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State of New Jersey
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
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ROBERT ASARO-ANGELO
Commissioner

BOARD OF REVIEW

**MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
SEPTEMBER 11, 2019**

JOSEPH P. SIEBER, CHAIRPERSON

NANCY W. HUNT, VICE-CHAIRPERSON

BOARD OF REVIEW MEETING SEPTEMBER 11, 2019

SEPTEMBER 11, 2019

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A regular meeting of the Board of Review was held on Wednesday, September 11, 2019 at 10:00 a.m., in Trenton, New Jersey

PRESENT: Nancy Hunt, Vice-Chair and William Scaglione, Acting Board Member, 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 – SEPTEMBER 11, 2019 MEETING

SECTION A – HEARING MATTERS

BOARD MINUTES:

Submitted for adoption are the minutes of the September 4, 2019 Board meeting.

**ACTION: THE BOARD VOTED TO ADOPT THE MINUTES OF THE
SEPTEMBER 4, 2019 BOARD MEETING.**

A-1 WITHDRAWAL OF APPEALS

1. TYRONE BAKER BOR DKT. 00186329

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

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

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

1. LIZZY MARIN BOR DKT. 174588

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

2. MICHELLE MASON BOR DKT. 00182530

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

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

BOARD OF REVIEW MINUTES – SEPTEMBER 11, 2019 MEETING

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

1. JENNIFER ROSARIO BOR DKT. 00125121

Claimant requests a reconsideration of the Board of Review decision affirming the Appeal Tribunal decision which held the claimant disqualified for benefits for severe misconduct connected with the work.

2. REGINALD BARFIELD BOR DKT. 00182094

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

3. LENA FINLEY BOR DKT. 00181276

Claimant requests a reconsideration of the Board of Review decision affirming the Appeal Tribunal decision which held the claimant's unemployment claim invalid due to insufficient base year earnings/non-covered employment/alternate base year.

4. JORGE LUDIZACA BOR DKT. 00181587

Claimant requests a reconsideration of the Board of Review decision affirming the Appeal Tribunal decision which held the claimant disqualified for benefits for leaving work voluntarily.

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

A-4 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. DOROTHY SMITH BOR DKT. 00079106

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

2. KARLA SMITH BOR DKT. 00173831

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

**BOARD OF REVIEW MINUTES – SEPTEMBER 11, 2019
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3. JENNIFER JOHNSON

BOR DKT. 00185122

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

4. DANNIS DUBLIN

BOR DKT. 00177154

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

5. CAROLAN FLOYD

BOR DKT. 00175144

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

6. DAWN MINNEY

BOR DKT. 00179988

Employer appealed decision of the Appeal Tribunal holding no disqualification for discharge from the employment.

7. WILBERT MUÑOZ

BOR DKT. 00184488

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

8. BIAGIO GIUGNO

BOR DKT. 00184445

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

9. MICHAEL TITTERMARY

BOR DKT. 00185135

Claimant appealed a decision of the Appeal Tribunal holding period of ineligibility for failing to report in accordance with Division regulations.

10. KEVIN VIVENZIO

BOR DKT. 00181098

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

11. LIYA PETROSYAN

BOR DKT. 00185084

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility under unavailability for work.

BOARD OF REVIEW MINUTES – SEPTEMBER 11, 2019 MEETING

12. MORGAN JENSEN

BOR DKT. 00185001

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.

13. KIMBERLY CARR

BOR DKT. 00184490

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

14. MICHAEL COLBERT

BOR DKT. 00186353

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

15. OMAR MUSTAFA

BOR DKT. 00185601

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

16. EVELYN STABILE

BOR DKT. 00176380

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

17. CHIBUIKEM NWANONYIRI

BOR DKT. 00178364

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

18. TRUDY LITTLE

BOR DKT. 00180925

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

19. KRISTIN MURRAY

BOR DKT. 00186218

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

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20. AMY BAXES

BOR DKT. 00177410

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.

21. MARQUES CANTY

BOR DKT. 00186473

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

22. MICHAEL CANNON

BOR DKT. 00186053

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

23. SUZANNE SULLIVAN

BOR DKT. 00186105

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

24. PAUL DOLAN

BOR DKT. 00182608

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

25. VLADIMIR GONZALEZ

BOR DKT. 00185826

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

26. RHODA LIVINGSTON

BOR DKT. 00185351

Claimant appealed decision of the Appeal Tribunal holding the appeal late with good cause and holding a disqualification for voluntary leaving the work.

