

# BOARD OF REVIEW MINUTES – AUGUST 14, 2019 MEETING

## SECTION A – HEARING MATTERS

### BOARD OF REVIEW MINUTES

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

**ACTION: THE MINUTES OF THE AUGUST 7, 2019 MEETING WERE APPROVED AND SUBMITTED FOR ADOPTION IN THE MEETING OF AUGUST 14, 2019.**

### 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.

**ACTION: F/T STUDENT DISQUALIFICATION DECEMBER 30, 2018. NOT INELIGIBLE UNDER 4(C) MARCH 31, 2019 TO JUNE 8, 2019.**

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.

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**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.**

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### 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.

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**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 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

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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.**

### 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.

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**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.

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**16. PERSHAN PARSARD**

BOR DKT. 00183339

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.

**17. EFRAIN REYES**

BOR DKT. 00183317

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

**18. JAMONT SESSOMS**

BOR DKT. 00183178

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

**19. RYAN MALLEY**

BOR DKT. 00183300

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.

**20. SUZANNE ALTEN**

BOR DKT. 00182714

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

**21. ANTHONY DURHAM**

BOR DKT. 00181386

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

**22. LOUIS FOGAN**

BOR DKT. 00177639

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

**23. TANISE HARRIS**

BOR DKT. 00171306

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

**24. LINA EL YOUNIS**

BOR DKT. 00182069

Claimant appealed the Appeal Tribunal decision holding the unemployment claim invalid due to insufficient base year earnings.

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**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.



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**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.

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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 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.**

## BOARD OF REVIEW MINUTES – AUGUST 14, 2019 MEETING

### 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.**

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### 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.

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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**

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**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.**

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**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.**

## **BOARD OF REVIEW MINUTES – AUGUST 14, 2019 MEETING**

### **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.**