MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
DECEMBER 4, 2019

JOSEPH P. SIEBER, CHAIRPERSON

NANCY W. HUNT, VICE-CHAIRPERSON
A regular meeting of the Board of Review was held on Wednesday, December 4, 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 27, 2019 Board meeting.

ACTION: THE BOARD VOTED TO ACCEPT THE MINUTES OF THE NOVEMBER 27, 2019 MEETING.

OLD BUSINESS:

1. THERESA DUMONT  BOR DKT. 00192543

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause. (This case was tabled in the meeting of November 27, 2019). Appellate Specialist Matos.

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION WITH A REWRITE TO ADDRESS THE CLAIMANTS CONTENTION OF A FAILURE TO PAY BENEFITS.

2. ADONIUS MELVINS  BOR DKT. 00194028

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily. (This case was tabled in the meeting of November 27, 2019). Appellate Specialist Matos.

ACTION: THE BOARD VOTED TO MODIFY THE DECISION OF THE APPEAL TRIBUNAL FROM A VOLUNTARY QUIT DISQUALIFICATION TO A REFUSAL OF SUITABLE WORK ALLOWED.

3. ANDREINA ESPINAL  BOR DKT. 00193080

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, and liable for a non-fraud refund. (This case was tabled in the meeting of November 27, 2019). Appellate Specialist Zola.
ACTION: THE BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION HOLDING A VOLUNTARY QUIT DISQUALIFICATION AND A LIABILITY TO REFUND BENEFITS TO A VOLUNTARY QUIT ALLOWED AND NO LIABILITY TO REFUND BENEFITS.

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

1. BARRY WEST

BOR DKT. 00188434

Claimant appealed a decision of the Appeal Tribunal which held the appeal filed timely and held an ineligibility as there were insufficient qualifying wages in accordance with Public Law 97-362.

ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASE AS A DISMISSAL OF A LATE APPEAL TO THE BOARD OF REVIEW.

A-2 BOARD OF REVIEW CASES DISMISSED WITHOUT PREJUDICE

1. MICHAEL OLIVEIRA

BOR DKT. 00190174

Claimant appealed a decision of the Appeal Tribunal holding the claim for Ex-Serviceman’s benefits invalid and a liability for a non-fraud refund.

ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASE AS A DISMISSAL WITHOUT PREJUDICE.

A-3 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. KYLE HILL

BOR DKT. 00193978

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

2. SHENA DEGAN

BOR DKT. 00193945

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.
3. DENISE STEPHENS
BOR DKT. 00193327
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

4. EDWARD MORGAN
BOR DKT. 00194346
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

5. KEVIN TROUTMAN
BOR DKT. 00194863
Claimant appealed the decision of the Appeal Tribunal which held the claimant ineligible for benefits for failing to report in accordance with the regulations of the Division.

6. REGINALD COLLEY
BOR DKT. 00194187
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and that subsequent weeks and wages in covered employment were not sufficient to overcome the disqualification imposed.

7. SLAWOMIR JURASZEK
BOR DKT. 00193432
Claimant appealed the decision of the Appeal Tribunal holding a disqualification for leaving work voluntarily.

8. LATOYA JACOBS
BOR DKT. 00193626
Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

9. MALAIJAH WILSON
BOR DKT. 00194517
Claimant appealed the Appeal Tribunal decision holding the unemployment claim invalid.

10. JULIAN CUELLAR
BOR DKT. 00194228
Claimant appealed the decision of the Appeal Tribunal holding the claimant disqualified for discharge for misconduct connected to the work.
11. CALLIE BIELY  BOR DKT. 00190476

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

12. ESTEBAN SURIEL  BOR DKT. 00188558

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

13. LORRAINE BROWN-BROWN  BOR DKT. 00188141

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

14. DEMETRIA MYLES  BOR DKT. 00194158

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

15. ANNMARIE LUGIN  BOR DKT. 00189474

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

16. SARAH PENFOLD  BOR DKT. 00194338

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

17. NICOLE GRANATO  BOR DKT. 00194653

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

18. VILMARY NUÑEZ  BOR DKT. 00193889

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

19. CARLOS CANOVERA  BOR DKT. 00184019

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily, no disqualification of benefits for
misconduct connected with the work and liable for benefit charges to its experience rating account.

