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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
JUNE 3, 2020**

JOSEPH SIEBER, CHAIRMAN

NANCY HUNT, VICE-CHAIRPERSON

WILLIAM SCAGLIONE, MEMBER

SHARAHZAD A. LEDAN, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING JUNE 3, 2020

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A regular meeting of the Board of Review was held on Wednesday, June 3, 2020 at 10:00 a.m., via conference call, in Trenton, New Jersey

PRESENT: Joseph Sieber, Chairman, Nancy Hunt, Vice-Chairperson, William Scaglione, 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 – JUNE 3, 2020 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the May 27, 2020 Board meeting.

ACTION: THE BOARD VOTED TO ADOPT THE MINUTES OF THE MAY 27, 2020 OPEN PUBLIC MEETING.

OLD BUSINESS:

1. KARESHA HIGHTOWER **BOR DKT. 00205727**

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

ACTION: THE BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION FROM A VOLUNTARY LEAVING DISQUALIFICATION TO A REFUSAL OF SUITABLE WORK ALLOWED.

2. MICHAEL KELLY **BOR DKT. 00204639**

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, HOLDING NO MISCONDUCT, HOLDING CLAIMANT WAS NOT DISCHARGED BUT VOLUNTARILY LEFT THE JOB.

SECTION A – HEARING MATTERS

A-1 VACATED APPEALS TO THE BOARD OF REVIEW

1. STEPHEN PARENTE, SR. **BOR DKT. 00200438**

Claimant sent letter to Board of Review asking for assistance to file a claim for COVID19 Pandemic as he is an independent contractor.

BOARD OF REVIEW MINUTES – JUNE 3, 2020 MEETING

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. MARK FUSCO** BOR DKT. 00204985

The claimant appealed a decision of the Appeal Tribunal holding no disqualification of benefits for misconduct connected with the work and no refund liability.

- 2. THOMAS DEHN** BOR DKT. 00187598

Claimant appealed a decision of the Appeal Tribunal holding the claimant liable for a non-fraud refund as he was employed with earnings.

- 3. CARLOS COTTO** BOR DKT. 00186354

The claimant appealed a decision of the Appeal Tribunal holding him disqualified for benefits for misconduct connected with the work.

- 4. ANTHONY CAREY** BOR DKT. 00203381

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

- 5. ARISMENDY MATA** BOR DKT. 00203461

The claimant appealed a decision of the Appeal Tribunal holding him disqualified for benefits for leaving work voluntarily.

- 6. APRIL ZARRO** BOR DKT. 00192693

The claimant filed an appeal to a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.

- 7. SARAH EHUIMETOR** BOR DKT. 00183279

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

- 8. NAIL DAGHSTANI** BOR DKT. 00195930

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

BOARD OF REVIEW MINUTES – JUNE 3, 2020 MEETING

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. JOHNIE DECKER BOR DKT. 00202068

Claimant is requesting reconsideration of the Board of Review's decision which affirmed the Appeal Tribunal's decision dismissing the appeal as late without good cause.

2. ANYELINA ULLO MOLINA BOR DKT. 00184627

Claimant is requesting reconsideration of the Board of Review's decision which affirmed the Appeal Tribunal's decision which held the claimant disqualified for benefits for voluntarily leaving the work.

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

A-4 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. ELIANA MUÑOZ BOR DKT. 00168359

Claimant appealed a decision of the Appeal Tribunal holding the claimant liable for a non-fraud refund due to being employed with earnings.

2. ANGELA FALCONE BOR DKT. 00202678

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.

3. ABEL CARDENAS BOR DKT. 00204569

Claimant appealed a decision of the Appeal Tribunal holding no disqualification of benefits for failing to apply or refuse suitable work, and a disqualification of benefits for leaving work voluntarily.

