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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
MARCH 11, 2020**

JOSEPH SIEBER, CHAIRMAN

NANCY HUNT, VICE-CHAIRPERSON

WILLIAM SCAGLIONE, BOARD MEMBER

BOARD OF REVIEW MEETING MARCH 11, 2020

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A regular meeting of the Board of Review was held on Wednesday, March 11, 2020 at 10:00 a.m., in Trenton, New Jersey

PRESENT: Joseph Sieber, Chairman, Nancy Hunt, Vice-Chair, William Scaglione, Board Member, Sharahzad 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 – MARCH 11, 2020 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the March 4, 2020 Board meeting.

ACTION: THE BOARD VOTED TO ADOPT THE MINUTES OF THE MARCH 4, 2020 BOARD MEETING.

EXECUTIVE SESSION:

10:06 THE BOARD VOTED TO GO INTO EXECUTIVE SESSION FOR LEGAL ADVICE. DISCUSSING YAVICH CASE. A MOTION WILL BE MADE TO REMAND THIS CASE BACK TO THE BOARD TO REVISE AND COMPLETE THE DECISION.

10:26 THE BOARD VOTED TO COME OUT OF EXECUTIVE SESSION AND RESUME THE OPEN PUBLIC MEETING.

SECTION A – HEARING MATTERS

A-1 VACATED APPEALS TO THE BOARD OF REVIEW

1. MELINDA PAL LIFANGO BOR DKT. 00200859

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

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

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

1. JULIA ALLEN BOR DKT. 00198231

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

2. GABRIEL MEDINA BOR DKT. 00200792

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

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3. DANIEL SMITH BOR DKT. 00199775

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

4. SHAVONNA LONG BOR DKT. 00200665

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

A-3 DENIAL OF REOPENING REQUESTS TO THE BOARD OF REVIEW

1. KERRY SAUNDERS BOR DKT. 00170230

Claimant requests reconsideration of the Board of Review's decision reversing the Appeal Tribunal's decision holding the claimant disqualified for benefits under N.J.S.A. 43:21-5(a).

2. HILDA GONZALEZ DE ALVAREZ BOR DKT. 00197466

Claimant requests reconsideration of the Board of Review's decision affirming the Appeal Tribunal's decision holding the claimant disqualified for benefits for leaving work voluntarily.

3. NATALIE ROBINSON BOR DKT. 00185411

Claimant requests reconsideration of the Board of Review's decision affirming the Appeal Tribunal's decision holding a disqualification of benefits for leaving work voluntarily.

ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS DENIAL OF REOPENING REQUESTS TO THE BOARD OF REVIEW.

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A-4 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. STEPHANIE WOODARD BOR DKT. 00200688

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

2. GERALD KUBIAK BOR DKT. 00193830

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

3. LINDA THURBER BOR DKT. 00199889

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

4. GREGORY GIBBS BOR DKT. 00201654

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

5. CHRISTOPHER KAYAL BOR DKT. 00201851

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

6. GABRIEL MEDINA BOR DKT. 00200792

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

7. BILAL DOUGHTY BOR DKT. 00198737

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

8. MICHAEL BENDAR BOR DKT. 00201233

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

9. DARLENE MARANT BOR DKT. 00203619

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

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10. CARLYN MITCHELL

BOR DKT. 00202674

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

11. KEITH MURRAY

BOR DKT. 00202432

Claimant appealed the decision of the Appeal Tribunal holding the claimant disqualified for benefits for gross misconduct connected with the work and the validity of the claim.

12. MAI KERUAKOUS

BOR DKT. 00198366

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

13. MARIA MAURICIO

BOR DKT. 00201826

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

14. MARIA MAURICIO

BOR DKT. 00201824

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.

15. INGRID PEREZ

BOR DKT. 00201079

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

16. ROBERT COMPANA

BOR DKT. 00202526

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

17. JOSE MARTINEZ

BOR DKT. 00196335

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

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18. CARMEN RODRIGUEZ BOR DKT. 00197092

Claimant appealed a decision of the Appeal Tribunal denying a request to reopen the matter.

