



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
AUGUST 7, 2019**

JOSEPH P. SIEBER, CHAIRPERSON

NANCY W. HUNT, VICE-CHAIRPERSON

BOARD OF REVIEW MEETING AUGUST 7, 2019

AUGUST 7, 2019

.....
A regular meeting of the Board of Review was held on Wednesday, August 7, 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 – AUGUST 7, 2019 MEETING

SECTION A – HEARING MATTERS

BOARD OF REVIEW MINUTES:

Submitted for adoption are the Board of Review minutes of the meeting of July 31, 2019.

ACTION: THE MINUTES FOR THE JULY 31, 2019 MEETING WERE ADOPTED IN THE MEETING OF AUGUST 7, 2019.

OLD BUSINESS:

1. JONATHAN M RICHARDSON BOR DKT. 00168338

Claimant requests a reconsideration of the Board of Review decision affirming the Appeal Tribunal decision holding the claimant disqualified for benefits for leaving work voluntarily (tabled for discussion in the meeting of 7/31/19 to be discussed in the meeting 8/7/19).

2. GERMAN RAMIREZ-CATELLON BOR DKT. 00181296

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

ACTION: THE BOARD VOTED TO REVERSE DOCKET 00168338 IN FAVOR OF THE CLAIMANT AND TO REVERSE THE TIMELINESS ON DOCKET 00181296

A-1 ORDER VACATING BOARD OF REVIEW APPEALS

1. CARLA FASCIANO BOR DKT. 00182820

Claimant 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.

2. CARLA FASCIANO BOR DKT. 00182820

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

BOARD OF REVIEW MINUTES – AUGUST 7, 2019 MEETING

3. JENNIFER SCHAFFER BOR DKT. 00183997

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

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

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

1. MICHEL JEREZ BOR DKT. 00182369

Employer appealed a decision of the Appeal Tribunal holding no disqualification for refusal of suitable work issue.

2. CHAO ZHANG BOR DKT. 00175505

Employer appealed the validity of an unemployment claim and contended that the claimant did not work for them.

3. KELLY SODON BOR DKT. 00183462

Employer appealed the Appeal Tribunal decision holding the unemployment claim valid.

4. SIDDEEQA H SINGLEY BOR DKT. 00181131

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

5. JESSICA CISNEROS-VARGAS BOR DKT. 00181781

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

6. MAURICE JEFFERSON BOR DKT. 00182020

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

BOARD OF REVIEW MINUTES – AUGUST 7, 2019 MEETING

7. WINSOME MCQUEEN BOR DKT. 00166967

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

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

A-4 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. MICHAEL SARGENTI BOR DKT. 0018123

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work and not ineligible for benefits under reporting requirements.

2. ASHA JACK BOR DKT. 00182924

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

3. DAWN BACCARE BOR DKT. 00177570

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

4. YLSA GUTIERREZ BOR DKT. 00179430

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

5. MARIA SOLORZANO BOR DKT. 00182312

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

6. ERNEST WHITAKER BOR DKT. 00182096

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

BOARD OF REVIEW MINUTES – AUGUST 7, 2019 MEETING

7. BRITTANY PAPA BOR DKT. 00182014

Claimant appealed the Appeal Tribunal decision holding the unemployment claim invalid and a liability to a non-fraud refund.

8. ROBERTO ESPOSITO BOR DKT. 00179978

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

9. IVY DAN BOR DKT. 00181968

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

10. DEANNA ISABEL BOR DKT. 00181841

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

11. RACQUEL MILLER BOR DKT. 00181547

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

12. RICHARD MING BOR DKT. 00179871

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

13. LENA FINLEY BOR DKT. 00181276

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

14. CLAUDE LEECHONG BOR DKT. 00178288

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

15. WENDILY MENDEZ BOR DKT. 00175158

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal due to non-registration for the hearing.

BOARD OF REVIEW MINUTES – AUGUST 7, 2019 MEETING

16. LISA ADER

BOR DKT. 00181849

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

17. TYRESA TODD

BOR DKT. 00182159

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

18. BRENNAN SWEENEY

BOR DKT. 00182277

Claimant appealed the Appeal Tribunal's decision holding the claimant ineligible for family leave benefits.

