SECTION A – HEARING MATTERS

BOARD OF REVIEW MINUTES

Submitted for adoption are the minutes of the August 7, 2019 Board meeting.


OLD BUSINESS

1. KAREN PLORANSKY  BOR DKT. 00178132

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

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

2. 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 AFFIRM THE APPEAL TRIBUNAL DECISION. NO MISCONDUCT.

3. ADRIANA LAVAROCO   BOR DKT. 00173914

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits because of her student status and ineligible for benefits under availability for work.


4. 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 TO AFFIRM APPEAL TRIBUNAL DECISION. NO VOLUNTARY QUIT OR MISCONDUCT.

A-1 WITHDRAWAL OF APPEALS

1. ASAF GUTTMAN BOR DKT. 00181628

The Deputy appealed a decision of the Appeal Tribunal holding the claimant eligible for Disability During Unemployment benefits.

ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASE AS A WITHDRAWAL OF AN APPEAL TO THE BOARD OF REVIEW.

A-2 ORDER VACATING APPEALS TO THE BOARD OF REVIEW

1. APRIL WILLIAMS BOR DKT. 00183169

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

2. JOSEPH OCASIO BOR DKT. 00183177

Claimant appealed the decision of the Appeal Tribunal which dismissed the claimants appeal due to failure to register and participate in the hearing.

3. DOREEN MITCHELL BOR DKT. 00171136

The docket was setup as an appeal in error. The appeal was under DK00171316.

4. PAMELA KING BOR DKT. 00182543

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

5. PAMELA KING BOR DKT. 00182297

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

ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS VACATED APPEALS TO THE BOARD OF REVIEW.
A-3 Dismissals of Late Appeals to the Board of Review

1. Anastasia Conover  BOR DKT. 00181919
   Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

2. Michael Lesnikov  BOR DKT. 00181787
   Claimant appealed the Appeal Tribunal decision holding the unemployment claim invalid.

3. Hugh MacIsaac  BOR DKT. 00180842
   Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.

4. Rachema White  BOR DKT. 00171426
   Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, and holding the claimant liable for a non-fraud refund.

5. Deshay Dickson  BOR DKT. 00179846
   Claimant appealed a decision of the Appeal Tribunal holding a disqualification for benefits for refusing suitable work.

6. Tony Willis  BOR DKT. 00181228
   Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

7. Jacqueline Thompson  BOR DKT. 00182833
   Claimant appealed late to the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

8. Kenneth Dusebout  BOR DKT. 00182163
   Claimant appealed late to the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.
9. SABRINA ACEVEDO  BOR DKT. 00181636

Claimant appealed late to a decision of the Appeal Tribunal which held the claimant ineligible for Family Leave Insurance benefits.

10. MARLENIN OSORIO  BOR DKT. 00172328

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

11. MARCEL BIZIEN  BOR DKT. 00182764

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

12. KAYLA HILL  BOR DKT. 00173345

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

13. WILBERT MUNOZ  BOR DKT. 00124724

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

14. ALEXIS LACH  BOR DKT. 00182028

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms.

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

A-4 REQUEST FOR RECONSIDERATION FROM SUPERIOR COURT

1. GUSTAVO PAREDES  BOR DKT. 00168025

Claimant appealed the decision of the Appeal Tribunal denying the request to reopen the matter due to non-registration for the hearing. The Board affirmed the
Appeal Tribunal. Superior Court is requesting the Board reconsider the denial of reopening due to the claimant’s limited English proficiency.

2. **DAPHNE KAPLAN**  BOR DKT. 00144288

Claimant is disputing monetary entitlement from the Appeal Tribunal decision and a liability to a non-fraud refund.

**ACTION:** THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS REQUESTS FOR RECONSIDERATION FROM THE SUPERIOR COURT.

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**A-5 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS**

1. **LIZZY MARIN**  BOR DKT. 00174586

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

2. **MARCIA ALICEA**  BOR DKT. 00179775

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

3. **REYNA CHAVEZ**  BOR DKT. 00182922

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

4. **GWENDOLYN ATWATER**  BOR DKT. 00183040

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

5. **RENEE YELLOCK**  BOR DKT. 00181605

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

6. **REGINALD BARFIELD**  BOR DKT. 00182094

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.
7. JORGE LUDIZACA BOR DKT. 00181587