19. BERNICE WARNER BOR DKT. 00195519

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

20. DANISHA ROBINSON BOR DKT. 00183420

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

21. TANYA JACKSON BOR DKT. 00195637

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

22. THERESA D'AGOSTINO BOR DKT. 00202273

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

23. KRISTEN STUBLE BOR DKT. 00202867

Claimant appealed a decision of the Appeal Tribunal holding a misconduct disqualification.

24. MICHAEL MENDOZA BOR DKT. 00202443

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

25. JENNIFER GARCIA BOR DKT. 00202861

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

26. LACEE NUTTER BOR DKT. 00202597

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

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27. LISA RENDON BOR DKT. 00193284

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

28. MARISSA KRANT BOR DKT. 00202483

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

29. RALPH STORM BOR DKT. 00203293

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

30. MARCIA MATOS BOR DKT. 00202564

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

31. LARISSA CASTRO-DELACRUZ BOR DKT. 00201279

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

32. GEORGE BENT BOR DKT. 00201746

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

33. SCHNELL EASLEY BOR DKT. 00202692

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

34. CHARLES KARPEL BOR DKT. 00197407

The claimant is appealing a decision of the Appeal Tribunal holding the claimant disqualified and liable for a fraud refund.

ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS. #36 LACEE NUTTER WILL BE REWRITTEN TO CORRECT THE FINDINGS OF FACT WITH REGARD TO THE REFUND.

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A-5 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. JOHN FRIEDLANDER BOR DKT. 00193355

Claimant appealed a decision of the Appeal Tribunal holding a reduction of benefits due to a pension offset and a liability for a non-fraud refund.

2. VEDA BERRY BOR DKT. 00201595

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

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

A-6 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. SHAKURA PERRY BOR DKT. 00202061

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

ACTION: THE BOARD VOTED TO MOVE THE ABOVE CASE TO THE AFFIRMATION LIST AS IT IS AN AFFIRMATION OF AN APPEAL TRIBUNAL DECISION AND NOT A MODIFICATION OF AN APPEAL TRIBUNAL DECISION.

A-7 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. JULIAN LEON BOR DKT. 00195250

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

2. KIMBERLY SCHANCK BOR DKT. 00198339

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

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3. JORDANY REYES BOR DKT. 00200694

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

4. DONNA ZACHODYLO BOR DKT. 00196842

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

5. GUILLERMO HERNANDEZ BOR DKT. 00199143

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

6. GERARDO VILLACIS BOR DKT. 00202819

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

7. SHAKIERA SMITH BOR DKT. 0020311

Claimant appealed the decision of the Appeal Tribunal holding no disqualification for leaving the work voluntarily and holding the claim invalid on the ground that the claimant was not unemployed.

8. KENNETH WISNIESKI BOR DKT. 00198324

Claimant appealed the decision of the Appeal Tribunal denying the request to reopen the matter.

9. SHELLY COHEN BOR DKT. 00201507

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

10. AGUSTIN RAMOS BOR DKT. 00199616

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

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11. TARYN MOBERG-NOONAN

BOR DKT. 00202852

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for misconduct connected with the work, no disqualification of benefits for leaving work voluntarily and not liable 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 MICHAEL MAHONEY

BOR DKT. 00191637

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

ACTION: THE BOARD VOTED TO TABLE THE ABOVE CASE UNTIL THE MEETING OF MARCH 18, 2020.

B-2 SHARON MORGAN

BOR DKT. 00202142

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

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

B-3 GLENDA ALARCON GUILLEN

BOR DKT. 00195548

Claimant appealed a decision of the Appeal Tribunal holding the claimant disqualified for benefits due to the claimant's full-time school attendance.

ACTION: THE BOARD VOTED TO REVERSE THE TIMELINESS ON THE ABOVE CASE AND REMAND FOR ADDITIONAL TESTIMONY ON THE MERITS.