19. JESSICA BOTTA

BOR DKT. 00182427

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

20. JACK LORE

BOR DKT. 00182538

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits for failing to meet the reporting requirements of the division.

21. LISA TENNISNIEVES

BOR DKT. 00180459

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

22. FATMA INAN

BOR DKT. 00182623

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

23. LUZ COURSEY

BOR DKT. 00183052

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

24. PABLO HURTADO

BOR DKT. 00175579

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

BOARD OF REVIEW MINUTES – AUGUST 7, 2019 MEETING

25. CRYSTAL FERNANDEZ BOR DKT. 00179089

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

26. CARMEN BURGOS BOR DKT. 00181145

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

27. BARBARA STEFANACCI BOR DKT. 00181172

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

28. CHARLENE GOMEZ BOR DKT. 00171395

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

29. AMANDA FLORES BOR DKT. 00178663

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

30. KAYLAN MURPHY BOR DKT. 00183642

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

31. MARCIAL MARIANO BOR DKT. 00183057

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

32. ROBERT DALESSIO BOR DKT 00175421

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

33. WILLIAM PARKS BOR DKT. 00183127

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

BOARD OF REVIEW MINUTES – AUGUST 7, 2019 MEETING

34. SARAH DANIELS BOR DKT. 00183564

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

35. DIONNA ANDERSON BOR DKT. 00183234

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

36. FELICIANO DIAZ BOR DKT. 00182720

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

37. FERNANDO VIZCAINO BOR DKT. 00183185

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

38. VANEET GARG BOR DKT. 00182399

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 no disqualification of benefits for refusing suitable work.

39. BRITTANY ASMAR BOR DKT. 00182730

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

40. LATEEF BARNES BOR DKT. 00181714

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

41. AMYLIZ AMAYA BOR DKT. 00181449

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

BOARD OF REVIEW MINUTES – AUGUST 7, 2019 MEETING

42. SADIYYAH SIMPSON BOR DKT. 00181802

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

43. MARY KEOUGH BOR DKT. 00181617

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

44. DANTE LILLISTON BOR DKT. 00181671

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

45. LINDSAY CONSTANTINO BOR DKT. 00179831

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

46. DANTE LILLISTON BOR DKT. 00181672

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

47. RAYMOND MAJEWSKI BOR DKT. 00182082

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

48. AWILDA BELARDO BOR DKT. 00181552

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

49. LEAH HOLMES BOR DKT. 00182731

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

50. RAY KINEE BOR DKT. 00182076

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

BOARD OF REVIEW MINUTES – AUGUST 7, 2019 MEETING

51. JOANN WIGGINS BOR DKT. 00182914

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

52. ALICIA DECESARE BOR DKT. 00183238

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

53. RONDEL WILLIAMS BOR DKT. 00183371

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

54. CASSANDRA AUGUSTIN BOR DKT. 00183953

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

55. PATRICIA MOSELY BOR DKT. 00182768

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

56. LAUREEN L BULL BOR DKT. 00179910

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

57. DAVION GREGORY BOR DKT. 00182854

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

58. JOHN LYONS BOR DKT. 00182319

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

59. GLORIA BATISTA-MORA BOR DKT. 00182396

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

BOARD OF REVIEW MINUTES – AUGUST 7, 2019 MEETING

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

A-5 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. ELIECER AVENDANO BOR DKT. 00179972

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

2. LINDA HARRIS BOR DKT. 00171835

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

3. MARSHELLE JONES BOR DKT. 00182174

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

4. JULIAN GUILARTE BOR DKT. 00179532

Claimant appealed a decision of the Appeal Tribunal dismissing appeal as late without good cause, and not ineligible for benefits under N.J.S.A. 43:21-4(c) for subsequent periods.

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

A-6 REQUEST FOR RECONSIDERATION FROM SUPERIOR COURT

1. VALARIE SKAILENKO BOR DKT. 00168875

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

ACTION: THE BOARD VOTED TO TAKE THE ABOVE CASE BACK TO REWRITE IT.

