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**State of New Jersey**  
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT  
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*Commissioner*

**BOARD OF REVIEW**

**MINUTES OF REGULAR MEETING OF  
THE BOARD OF REVIEW  
JANUARY 29, 2020**

**JOSEPH SIEBER, CHAIRMAN**

**NANCY HUNT, VICE-CHAIRPERSON**

**WILLIAM SCAGLIONE, BOARD MEMBER**

**BOARD OF REVIEW MEETING JANUARY 29, 2020**

**JANUARY 29, 2020**

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**A regular meeting of the Board of Review was held on Wednesday, January 29, 2020 at 10:00 a.m., in Trenton, New Jersey**

**PRESENT: Joseph Sieber, Chairman, and Nancy Hunt, Vice-Chairperson, William Scaglione, Board Member, and Shahrazad A. Ledan, Acting 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 – JANUARY 29, 2020 MEETING

### BOARD MINUTES:

Submitted for adoption are the minutes of the January 22, 2020 Board meeting.

**ACTION: THE BOARD VOTED TO ACCEPT THE MINUTES OF THE JANUARY 22, 2020 MEETING.**

### OLD BUSINESS:

**1. PATRICK BERGIN** **BOR DKT. 00183681**

Claimant appealed a decision of the Appeal Tribunal holding the unemployment claim invalid. **(This case was tabled in the meeting of January 22, 2020 to be further discussed in the meeting of January 29, 2020).**

**ACTION: THE BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION IN THE CLAIMANT’S FAVOR AND HOLD THE UNEMPLOYMENT CLAIM VALID.**

**2. VANESSA MUDALY** **BOR DKT. 00191996**

Claimant appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily, and a disqualification of benefits for refusing suitable work. **(This case was pulled from the affirmations of appeal tribunal decisions category in the meeting of January 22, 2020 to be discussed separately in the meeting of January 29, 2020).**

**ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION AND HOLD CLAIMANT NOT DISQUALIFIED FOR VOLUNTARY QUIT AND DISQUALIFIED FOR REFUSAL OF SUITABLE WORK.**

**10:27: THE BOARD VOTED TO GO INTO EXECUTIVE SESSION FOR LEGAL ADVICE – DAVID BURGOON CASE. DKT. NO. 00195113**

**3. DAVID BURGOON** **BOR DKT. 00195113**

Claimant appealed the decision of the Appeal Tribunal holding the claimant not unemployed and liable for refund. **(This case was tabled in the meeting of January 8, 2020 for instruction. Was added to the agenda of January 29, 2020 to discuss further).**

## BOARD OF REVIEW MINUTES – JANUARY 29, 2020 MEETING

**ACTION: THE BOARD VOTED TO TAKE THIS CASE BACK AND REOPEN AND WRITE AN AMENDED DECISION. (MODIFY)**

**10:35: THE BOARD VOTED TO COME OUT OF EXECUTIVE SESSION AND RESUME THE OPEN PUBLIC MEETING.**

**4. YOMARY VASQUEZ** BOR DKT. 00196800

Claimant appealed a decision of the Appeal Tribunal which held the claimant ineligible for disability during unemployment benefits as the claimant had reasonable assurance of reemployment with an educational institution. **(This case was tabled in the meeting of January 22, 2020 to wait for the outcome of the claimant’s hearing for Dkt. No.: 00201033 scheduled for January 23, 2020).**

**ACTION: THE BOARD VOTED TO MODIFY THE APPEAL TRIBUNAL DECISION AND SET ASIDE THE PART OF THE DECISION THE APPEAL TRIBUNAL DID NOT HAVE JURISDICTION TO RULE.**

### **SECTION A – HEARING MATTERS**

#### **A-1 DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW**

**1. JORGE VAZQUEZ** BOR DKT. 00192598

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

**2. DONNA ALLEN** BOR DKT. 00192316

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

**3. FISNIK DABISHEVCI** BOR DKT. 00198114

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

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4. ANGELO APOSTOLIS BOR DKT. 00195069

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

5. NICOLE CLANCY BOR DKT. 00195925

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

6. PATRICIA SHAUGER BOR DKT. 00194306

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under reporting requirements.

7. DAYSHA VANDERBURG BOR DKT. 00140147

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

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

### A-2 DENIAL OF REOPENING REQUESTS TO THE BOARD OF REVIEW

1. JEFFREY HEMINGWAY BOR DKT. 00190271

Claimant's attorney requests reconsideration of the Board of Review's decision affirming the Appeal Tribunal's decision denying the request to reopen the matter due to non-registration for the hearing.

**ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASE AS A DENIAL OF REOPENING REQUEST TO THE BOARD OF REVIEW.**

### A-3 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. FRANCIS SWIFT BOR DKT. 00196011

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for leaving the work voluntarily without good cause attributable to such work.