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

8. MARCELLE GRIFFIN BOR DKT. 00182090

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

9. DILLON DITTENHOFER BOR DKT. 00183070

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

10. ZHARIYA JONES BOR DKT. 00178334

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

11. LINDA GUERCI BOR DKT. 00176975

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

12. RENEE WILLIAMS BOR DKT. 00182440

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

13. JACEK KOCZARSKI BOR DKT. 00182222

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

14. DANIEL SERRANO BOR DKT. 00182789

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

15. CESAR ROJAS BOR DKT. 00182644

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.
<table>
<thead>
<tr>
<th>Claimant</th>
<th>BOR DKT.</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>16. PERSHAN PARSARD</strong></td>
<td>00183339</td>
<td>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.</td>
</tr>
<tr>
<td><strong>17. EFRAIN REYES</strong></td>
<td>00183317</td>
<td>Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.</td>
</tr>
<tr>
<td><strong>18. JAMONT SESSOMS</strong></td>
<td>00183178</td>
<td>Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for misconduct connected with the work.</td>
</tr>
<tr>
<td><strong>19. RYAN MALLEY</strong></td>
<td>00183300</td>
<td>Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, and holding the claimant liable for a non-fraud refund.</td>
</tr>
<tr>
<td><strong>20. SUZANNE ALTEN</strong></td>
<td>00182714</td>
<td>Claimant appealed the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.</td>
</tr>
<tr>
<td><strong>21. ANTHONY DURHAM</strong></td>
<td>00181386</td>
<td>Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work.</td>
</tr>
<tr>
<td><strong>22. LOUIS FOGAN</strong></td>
<td>00177639</td>
<td>Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work and leaving work voluntarily.</td>
</tr>
<tr>
<td><strong>23. TANISE HARRIS</strong></td>
<td>00171306</td>
<td>Claimant appealed the decision of the Appeal Tribunal denying the request to reopen the matter due to non-registration for the hearing.</td>
</tr>
<tr>
<td><strong>24. LINA EL YOUNIS</strong></td>
<td>00182069</td>
<td>Claimant appealed the Appeal Tribunal decision holding the unemployment claim invalid due to insufficient base year earnings.</td>
</tr>
</tbody>
</table>
25. CHRISTY MULLER          BOR DKT. 00175626

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

26. EXPEDITO REYNOSO        BOR DKT. 00184013

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

27. NATALIE GRUNGO          BOR DKT. 00181401

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for additional benefits during training.

28. CAMILA RECALDE          BOR DKT. 00183188

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

29. DANTE CIERI             BOR DKT. 00183352

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

30. KAYLA HILL              BOR DKT. 00177909

Claimant appealed non-fraud refund.

31. SANGITA PATEL           BOR DKT. 00182991

The claimant appealed the decision of the Appeal Tribunal holding an ineligibility for benefits on an availability to work issue for weeks ending 5/12/19 through 5/17/19.

32. CHARLES RUSSELL         BOR DKT. 00182896

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

33. GAIL LEVINE             BOR DKT. 00183496

Claimant appealed a decision of the Appeal Tribunal which dismissed the appeal as late without good cause.
34. AMDNDA DESOMBRE  BOR DKT. 00183365

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

35. ROBERT ALLEN SR  BOR DKT. 00183478

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

36. CHRISTINA SWEENEY  BOR DKT. 00183050

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

37. JERRY PERALTA  BOR DKT. 00184077

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

38. MICHEL JEREZ  BOR DKT. 00180659

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

39. LINDSEY SHINSKY  BOR DKT. 00178870

Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for misconduct connected with the work and no liability to a non-fraud refund.

40. KARMA SEGERS  BOR DKT. 00183030

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

41. DENIS TEVES  BOR DKT. 00183660

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

42. JONATHAN JOHNSON  BOR DKT. 00183140

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.
43. ANGELA VALERIO  BOR DKT. 00182475

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

44. SIMON BUSHI  BOR DKT. 00183078

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

45. MATTHEW FERENCE  BOR DKT. 00183733

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

46. MIRELLA RITACCO  BOR DKT. 00182983

Employer is appealing decision of the Appeal Tribunal holding no disqualification for discharge for misconduct issue.

47. LISA COOK  BOR DKT. 00176874

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

48. BARRY DIXON  BOR DKT. 00178842

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

49. KIANTE SAWYER  BOR DKT. 00183691

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

ACTION:  THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS AFIRMED APPEALS TO THE BOARD OF REVIEW. WITH THE EXCEPTION OF MICHEL JEREZ DKT. NO. 00180659 WHICH WAS REMOVED FROM THE AFFIRMED LIST AND ADDED TO THE REMAND LIST. MAKING A TOTAL OF 48 CASES THAT WERE AFFIRMED.
A-6  REVERSALS OF APPEAL TRIBUNAL DECISIONS

1.  SELENA RATLIFF-ROBINSON  BOR DKT. 00177787

Claimant appealed decision of the Appeal Tribunal holding unemployment claim invalid due to insufficient weeks and wages ineligible for alternate base year option preceding period of disability.

