. 00194100

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

30. DANIELLE STAFFORD  
BOR DKT. 00193539

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

31. JASON DRIVER  
BOR DKT. 00193295

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits for failing to report in accordance with the regulations of the Division.

ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS.
A-4 Reversals of Appeal Tribunal Decisions

1. ESTEBAN GUERRERO
   BOR DKT. 00192788

   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 AS A REVERSAL OF AN APPEAL TRIBUNAL DECISION.

A-5 Modifications of Appeal Tribunal Decisions

1. WADI SHENOUDA
   BOR DKT. 00192841

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

2. GRACE ABRAMS
   BOR DKT. 00190183

   Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms.

3. AFROZE KHAN
   BOR DKT. 00190904

   Claimant appealed the decision of the Appeal Tribunal dismissing a portion of the appeal as late and holding the claimant ineligible for benefits under availability for work.

4. WILLIAM NORIEGA
   BOR DKT. 00160576

   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 CASES AS MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS.
Remands to the Appeal Tribunal or Deputy

1. ANTOINE BROWN
   BOR DKT. 00184207

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

2. MIWAKO BETUEL
   BOR DKT. 00192944

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

3. SHIRLEY WILLIAMSON
   BOR DKT. 00192022

   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.

4. MARISOL ZAMORA
   BOR DKT. 00192471

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

5. SEMAJ LYNCH
   BOR DKT. 00192784

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

6. ALAINA TORRES
   BOR DKT. 00192653

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

7. CHARLES TURNER
   BOR DKT. 00192628

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

8. MARYANN MCELROY-KINGHORN
   BOR DKT. 00193817

   Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.
9. KEFA GARY  
BOR DKT. 00187796

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

10. KYONA LEWIS  
BOR DKT. 00193152

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

11. DONISHA JOHNSON  
BOR DKT. 00192052

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

12. PETER BUDD  
BOR DKT. 00190888

Claimant appealed 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** WILFREDO ACEVEDO  
BOR DKT. 00191293

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

**ACTION:** THE BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL HOLDING THAT THE CLAIMANT ESTABLISHED AN INITIAL CLAIM FOR BENEFITS DATED AUGUST 4, 2019.

**B-2** ISHANEL RIVERA  
BOR DKT. 00192534

Employer appealed the 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 TO SUPPLEMENT THE RECORD REGARDING THE TIMELINESS OF THE APPEAL BASED ON EMPLOYERS HOSPITALIZATION.

B-3 ANGELICA JUAREZ BOR DKT. 00192300

Claimant appealed the decision of the Appeal Tribunal withdrawing the appeal.

ACTION: THE BOARD VOTED TO REMAND THIS CASE BACK TO THE APPEAL TRIBUNAL TO DEVELOP A FULL RECORD ON THE MERITS.

B-4 GREGORY BOTTOMLY BOR DKT. 00191484

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

ACTION: THE BOARD VOTED TO REMAND FOR FURTHER DEVELOPMENT OF THE RECORD.

B-5 FABIOLA ALARCON BOR DKT. 00191767

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 CLAIMANT VOLUNTARILY LEFT THE JOB WITHOUT GOOD CAUSE ATTRIBUTABLE TO THE WORK.

B-6 SALVATORE NESTA BOR DKT. 00177547

Claimant requests reconsideration of the Board of Review’s decision affirming the Appeal Tribunal’s decision which denied the claimant’s request for a predate of an unemployment claim.
ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DENYING THE CLAIMANT’S REQUEST TO PREDATE THE CLAIM.

B-7 SHARON ORLANDO BOR DKT. 00188431

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

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION HOLDING A VOLUNTARY LEAVING DISQUALIFICATION. THE DECISION WILL BE REWRITTEN TO ANSWER THE ATTORNEYS QUESTIONS.