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- 4. JESSIE ROSARIO** BOR DKT. 00206511

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause.
- 5. BETHANY TIER** BOR DKT. 00206643

The claimant appealed a decision of the Appeal Tribunal holding the claimant disqualified for leaving work voluntarily.
- 6. MICHAEL CESTARE** BOR DKT. 00202210

The claimant appealed a decision of the Appeal Tribunal holding him disqualified for benefits for misconduct connected with the work.
- 7. MILLICENT REED** BOR DKT. 00206957

The claimant appealed a decision of the Appeal Tribunal dismissing her appeal as late without good cause.
- 8. WARREN PARKER** BOR DKT. 00206233

The claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.
- 9. PAMELA INCA** BOR DKT. 00206099

The claimant appealed a decision of the Appeal Tribunal which dismissed her appeal as late without good cause.
- 10. DOLORES CAMPBELL** BOR DKT. 00205243

The claimant appealed a decision of the Appeal Tribunal which held a disqualification of benefits for leaving work voluntarily.
- 11. CLIFFORD STILL, JR.** BOR DKT. 00206999

The claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.
- 12. JASMIN RODRIGUEZ** BOR DKT. 00201836

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

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- 13. DANA WHITE** BOR DKT. 00205894
- Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.
- 14. MICHAEL KLYSINSKI** BOR DKT. 00205750
- The claimant appealed the decision of the Appeal Tribunal holding his unemployment claim invalid.
- 15. TYLOR STEVENSON** BOR DKT. 00206283
- Claimant appealed a decision of the Appeal Tribunal holding claimant unavailable for work and liable for a non-fraud refund.
- 16. PHYLLIS POLLASTRONE** BOR DKT. 00206944
- The claimant appealed a decision of the Appeal Tribunal holding her disqualified for benefits for leaving work voluntarily.
- 17. TENESIAH BRONNER** BOR DKT. 00202037
- The claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily.
- 18. ARTHUR STEVENS** BOR DKT. 00207219
- The claimant appealed a decision of the Appeal Tribunal which dismissed the appeal as late without good cause.
- 19. JOHN TAM** BOR DKT. 00190778
- The claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.
- 20. NANCY KHALIL** BOR DKT. 00203094
- Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible under availability for work and liable for a non-fraud refund.
- 21. NANCY MARTINEZ** BOR DKT. 00206749
- Claimant appealed decision of the Appeal Tribunal holding an ineligibility for Additional Benefits during Training.

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22. TERESA KELLY

BOR DKT. 00206761

Claimant appealed decision of the Appeal Tribunal holding a period of ineligibility for Additional Benefits during Training on the ground that the claimant is not attending full-time training.

23. JOELLEN VITIELLO

BOR DKT. 00206907

Employer appealed decision of the Appeal Tribunal holding on disqualification for discharge from the work.

24. MARIZEL PADILLA

BOR DKT. 00206482

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

25. PATRICIA BRENNAN

BOR DKT. 00206850

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

26. VERONICA HAYES

BOR DKT. 00206812

Claimant appealed a decision of the Appeal Tribunal holding the claimant did not file a claim timely in order to use an alternative base year after a period of disability.

27. KYLE TURNER

BOR DKT. 00275511

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

28. SAUDAH SHABAZZ

BOR DKT. 00206940

The 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 #2 ANTOINE BROWN, WHICH WAS TABLED UNTIL THE AGENDA OF JUNE 10, 2020 AND #22 SUSAN RIZZI, WHO'S CASE THE BOARD VOTED TO REVERSE HOLDING NO VOLUNTARY LEAVING AND NO MISCONDUCT.

BOARD OF REVIEW MINUTES – JUNE 3, 2020 MEETING

A-5 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. DTWEH FREEMAN BOR DKT. 00201283

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

2. GEORGE CHARETTE BOR DKT. 00200147

The claimant appealed a decision of the Appeal Tribunal which held the unemployment claim invalid.

3. ARMENIA GYALOG BOR DKT. 00206650

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

4. SUSAN RIZZI BOR DKT. 00202371

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 REVERSALS OF APPEAL TRIBUNAL DECISIONS WITH THE EXCEPTION OF SAUDAH SHABAZZ WHO THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION.

A-6 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. ANGELA HARRELL BOR DKT. 00192235

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

2. RYNASIA CARR BOR DKT. 00206434

The claimant appealed a decision of the Appeal Tribunal dismissing her appeal as late without good cause.

3. RYNASIA CARR BOR DKT. 00207729

The claimant appealed a decision of the Appeal Tribunal dismissing her appeal for no justiciable issue.

