



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lieutenant Governor

State of New Jersey
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
P.O. Box 110
TRENTON, NEW JERSEY 08625-0110

ROBERT ASARO-ANGELO
Commissioner

BOARD OF REVIEW

**MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
JULY 17, 2019**

JOSEPH P. SIEBER, CHAIRPERSON

NANCY W. HUNT, VICE-CHAIRPERSON

BOARD OF REVIEW MINUTES – JULY 17, 2019 MEETING

SECTION A – HEARING MATTERS

BOARD OF REVIEW MINUTES:

Submitted for adoption are the Board of Review Minutes of its meeting of July 10, 2019.

ACTION: THE BOARD VOTED TO ADOPT THE MINUTES OF THE JULY 10, 2019 MEETING.

A-1 ORDER VACATING BOARD OF REVIEW APPEALS

1. DALAINA ROSARIO BOR DKT. 00171903

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

2. WILLIAM BROWN BOR DKT. 00179783

Employer appealed the decision of the Appeal Tribunal holding that the claimant worked covered employment.

ACTION: THE BOARD VOTED TO VACATE THE ABOVE BOARD OF REVIEW APPEALS.

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

1. HECTOR HERNANDEZ BOR DKT. 00169094

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

2. JOSE SOTO BOR DKT. 00177914

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

3. MARIE PILKINGTON BOR DKT. 00179195

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

4. CHICANDA HENRY BOR DKT. 00171795

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

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

A-3 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. NIKOLAY BALIEV BOR DKT. 00160196

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

2. HECTOR LOPEZ BOR DKT. 00171670

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

3. SHARDAE ETHRIDGE BOR DKT. 00174193

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

4. PAUL VOGLER BOR DKT. 00174252

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

5. DOROTHY EVANS BOR DKT. 00174459

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

6. ROBERT BARNES BOR DKT. 00175733

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

7. VINCENT CARUSO BOR DKT. 00177112

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

8. FELIX ARAUJO BOR DKT. 00177956

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Claimant appealed the decision of the Appeal Tribunal which held the claimant ineligible for disability benefits.

9. CHARLES SCHMIDT BOR DKT. 00178469

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

10. JOSHEPHINE DIMICELI BOR DKT. 00178565

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

11. ANGELA CUTEONE BOR DKT. 00178807

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.

12. KELON SINSLCIR BOR DKT. 00179107

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

13. TYRONE POWELL BOR DKT. 00179198

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

14. WILBERT ELEY BOR DKT. 00179485

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.

15. VERIANN CLARKE BOR DKT. 00179503

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

16. ANGELA TURNER BOR DKT. 00179563

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

17. AARON GLOGOWER BOR DKT. 00179875

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

18. WAZEER SHABAZZ BOR DKT. 00179877

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.

19. AURELIO BALUTJR BOR DKT. 00179912

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

20. TRINA RIVERA BOR DKT. 00179920

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

21. ROLAND GARNER BOR DKT. 00179948

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

22. LORENZO PATAWAY BOR DKT. 00180029

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause and liable for a non-fraud refund.

23. TARA HOWIE BOR DKT. 00180187

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.

24. ARTHUR DREHER BOR DKT. 00180298

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

25. RICARDO JIMENEZ BOR DKT. 00180471

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

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26. KIM PASCARELLA BOR DKT. 00180771

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

27. JEAN MILFORT BOR DKT. 00180710

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

28. CHRISTINE RAVETIER BOR DKT. 00180860

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

29. BRIGID STAGLIANO BOR DKT. 00181019

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

30. CLAUDIA LORENZANA BOR DKT. 00180813

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

31. FLORAINE WHITFIELD BOR DKT. 00178512

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

32. JOSEPH BARNUM BOR DKT. 00180065

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

33. VERNA SUTTONHODGE BOR DKT. 00173670

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

34. LAUREN GOODWYN BOR DKT. 00181043

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

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35. JAMES THOMAS BOR DKT. 00181789

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

36. KARINA HERIQUEZ BOR DKT. 00175820

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

37. MICHELLE ASSA BOR DKT. 00176069

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

38. AQUILES SANCHEZ BOR DKT. 00173040

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

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

A-4 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. CORNELL ADAMS BOR DKT. 00176387

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

2. AKIM WALDEN BOR DKT. 00178187

Claimant appealed the decision of the Appeal Tribunal dismissing as late without good cause and liable for non-fraud refund.

3. ANNETTE PTASZENSKI BOR DKT. 00180224

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

4. SHANNEL THOMAS BOR DKT. 00181336

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

5. BREYANNA HOLLINS BOR DKT. 00180906

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work and an ineligibility for benefits under actively seeking work.