BOARD OF REVIEW MINUTES – AUGUST 7, 2019 MEETING

A-7 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. JOY SEYMOUR BOR DKT. 00180960

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

2. CAROLANN MCMENEMY BOR DKT. 00171957

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

3. JESUS OSORIO BOR DKT. 00176233

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

4. JAMIE HANKERSON BOR DKT. 00182405

Claimant appealed a decision of the Appeal Tribunal holding no disqualification for leaving work voluntarily and ineligible for benefits under availability for work.

5. STEPHANIE TERMIDOR BOR DKT. 00181705

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

6. SADE WARREN BOR DKT. 00183225

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

7. JODY DAVID BOR DKT. 00182489

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

8. GIUSEPPE DIGIOVANNI BOR DKT. 00182951

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

BOARD OF REVIEW MINUTES – AUGUST 7, 2019 MEETING

9. RASHA ELSAVED BOR DKT. 00170239

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

10. KURSHAD JUHAL BOR DKT. 00181264

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

11. RAYMOND RUFINO BOR DKT. 00181318

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily and no liability for non-fraud refund.

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 GRACE ESPIRITU BOR DKT. 00182586

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

ACTION: THE BOARD VOTED AND AGREED TO REVERSE AND WRITE A NEW DECISION REVERSEING THE APPEAL TRIBUNAL'S DECISION.

B-2 SONIA HERNANDEZ BOR DKT. 00181659

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

ACTION: THE BOARD VOTED AND AGREED TO SEND THIS CASE BACK TO THE APPEAL TRIBUNAL FOR A NEW HEARING.

BOARD OF REVIEW MINUTES – AUGUST 7, 2019 MEETING

B-3 JAMES HIGGENS BOR DKT. 00179570

Claimant appealed the decision of the Appeal Tribunal holding no disqualification for discharge from the work and holding the claimant disqualified for voluntarily leaving the work.

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

B-4 HOLLIE SUTTON BOR DKT. 00181100

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

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

B-5 CONRAD MC PHERSON BOR DKT. 00182616

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

ACTION: THE BOARD VOTED AND AGREED TO TABLE THIS CASE FOR FURTHER DISCUSSION. (THIS CASE WILL BE DISCUSSED IN THE MEETING OF AUGUST 14, 2019).

BOARD OF REVIEW MINUTES – AUGUST 7, 2019 MEETING

B-6 BAHEEJAH OSIFO BOR DKT. 00181760

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

ACTION: THE BOARD VOTED TO TABLE THIS CASE FOR FURTHER DISCUSSION. (THIS CASE WILL BE DISCUSSED IN THE MEETING OF AUGUST 14, 2019.)

B-7 GIUSEPPE POLIZZI BOR DKT. 00174602

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 TO REVERSE AND REMAND THE CASE BACK TO THE APPEAL TRIBUNAL.

B-8 THOMAS COUNTS BOR DKT. 00176908

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for being a full-time student.

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION WITH A REWRITE TO A DISMISSAL OF APPEAL TO THE BOARD OF REVIEW.

B-9 CHRISTOPHER LOKERSON BOR DKT. 00183745

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

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION AND HOLD NO MISCONDUCT.

BOARD OF REVIEW MINUTES – AUGUST 7, 2019 MEETING

B-10 KHAN CARTER BOR DKT. 00180803

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

ACTION: THE BOARD VOTED TO REMAND THE CASE BACK TO THE APPEAL TRIBUNAL FOR FURTHER TESTIMONY.

B-11 KAREN PLORANSKY BOR DKT. 00178132

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

ACTION: THE BOARD VOTED TO TABLE THIS CASE FOR FURTHER DISCUSSION. (THIS CASE WILL BE DISCUSSED IN THE MEETING OF AUGUST 14, 2019).

B-12 ADRIANA LAVARCO BOR DKT. 00173914

Claimant appealed a decision of the Appeal Tribunal holding the claimant disqualified for benefits for being a full-time student, and ineligible for benefits under availability for work.

ACTION: THE BOARD VOTED TO TABLE THIS CASE FOR FURTHER DISCUSSION. (THIS CASE WILL BE DISCUSSED IN THE MEETING OF AUGUST 14, 2019).

SECTION – C - CASES TO BE DISCUSSED IN EXECUTIVE SESSION REGARDING PROCEDURAL MATTERS

1. FANG LIU BOR DKT. 00133296

2. KEONA WRIGHT BOR DKT. 00113887