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2. NICOL LIVINGSTON BOR DKT. 00196929

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

3. ANTONIO BARAJAS BOR DKT. 00196512

Claimant appealed a decision of the Appeal Tribunal holding the appeal timely and holding a period of ineligibility on the ground that the claimant was not available for work and holding the claimant liable for a non-fraud refund.

4. GEORGE MALLOUS BOR DKT. 00197732

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

5. MICHAEL LIVI BOR DKT. 00198279

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

6. ALONZO COOPER BOR DKT. 00197437

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for voluntarily leaving the work without good cause attributable to such work.

7. JOAN SULLIVAN BOR DKT. 00177330

Claimant appealed a decision of the Appeal Tribunal holding a period of ineligibility as the claimant did not report in accordance with the regulations of the Division.

8. CRYSTAL BARNETT BOR DKT. 00198107

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

9. SILVIA GUARDADO BOR DKT. 00197922

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

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**10. HASSAN MCCOLLUM**

BOR DKT. 00198177

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

**11. MALLORY GOLDSMITH**

BOR DKT. 00196210

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

**12. TINAE BROWN**

BOR DKT. 00196693

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

**13. DARIUS WILLIAMS**

BOR DKT. 00194991

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

**14. NORMA MORENO**

BOR DKT. 00196973

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

**15. JENETTE RODRIGUEZ**

BOR DKT. 00195000

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

**16. NATASHA MOORE**

BOR DKT. 00188166

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

**17. KRISTA FAIRCLOTH**

BOR DKT. 00197150

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

**18. SARA ELSHOUBARY**

BOR DKT. 00186018

Claimant appealed a decision of the Appeal Tribunal holding the appeal filed timely and holding the claimant liable for fraud refund and fraud disqualification.

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**19. DAVID LEADBEATER**

BOR DKT. 00197979

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

**20. MARTHA MELVIN**

BOR DKT. 00181057

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

**21. APRIL DISBROW**

BOR DKT. 00193961

Claimant appealed the Appeal Tribunal holding the unemployment claim invalid.

**22. VANESSA HERNANDEZ**

BOR DKT. 00197661

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for voluntarily leaving the work without good cause attributable to such work and holding the issue of availability academic.

**23. MICHAEL SUGALSKI**

BOR DKT. 00198360

Claimant appealed decision of the Appeal Tribunal holding the unemployment claim invalid on the ground there were insufficient weeks and wages to establish a valid claim.

**24. TRACY YANIAK**

BOR DKT. 00198478

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

**25. NICKOLAS KIDWELL**

BOR DKT. 00196776

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for leaving the work voluntarily without good cause attributable to such work and holding the issue of ability to work academic.

**26. JULIE GRISENTHWAITE BROGLEY**

BOR DKT. 00196447

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

**27. CAROLIN DIAZ-CAMACHO**

BOR DKT. 00192923

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

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**28. ANGELINA CAY** BOR DKT. 00196636

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

**29. TAMARA PICONE** BOR DKT. 00196026

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

**30. JOHN BROWN** BOR DKT. 00197303

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

**31. ASEKA SMITH** BOR DKT. 00198461

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

**32. ANTHONY CALABRESE** BOR DKT. 00198829

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

**33. MA ANGELA VALES** BOR DKT. 00196165

Claimant appealed the decision of the Appeal Tribunal holding her ineligible for State Plan Disability benefits as the claim was filed untimely.

**34. NINA BULLOCK** BOR DKT. 00199946

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

**35. CALVIN RICHARDSON** BOR DKT. 00187092

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

**36. EMILY CRUZ** BOR DKT. 00197464

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

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**37. TERRI HOLLEY**

BOR DKT. 00196777

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

**38. NEDLIE CONYERS**

BOR DKT. 00191115

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

**39. ANTHONY FEEHAN**

BOR DKT. 00197226

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.

**40. MANNY ROMAN**

BOR DKT. 00198645

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

**41. NIKIA MIDDLETON**

BOR DKT. 00200158

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

**42. ANTHONY JIMENEZ**

BOR DKT. 00199134

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

**43. TROY CERVINI**

BOR DKT. 00198361

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving the work voluntarily without good cause attributable to such work.

**44. AKIM WALDEN**

BOR DKT. 00199075

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

**45. LEEANN VOSS**

BOR DKT. 00194262

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

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**46. PEDRO IRIZARRY** BOR DKT. 00198405

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

**47. DANIEL WATKINS** BOR DKT. 00195251

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

**48. FRANKIE DUNLOP** BOR DKT. 00194529

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

**49. ANTHONY MARTINEZ** BOR DKT. 00198884

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

**50. JAMIL JAMES** BOR DKT. 00198867

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

**51. CARIE SCHILLACI** BOR DKT. 00198409

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work and holding the claimant liable for a non-fraud refund.

**52. PRAKASHKUMAR PARIKH** BOR DKT. 00195562

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.