ACTION: THE BOARD AGREED TO ACCEPT THE ABOVE CASES AS REVERSALS OF APPEAL TRIBUNAL DECISIONS.

6. MARC WILLIAMS BOR DKT. 00181040

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

ACTION: THE BOARD DECIDED TO TABLE THIS CASE UNTIL THE NEXT MEETING OF JULY 24, 2019.

A-5 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. ANNETTE PETERCSAK BOR DKT. 00175635

Claimant appealed from a decision of the Appeal Tribunal holding the claimant not entitled to partial unemployment benefits and liable for non-fraud refund.

ACTION: THE BOARD ACCEPTED THE ABOVE CASE AS A MODIFICATION OF AN APPEAL TRIBUNAL DECISION.

A-6 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. ANNETTE REVZIN BOR DKT. 00179490

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

2. MARY ANN LYNN BOR DKT. 00178594

Claimant appealed late with good cause to the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

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3. RODRIGO GAMON BOR DKT. 00180606

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

4. JOAN SULLIVAN BOR DKT. 00177330

Claimant filed late appeal from Appeal Tribunal decision dismissing appeal for no justiciable issue.

5. NELSON ROSADO BOR DKT. 00180675

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

6. NIKKI GRAY BOR DKT. 00179911

Employer appealed a decision of the Appeal Tribunal holding the claimant eligible for benefits under availability for work (ability for work and/or active search for work.)

7. MARTHA MELVIN BOR DKT. 00181057

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

8. STEPHANIE ORTIZ BOR DKT. 00180287

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

9. ASHLEY THOMAS-BROWN BOR DKT. 00180375

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

ACTION: THE BOARD AGREED TO ACCEPT THE ABOVE CASES AS REMANDS TO THE APPEAL TRIBUNAL OR THE DEPUTY.

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A-7 REQUEST FOR RECONSIDERATION FROM SUPERIOR COURT

1. LITA FERNANDEZ BOR DKT. 00162735

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 DECIDED TO RECONSIDER AND REMAND THIS CASE TO THE APPEAL TRIBUNAL.

A-8 REQUEST TO REOPEN TO THE APPEAL TRIBUNAL

1. IVETTE M. CALO BOR DKT. 00140001

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).

2. NICOLE LAURIE-JACKSON BOR DKT. 00140239

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).

3. CECELIA BETHEA BOR DKT. 00143116

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 TABLED THESE CASES TO DECIDE WHETHER TO REOPEN THEM ON ITS OWN MOTION OR TO ASK THE APPEAL TRIBUNAL TO CONSIDER REOPENING THEM FOR RECONSIDERATION.

SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

- B-1 GARY EVANGELISTA BOR DKT. 00172934

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

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ACTION: THE BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION.

B-2 LUCERO DIAZ DE LOS SANTOS BOR DKT. 00176603

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

ACTION: THE BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL TO SUBPEONA THE EMPLOYER.

B-3 DANNY IGLESIAS BOR DKT. 00179724

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

ACTION: THE BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION.

B-4 SANDRA PEREZ BOR DKT. 00180049

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

ACTION: THE BOARD AGREED TO REVERSE THE APPEAL TRIBUNAL DECISION.

B-5 DEQUAN STEELE BOR DKT. 00180221

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

ACTION: THE BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY.

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B-6 MODESTO GIL BOR DKT. 00180390

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

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION.

B-7 JOHNATHAN LUCIANO BOR DKT. 00180411

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

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION.

B-8 BEVERLY COOPER BOR DKT. 00180473

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

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION WITH REGARD TO THE VALIDITY OF THE CLAIM. A MEMO WILL BE FORWARDED TO THE APPEAL TRIBUNAL REGARDING THE PAYMENT OF BENEFITS ON THE 2018 CLAIM.

B-9 DAVID FALLOWS BOR DKT. 00181128

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

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION BUT FOR THE DECISION TO BE REWRITTEN TO ADDRESS THE CORRECT ANALYSIS FOR THE REDUCTION IN PAY.

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B-10 DONNA KEAVENEY BOR DKT. 00180203

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

**ACTION: THE BOARD VOTED TO REVERSE THE DECISION OF
THE APPEAL TRIBUNAL.**

B-11 TATAMIRA RICHARDSON BOR DKT. 00045213

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

**ACTION: THE BOARD VOTED TO DISMISS THIS CASE AS A LATE
APPEAL TO THE BOARD OF REVIEW.**