27. LORI WALERSKI

BOR DKT. 00179324

Claimant appealed a decision of the Appeal Tribunal holding the claimant with a fraud disqualification.

28. LORI WALERSKI

BOR DKT. 00179331

Claimant appealed a decision of the Appeal Tribunal holding the claimant with a fraud disqualification.

**BOARD OF REVIEW MINUTES – SEPTEMBER 11, 2019
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29. DIANA DOMENECH

BOR DKT. 00183955

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

30. SAHID RAHMAN

BOR DKT. 00184950

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

31. SUSAN KROTOWSKI

BOR DKT. 00176967

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

32. ELIZABETH AMPADU

BOR DKT. 00181693

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

33. ELIZABETH AMPADU

BOR DKT. 00181696

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

34. ELIZABETH AMPADU

BOR DKT. 00181700

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

35. ELIZABETH AMPADU

BOR DKT. 00181704

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

36. . ELIZABETH AMPADU

BOR DKT. 00181706

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

37. RAY VALENTIN

BOR DKT. 00184363

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

**BOARD OF REVIEW MINUTES – SEPTEMBER 11, 2019
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38. ELISHA BARNES

BOR DKT. 00182469

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

39. KENIA HERRERA

BOR DKT. 00185016

Employer appealed the decision of the Appeal Tribunal holding no disqualification for voluntarily leaving the work and holding the claimant eligible for benefits as she was available for work.

40. HOMER EAFFORD

BOR DKT. 00185469

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

41. ALVIN JOHNSON

BOR DKT. 00185830

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

42. MARIA POCSI

BOR DKT. 00185902

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

43. VICKIE KELLEM

BOR DKT. 00185390

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

44. DONNA BROWN

BOR DKT. 00186334

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

45. JONATHAN RIBEIRO

BOR DKT. 00186239

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

46. LAURA FEMINELLA

BOR DKT. 00186521

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

**BOARD OF REVIEW MINUTES – SEPTEMBER 11, 2019
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47. GRETA GILHOOLEY

BOR DKT. 00178833

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

48. MARIA TEJADA

BOR DKT. 00185037

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

49. ERICKA TAYLOR

BOR DKT. 00185888

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

50. DON COLEMAN

BOR DKT. 00182241

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

51. DAWN FIFTH

BOR DKT. 00184987

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

52. CARLOS CARRANZA

BOR DKT. 00186368

Claimant appealed 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 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS TO THE BOARD OF REVIEW.

A-5 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. ROBIN DWYER

BOR DKT. 00184619

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under active search for work and liable for a non-fraud refund.

BOARD OF REVIEW MINUTES – SEPTEMBER 11, 2019 MEETING

2. QUIANA BREWINGTON

BOR DKT. 00186725

Claimant appealed decision of the Appeal Tribunal holding no disqualification for voluntarily leaving the work, holding an ineligibility for not being available for work and holding the claimant liable for non-fraud refund.

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

A-6 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. LOVELLA WAMBOLD

BOR DKT. 00186729

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

2. LOVELLA WAMBOLD

BOR DKT. 00186730

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

3. CANDIDO PEREZ

BOR DKT. 00185349

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.

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

A-7 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. SERGIO BACA

BOR DKT. 00185373

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

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2. ROBERT ALLEN, SR.

BOR DKT. 00183478

Claimant requests a reconsideration of the Board of Review decision affirming the Appeal Tribunal decision which held the claimant disqualified for benefits for misconduct connected with the work.

3. ALEXANDER ROSARIO

BOR DKT. 00186193

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

4. STEPHANIE GARCIA

BOR DKT. 00186122

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

5. JOSEPH OCHOA

BOR DKT. 00178680

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

6. SHAQUILLA SIMMONS

BOR DKT. 00185412

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

7. CASEY CARROLL

BOR DKT. 00185740

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

8. DWAYNE CROOK

BOR DKT. 00184747

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.