**53. WILLIAM BLADEL** BOR DKT. 00189706

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

**54. CHRISTINE GHALY** BOR DKT. 00192281

Claimant appealed a decision of the Appeal Tribunal holding the disability during unemployment invalid.

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**55. DEANDRIA NELSON**

BOR DKT. 00192960

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

**56. ROZZIER BIGNON**

BOR DKT. 00196070

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

**57. CHRISTOPHER TORRES**

BOR DKT. 00198367

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

**58. THOMAS RITTER**

BOR DKT. 00197532

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

**59. SCOTT THOMPSON**

BOR DKT. 00193621

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

**ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS. WITH THE EXCEPTION OF NUMBER 36 ANTHONY TUTTLE DKT. NO. 00196156 WHICH WAS REMOVED FROM THE AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS LIST AND PUT ON THE MISCELLANEOUS CASES FOR DISCUSSTON.**

### **A-4 REVERSALS OF APPEAL TRIBUNAL DECISIONS**

**1. CLAUDIA FARRELL**

BOR DKT. 00199325

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

**2. OSCAR ALVAREZ**

BOR DKT. 00197224

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for leaving the work voluntarily without good cause attributable to such work.

## BOARD OF REVIEW MINUTES – JANUARY 29, 2020 MEETING

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

### A-5 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. RACHEL KLEIN BOR DKT. 00190567

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

**ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASE AS A MODIFICATION OF AN APPEAL TRIBUNAL DECISION.**

### A-6 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. JENNIFER QUINN BOR DKT. 00198276

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

2. CRAIG MARTIN BOR DKT. 00198331

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

3. SHAWN WHITE BOR DKT. 00197020

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

4. YVETTE STREETER BOR DKT. 00195224

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

5. TRACEY HAMMOCK BOR DKT. 00197104

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.

## BOARD OF REVIEW MINUTES – JANUARY 29, 2020 MEETING

6. JUSTINE HERTILIEN BOR DKT. 00196262

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

7. RAMONA GRULLON ROSA BOR DKT. 00195175

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

8. LUIS LEIVA BOR DKT. 00198510

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

9. STEVEN GLANZ BOR DKT. 00194629

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

10. JOHN TAKACS BOR DKT. 00197560

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

11. FRANCISCA SAIRE BOR DKT. 00198584

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

**ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS REMANDS TO THE APPEAL TRIBUNAL OR THE DEPUTY. WITH THE EXCEPTION OF NUMBER 10 ON THE LIST, MONIQUE BRENIA DKT. NO. 00194852 WHICH WAS REMOVED FROM THE LIST AND TABLED UNTIL THE MEETING OF FEBRUARY 5, 2020 FOR FURTHER DISCUSSION.**

## BOARD OF REVIEW MINUTES – JANUARY 29, 2020 MEETING

### SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

**B-1** NATASHA LOVELY BOR DKT. 00197066

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

**ACTION: THE BOARD VOTED TO TABLE THIS CASE UNTIL THE CONCLUSION OF THE AMENDED DECISION ISSUED BY THE APPEAL TRIBUNAL.**

**B-2** KAITLYN FLIEDER BOR DKT. 00196946

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 THE APPEAL TRIBUNAL DECISION AND HOLD THE CLAIMANT NOT DISQUALIFIED FOR BENEFITS FOR MISCONDUCT CONNECTED WITH THE WORK.**

**B-3** BRIAN HARRIS, SR. BOR DKT. 00197180

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

**ACTION: THE BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION AND HOLD THE CLAIMANT NOT DISQUALIFIED FOR BENEFITS FOR LEAVING WORK VOLUNTARILY.**

**B-4** LAKEITA MCKOY BOR DKT. 00194300

Claimant appealed a decision of the Appeal Tribunal holding a partial voluntary leaving disqualification.

**ACTION: THE BOARD VOTED TO TABLE THIS CASE UNTIL THE MEETING OF FEBRUARY 5, 2020.**

## BOARD OF REVIEW MINUTES – JANUARY 29, 2020 MEETING

**11:25: THE BOARD VOTED TO GO INTO EXECUTIVE SESSION FOR LEGAL ADVICE – DESIREE WHITSETT CASE. DKT. NO. 00179132**

**B-5** DESIREE WHITSETT

BOR DKT. 00179132

Claimant appealed the Appeal Tribunal's decision holding a disqualification for benefits for leaving work voluntarily. **(This case is with the Superior Court put into the January 29, 2020 as a Request for Reconsideration from the Superior Court).**

**ACTION: THE BOARD VOTED TO ACCEPT THE REMAND FROM THE SUPERIOR COURT.**

**11:39: THE BOARD VOTED TO COME OUT OF EXECUTIVE SESSION AND RESUME THE OPEN PUBLIC MEETING.**

**B-6** ANTHONY TUTTLE

BOR DKT. 00196156

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

**ACTION: THE BOARD VOTED TO TABLE THIS CASE UNTIL THE MEETING OF FEBRUARY 5, 2020.**