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4. SAMANTHA DUPREY BOR DKT. 00201367

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

5. SHARRIE GRAY BOR DKT. 00196400

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

6. DUPYO HONG BOR DKT. 00206158

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

7. CHRISTINE ALFINITO BOR DKT. 00205896

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

8. DANIEL BROWN BOR DKT. 00206206

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

9. WILLIAM TOTTEN BOR DKT. 00207293

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

10. JOSEPH BURGO BOR DKT. 00207239

The employer appealed a decision of the Appeal Tribunal holding no disqualification for leaving work voluntarily and misconduct connected with the work.

11. MYAN YIP BOR DKT. 00206750

The claimant appealed a decision of the Appeal Tribunal which dismissed the appeal since it was filed late without good cause.

12. SERGIO VIZCAINO BOR DKT. 00206655

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

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13. ALBERTO VALENCIA

BOR DKT. 00206188

Employer 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.

14. MICHAEL MASTALSKI

BOR DKT. 00204301

The claimant appealed late to a decision of the Appeal Tribunal which dismissed the appeal on the ground that there was no justiciable issue.

15. TRACEY ANDERSON

BOR DKT. 00209515

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 REMANDS TO THE APPEAL TRIBUNAL OR THE DEPUTY.

SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 ROSE FERRARO

BOR DKT. 00204041

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily. (**Appellate Specialist Matos**)

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

B-2 CATHERINE ALLEN

BOR DKT. 00200084

Claimant appealed the decision of the Appeal Tribunal which held the claimant ineligible for DDU benefits and holding the claimant liable for a non-fraud refund. (**Appellate Specialist Matos**)

ACTION: THE BOARD VOTED TO TABLE THIS CASE TO A FUTURE AGENDA.

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B-3 MARY MCCARTHY BOR DKT. 00205597

The employer appealed a decision of the Appeal Tribunal holding no disqualification for misconduct connected with the work and no non-fraud refund liability. (**Appellate Specialist Hart**)

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

B-4 TONIA HINES BOR DKT. 00201016

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily. (**Appellate Specialist Matos**)

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION HOLDING A DISQUALIFICATION FOR BENEFITS.

B-5 DWAYNE ISAACS BOR DKT. 00206532

The claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily. (**Appellate Specialist Hart**)

ACTION: THE BOARD VOTED TO MODIFY THE APPEAL TRIBUNAL DECISION FROM A VOLUNTARY QUIT DISQUALIFICATION TO REFUSAL OF SUITABLE WORK ALLOWED. CHAIRMAN SIEBER AND VICE CHAIRPERSON HUNT VOTED ON THIS CASE, MEMBER SCAGLIONE ABSTAINED.

B-6 BRIANNA CARDONA BOR DKT. 00185899

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily. (**Appellate Specialist Matos**)

ACTION: APPEAL TO THE BOARD OF REVIEW WAS LATE WITH GOOD CAUSE AND THE BOARD OF REVIEW AFFIRMED THE APPEAL TRIBUNAL HOLDING A VOLUNTARY QUIT DISQUALIFICATION.

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B-7 ALEXIS TORRES

BOR DKT. 00207038

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily. (**Appellate Specialist Matos**)

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

EXECUTIVE SESSION:

10:26: THE BOARD VOTED TO GO INTO EXECUTIVE SESSION FOR LEGAL ADVICE.

10:31: THE BOARD VOTED TO COME OUT OF EXECUTIVE SESSION AND RESUME THE REGULAR OPEN PUBLIC MEETING.

11:03: THE BOARD VOTED TO GO INTO EXECUTIVE SESSION FOR LEGAL ADVICE – REGARDING COURT CASE CARLOS CARRANZA DKT. NO.: 00186368.

11:22: THE BOARD VOTED TO COME OUT OF EXECUTIVE SESSION AND RESUME THE REGULAR OPEN PUBLIC MEETING.

SUPPLEMENTAL AGENDA CASE:

THE BOARD VOTED TO ADD THE FOLLOWING CASES TO THE AGENDA OF JUNE 3, 2020 AS A SUPPLEMENTAL CASE:

1. MERYL LOLAS

BOR DKT. 00198095

ACTION: THE BOARD VOTED TO ACCEPT TO REWRITE THE BOARD OF REVIEWS DECISION.

2. CARLOS CARRANZA

BOR DKT. 00186368