9. IVANNA VILLAVIZAR

BOR DKT. 00184913

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

**BOARD OF REVIEW MINUTES – SEPTEMBER 11, 2019
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10. JAZMIN COZY

BOR DKT. 00178907

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

11. GARY LAMB

BOR DKT. 00176898

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

12. SHANIECE WILLIAMS

BOR DKT. 00184316

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

13. JUSTIN A. DELANEY

BOR DKT. 00031456

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for gross misconduct connected with the work (and the validity of his claim).

14. MEAGHAN KROLL

BOR DKT. 00182573

Employer appealed decision of the Appeal Tribunal which held no disqualification for voluntarily leaving the work and no disqualification for discharge for misconduct connected with the work.

15. JESUS BRITO

BOR DKT. 00179278

Claimant appealed 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 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY.**

SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 CHRISTA FISHER

BOR DKT. 00184541

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

**BOARD OF REVIEW MINUTES – SEPTEMBER 11, 2019
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ACTION: THE BOARD ACCEPTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL TO THE SAME EXAMINER TO ALLOW LEGAL REPRESENTATION AND TO SUBPEONA THE WITNESS.

B-2 CYNTHIA CORDOVA BOR DKT. 00174643

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

ACTION: THE BOARD ACCEPTED TO AFFIRM THIS CASE WITH A RE-WRITE TO INCLUDE REGULATON N.J.A.C. 12:17-12.7.

B-3 SOLANYI ROJAS BOR DKT. 00185143

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

ACTION: THE BOARD ACCEPTED TO REMAND THE CASE TO THE APPEAL TRIBUNAL AND TO SUBPEONA THE EMPLOYER FOR ADDITIONAL TESTIMONY.

B-4 CYNTHIA JACKSON BOR DKT. 00167115

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

ACTION: THE BOARD ACCEPTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY.

B-5 DENISE ASKEW BOR DKT. 00177374

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

**BOARD OF REVIEW MINUTES – SEPTEMBER 11, 2019
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ACTION: THE BOARD ACCEPTED TO AFFIRM THE APPEAL TRIBUNAL DECISION IN THIS CASE.

B-6 WILLMA MYRICK BOR DKT. 00184558

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

ACTION: THE BOARD ACCEPTED TO AFFIRM THE APPEAL TRIBUNAL IN THIS CASE AND ADD ADDITIONAL PARAGRAPH.

B-7 CATHERINE DICKERSON BOR DKT. 00186022

Claimant appealed decision of the Appeal Tribunal holding a period of ineligibility as claimant was not available for work and was not actively seeking work.

ACTION: THE BOARD ACCEPTED TO MODIFY THE DECISION IN THIS CASE AND SET ASIDE THE PORTION OF ASW BECAUSE THE BOARD DID NOT HAVE JURISDICTION.

B-8 ROGER WEST BOR DKT. 00185771

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

ACTION: THE BOARD ACCEPTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL AND ADD SECOND EMPLOYER TO THE DOCKET AND TO GET A BETTER RECORD OF THE CLAIMANT'S TERMS OF HIRE

B-9 YOCHVED KATZ BOR DKT. 00169240

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily and claimant was not liable for a non-fraud refund. **(Supplemental Case for Discussion)**

**BOARD OF REVIEW MINUTES – SEPTEMBER 11, 2019
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ACTION: THE BOARD ACCEPTED TO TABLE THIS CASE TO BE DISCUSSED IN THE MEETING OF SEPTEMBER 18, 2019.

B-10 DESTHY MATOUBA

BOR DKT. 00180141

Claimant appealed a decision of the Appeal Tribunal holding a period of ineligibility as the claimant failed to report in accordance with Division regulations.

ACTION: THE BOARD ACCEPT TO AFFIRM THE APPEAL TRIBUNAL DECISION IN THIS CASE DISMISSING THE APPEAL AS LATE WITHOUT GOOD CAUSE TO THE BOARD OF REVIEW.

B-11 SELENA RATLIFF-ROBINSON

BOR DKT. 00177787

Reopened Appeal Tribunal decision for review of the Board of Review decision. Per the Deputy's e-mail to the Board of Review, it was not clear as the purpose of the alternate base year and a date is necessary for the base year to be used. Discuss for clarification of Deputy's e-mail.

ACTION: THE BOARD ACCEPTED TO ISSUE A CORRECTED DECISION IN THIS CASE TO SPECIFY ALTERNATE BASE YEAR.