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BOARD OF REVIEW

**MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
JULY 10, 2019**

JOSEPH P. SIEBER, CHAIRPERSON

NANCY W. HUNT, VICE-CHAIRPERSON

BOARD OF REVIEW MEETING JULY 10, 2019

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A regular meeting of the Board of Review was held on Wednesday, July 3, 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.

BOARD OF REVIEW MINUTES – JULY 10, 2019 MEETING

SECTION A – HEARING MATTERS

A-1 OLD BUSINESS

1. DEBRA JOSLYN BOR DKT. 00179280

Employer appealed the decision of the Appeal Tribunal holding the claimant's wages were earned in employment, and no disqualification of benefits for leaving work voluntarily.

**ACTION: 10:09 BOARD DECIDED TO AFFIRM FIRST PART OF
DECISION REGARDING INDIVIDUAL CONTRACTOR
AND TO REMAND THE SECOND PART OF THE
DECISION REGARDING VOLUNTARY QUIT.**

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

1. GINA LABOZZETTA BOR DKT. 00173209

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

2. STACIE CHESSON BOR DKT. 00177671

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

3. ROBIN AUSTELL BOR DKT. 00177294

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

4. SUSAN P MURTAUGH BOR DKT. 00178995

Claimant appealed a determination holding the claimant ineligible for benefits under ability to work.

5. MARIAN SAAD II BOR DKT. 00178600

Claimant appealed a determination holding a disqualification of benefits for leaving work voluntarily.

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ACTION: 10:12 BOARD MEMBERS VOTED TO ACCEPT THE ABOVE CASES AS LATE APPEALS TO THE BOARD OF REVIEW.

A-3 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. JENNIFER SARKISIAN BOR DKT. 00175822

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

2. MICHAEL CHARVALA BOR DKT. 00180110

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.

3. THOMAS MCDERMOTT BOR DKT. 00168547

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

4. GLORIA E GUILLEN BOR DKT. 00179279

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

5. DOMINGO MALLQUI BOR DKT. 00180408

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

6. JOHN CRADDOCK BOR DKT. 00180143

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

7. BERNARD W CLARK BOR DKT. 00181669

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

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8. KATHLEEN GAGGIN BOR DKT00180635

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

9. GLENN FERNANDEZ BOR DKT. 00179470

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

10. TOMAS VELASQUEZ BOR DKT. 00173695

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

11. ANTHONY NAPPI JR BOR DKT. 00149109

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

12. ITALO VEINTIMILLA SR. BOR DKT. 00180886

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

13. LOREN KUTCHER BOR DKT. 00176143

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

14. KEVON SHIPMAN BOR DKT. 00176382

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

15. MARBELLA SANEZ BOR DKT. 00172896

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

16. MARISELA ENCARNACION BOR DKT. 00175263

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

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17. BRIANNA ROTHMEL BOR DKT00179254

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

18. BRENDA TORRES BORDKT. 00173887

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

19. LINDA MORTIMERHACKING BOR DKT. 00180261

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

20. MARISA MARTI BOR DKT. 00177184

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

21. ANGELIC DE LOS ANGELES BOR DKT. 00176632

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

ACTION: 10:14 BOARD MEMBERS VOTED AND AGREED TO ACCEPT THE ABOVE CASES AS AFFIRMED APPEALS FROM APPEAL TRIBUNAL DECISIONS.

A-4 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. MIRELA SMAJLOVIC BOR DKT. 00179049

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

2. JULIA HANKERSON BOR DKT. 00179761

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

ACTION: 10:15 BOARD MEMBER AGREED TO ACCEPT THE ABOVE CASES AS REVERSAL APPEALS FROM APPEAL TRIBUNAL DECISIONS.

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A-5 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. CAROLYN STELLA BOR DKT. 00178583

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

ACTION: 10:16 BOARD VOTED TO ACCEPT THE APPEAL CASE AS A MODIFIED APPEAL FROM THE APPEAL TRIBUNAL DECISION.

A-6 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. JIMMY FABIEN BOR DKT. 00181068

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

2. RONALD WALMACH BOR DKT. 00179770

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

3. PATRICIA PENA BOR DKT. 00179675

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

4. FRANK MONTE BOR DKT. 00175267

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

5. WILLIAM NORIEGA BOR DKT00160576

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

6. INDIA AIKENS BOR DKT. 00181127

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

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7. SOPHONIA N WILLIAMS BOR DKT. 00178409

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

8. KAREN MAROCELLI BOR DKT. 00179848

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

9. CHARLOTTE P EILERTSEN BOR DKT. 00119582

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

10. ZONIA A ADAMS BOR DKT. 00179420

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

11. DOAA AMEEN BOR DKT. 00179879

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

12. ERIKA Y STREETER BOR DKT. 00178707

Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily, and eligible for benefits under full-time student.

ACTION: 10:17 BOARD MEMBERS ACCEPTED THE ABOVE CASES AS REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY.

SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 KWAMI K MCDONALD BOR DKT. 00147848

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

ACTION: THE BOARD VOTED TO RETURN THE ABOVE CASE TO THE APPEAL TRIBUNAL AS A REMAND TO REVIEW NEW EVIDENCE.