2.  TRYA CLARK  BOR DKT. 00182708

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

3.  GYHAN ASSAAD  BOR DKT. 00174150

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 ACCEPT THE ABOVE CASES AS REVERSALS OF APPEAL TRIBUNAL DECISIONS.

A-7  MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1.  TIARA BURNEY  BOR DKT. 00182099

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for being a full-time student, ineligible for benefits under availability for work and a liability to a non-fraud refund.

2.  JASMINKA NAJDEVSKA  BOR DKT. 00180596

Claimant appealed late to 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 MODIFIED APPEALS FROM THE APPEAL TRIBUNAL DECISIONS.
A-8  **Remands to The Appeal Tribunal or Deputy**

1. **PATRICIA BARKLEY**  BOR DKT. 00175163

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

2. **BREANA SHINE**  BOR DKT. 00182628

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

3. **AURA GARZON**  BOR DKT. 00183181

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

4. **RAMIL KISMAT**  BOR DKT. 00181649

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

5. **ABDULBASIR CUSHMERE**  BOR DKT. 00182428

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

6. **DAYANNA CAPPELLAN**  BOR DKT. 00167589

   The claimant appealed the Appeal Tribunal decision dismissing the appeal from the Deputy’s determination on the ground that the claimant failed to participate in a duly scheduled hearing and from a subsequent Appeal Tribunal decision denying a request to reopen the matter.

7. **TANZILA SINTHIA**  BOR DKT. 00151000

   The claimant appealed the Appeal Tribunal decision dismissing the appeal from the Deputy’s determination on the ground that the claimant failed to participate in a duly scheduled hearing and from a subsequent Appeal Tribunal decision denying a request to reopen the matter.

8. **KIBBY TYLER**  BOR DKT. 00183381

   Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.
9. JAMIE VAZQUEZ    BOR DKT. 00183398

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

10. DIANE GOWDY    BOR DKT. 00183708

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

11. SHARDAE ETHRIDGE   BOR DKT. 00174193

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

12. JACK CORDERO SR    BOR DKT. 00183677

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

13. MICHELLE CASAZZA    BOR DKT. 00184300

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

ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY WITH THE ADDITION OF MICHEL JEREZ DKT. NO. 180659 MAKING IT A TOTAL OF 14 CASES FOR REMAND.

SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 ANGELA KAPUSHY    BOR DKT. 00183570

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

ACTION: THE BOARD VOTED TO CHANGE VACATE TO A DISMISSAL. APPEAL TRIBUNAL DECISION
FAVORABLE TO THE EMPLOYER. NO JUSTICIABLE ISSUE.

B-2  NADIA ABUSOUD    BOR DKT. 00183174

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

ACTION: THE BOARD VOTED TO REVERSE MISCONDUCT DISQUALIFICATION TO MISCONDUCT ALLOWED.

B-3  BERDINE GORDON-LITTREAN  BOR DKT. 00180565

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

ACTION: THE BOARD VOTED TO AFFIRM VQ AND SEND MEMO TO THE DIRECTOR FOR A REQUEST FOR A WAIVER OF THE REFUND. DECISION HAS TO BE CHANGED TO REFLECT THAT.

B-4  KEENAN CHANEY    BOR DKT. 00184065

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

ACTION: THE BOARD VOTED TO REVERSE THE DECISION ALLOWING BENEFITS. TO A REFUSAL OF SUITABLE WORK WITHOUT GOOD CAUSE.
B-5 WENDY ROSARIO  
BOR DKT. 00166044

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

ACTION: THE BOARD VOTED TO REMAND FOR CONFRONTATION AND TO SUPPLEMENT RECORD WITH DOCUMENTS THEY WANTED TO PRESENT.

B-6 ANTHONY RHODES  
BOR DKT. 00183054

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

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION AND HOLD MC DISQUALIFICATION.

B-7 OMOYINMI OLALEYE  
BOR DKT. 00182741

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

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

MEETING ADJOURNED:

AT 11:20 THE BOARD MADE A MOTION TO ADJOURN THE MEETING TO RECONVENE AT 1:15 THAT AFTERNOON. THE MEETING RESUMED AND THE LAST PART OF THE AGENDA, WHICH WAS MISCELLANEOUS CASES TO BE DISCUSSED WAS COMPLETED.
EXECUTIVE SESSION:

AT 2:35 THE BOARD MADE A MOTION TO GO INTO EXECUTIVE SESSION FOR LEGAL ADVICE. AT 2:47 THE BOARD MADE A MOTION TO COME OUT OF EXECUTIVE SESSION AND GO BACK INTO THE OPEN PUBLIC MEETING, AT WHICH TIME THE MEETING WAS ADJOURNED.