20. GINA DAMIANO  
BOR DKT. 00194084

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

21. MIGDALIA CHICO  
BOR DKT. 00193294

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

22. GAROUTE ALEXIS  
BOR DKT. 00187096

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

23. MICHELE ROSSETTI  
BOR DKT. 00194182

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

24. MARK DANISZEWSKI  
BOR DKT. 00194560

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

25. RUBI CRUZ  
BOR DKT. 00194190

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

26. JAMES POLANCO  
BOR DKT. 00193581

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

27. DJERY LARSON  
BOR DKT. 00194549

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.
28. NIAJAH BRYANT
BOR DKT. 00194323

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

29. CLARITA MARANIA
BOR DKT. 00194609

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

30. ELLEN O’SHEA
BOR DKT. 00194785

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

31. LAURIE JOHNSON
BOR DKT. 00194153

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

32. DIANE MAGILL
BOR DKT. 00194214

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

33. ROBERT NARDONE
BOR DKT. 00193522

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

34. AHMED ABDELAZIM
BOR DKT. 00193829

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

35. ERIC YSABEL
BOR DKT. 00194347

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

36. ANNA PEASE
BOR DKT. 00193923

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 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS.

A-4 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. EDWARD MACE BOR DKT. 00192494

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

2. LOUISE ORTMANN BOR DKT. 00193398

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 REVERSALS OF APPEAL TRIBUNAL DECISIONS.

A-5 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. ROBERT STANLEY, JR. BOR DKT. 00193574

Claimant appealed the decision of the Appeal Tribunal holding him disqualified for benefits due to his full-time student status.

2. THORIS COLLIE BOR DKT. 00188098

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

3. EUFEMIA GUZMAN BOR DKT. 00193311

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

4. JENNIFER FERNANDEZ BOR DKT. 00194888

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

BOR DKT. 00185555

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

6. DAVID HOLZE

BOR DKT. 00194400

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

BOR DKT. 00190040

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 DENIED.

B-2 RAMON RODRIGUEZ

BOR DKT. 00193589

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 DENIED.

B-3 ANN INMAN

BOR DKT. 00194497

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for gross misconduct connected with the work (and the validity of the claim).
ACTION: THE BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY FROM THE CLAIMANT.

B-4 MORGAN COLFAIX

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

ACTION: THE BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY REGARDING TERMS AND CONDITIONS OF AGREEMENT FOR CLAIMANT TO WORK REMOTELY FROM HOME.

B-5 SCOTT PORCHIK

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.


THE BOARD VOTED THAT THE OPEN PUBLIC MEETINGS FOR THE CALENDAR YEAR 2020 WILL BE HELD EVERY WEDNESDAY FROM JANUARY 8, 2020 TO DECEMBER 30, 2020 IN THE LABOR BUILDING, 1 JOHN FITCH PLAZA, 7TH FLOOR, LARGE CONFERENCE ROOM.

IT WAS ALSO VOTED THAT MR. SIEBER WILL REMAIN AS CHAIRMAN, MS. HUNT WILL REMAIN AS THE VICE CHAIR AND MR. SCAGLIONE WILL REMAIN AS THE EXECUTIVE SECRETARY.

AT 11:24 THE BOARD VOTED TO GO INTO EXECUTIVE SESSION FOR LEGAL ADVICE.

AT 11:33 THE BOARD VOTED TO COME OUT OF EXECUTIVE SESSION AND RESUME THE OPEN PUBLIC MEETING, AT WHICH TIME IT WAS ALSO VOTED THAT THE OPEN PUBLIC MEETING BE ADJOURNED.