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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
SEPTEMBER 25, 2019**

JOSEPH P. SIEBER, CHAIRPERSON

NANCY W. HUNT, VICE-CHAIRPERSON

BOARD OF REVIEW MEETING SEPTEMBER 25, 2019

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A regular meeting of the Board of Review was held on Wednesday, September 25, 2019 at 10:00 a.m., in Trenton, New Jersey

PRESENT: Joseph Sieber, Chairman, Nancy Hunt, Vice-Chair and William Scaglione, 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 25, 2019 MEETING

SECTION A – HEARING MATTERS

BOARD MINUTES:

Submitted for adoption are the minutes of the September 18, 2019 Board meeting.

ACTION: THE BOARD VOTED TO ACCEPT FOR ADOPTION THE MINUTES OF THE SEPTEMBER 18, 2019 MEETING.

OLD BUSINESS

1. CATHERINE DICKERSON BOR DKT. 00186022

Claimant appealed the decision of the Appeal Tribunal holding a period of ineligibility as claimant was not available for work and was not actively seeking work. **(This case was tabled in the meeting of September 18, 2019).**

ACTION: THE BOARD VOTED TO REMAND THIS CASE FOR ADDITIONAL TESTIMONY TO ADDRESS CLAIMANT'S PER DIEM STATUS.

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

1. TISA SHUMATE BOR DKT. 00184496

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

2. ROBERT BLADES BOR DKT. 00150949

The claimant appealed a decision of the Appeal Tribunal which dismissed the appeal for no justiciable issue due to the exhaustion of benefits.

3. WAJEEDAH SCHOFIELD BOR DKT. 00005537

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

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4. AALIYAH HAROLD BOR DKT. 00175604

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

5. CHERIE OREN BOR DKT. 00176966

Claimant appealed a decision of the Appeal Tribunal holding the claimant filed a timely appeal, a disqualification of benefits for leaving work voluntarily, and dismissing the claimant's availability for work as academic in view of the disqualification imposed.

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

A-2 VACATED APPEALS FROM THE BOARD OF REVIEW

1. TANYIKI DAVENPORT BOR DKT. 00144217

This matter has been docketed in error as an appeal by the claimant to the Board of Review.

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

A-3 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. MARTIN CARBOTTI BOR DKT. 00179014

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

2. KAREN MAROCELLI BOR DKT. 00179848

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

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- 3. COMMORA GRAY** **BOR DKT. 00185786**

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

- 4. SUSANNE BRANSTNER** **BOR DKT. 00185058**

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

- 5. JUAN TORRES** **BOR DKT. 00187794**

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

- 6. KELLY TUFARO** **BOR DKT. 00174745**

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

- 7. KELLY TUFARO** **BOR DKT. 00174751**

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

- 8. TAZIO RUFFILO** **BOR DKT. 00186386**

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms and a liability to a non-fraud refund.

- 9. MICHELLE STUBBS** **BOR DKT. 00182649**

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

- 10. RHONDA DETWILER** **BOR DKT. 00180624**

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

- 11. ANDREY BONELLI** **BOR DKT. 00187716**

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

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12. TAMMY ORTIZ BOR DKT. 00182101

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

13. MARGARET TOMB BOR DKT. 00183645

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

14. DUANE DUNN BOR DKT. 00185009

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

15. MARIA ESTEBAN BOR DKT. 00181881

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

16. ERICA MOBLEY BOR DKT. 00188495

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

17. RICHARD DALY BOR DKT. 00176862

The claimant appealed a decision of the Appeal Tribunal which affirmed the Deputy's monetary entitlement and the claimant's non-fraud refund liability.

18. ELOY MORERA BOR DKT. 00188542

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

19. ANDREA MALESPINA BOR DKT. 00183402

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

20. JAMES NEWCOMB BOR DKT. 00187614

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal of the Deputy's determination on the ground that it was filed late without good cause.

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21. JOSEPH MOLINA

BOR DKT. 00186427

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

22. JOHN GRAF

BOR DKT. 00186526

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

23. MALIKA SMITH

BOR DKT. 00186260

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

24. ANEZOULA TRIANTAFYLLOU

BOR DKT. 00186700

Employer appealed the decision of the Appeal Tribunal holding the claimant eligible for benefits as the claimant did not have reasonable assurance between terms.

25. CHRISTOPHER RUSSOMANNO

BOR DKT. 00187688

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

26. DAWN LEEDS-SMITH

BOR DKT. 00186686

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

27. DIANA RAGAUCKAS

BOR DKT. 00183294

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

28. JOSEPH GIBSON

BOR DKT. 00176425

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

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29. MICHAEL EPPS

BOR DKT. 00186084

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

30. SABRIN ZAWAHRAH

BOR DKT. 00187032

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

31. DMITRY YAVICH

BOR DKT. 00179375

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

32. KENNETH JAMES

BOR DKT. 00188194

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

33. SUKAINA SYDNEY

BOR DKT. 00185801

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

34. JOHN DREBOTY

BOR DKT. 00183116

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

35. JORGE LEON DIAZ

BOR DKT. 00184432

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

36. VICTOR MARTIN

BOR DKT. 00186649

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

37. RENEE SANCHEZ

BOR DKT. 00188233

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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38. PATRICIA SALZONE

BOR DKT. 00187779

The claimant appealed a decision of the Appeal Tribunal which held the claimant ineligible between terms as she had reasonable assurance of reemployment with an educational institution.

39. ANNE MAHER

BOR DKT. 00188047

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

40. FRANKLYN BETANCES

BOR DKT. 00186673

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

41. FRANKLYN BETANCES

BOR DKT. 00186074

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

42. NICOLE STRILLUK

BOR DKT. 00179665

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

43. JALEH KASHANIAN

BOR DKT. 00164596

Claimant appealed a decision of the Appeal Tribunal holding the CWC claim invalid and liable for non-fraud refund.

44. QUASEIR HOPKINS

BOR DKT. 00189194

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits due to having reasonable assurance of employment

45. SUZANNE KULIK

BOR DKT. 00188156

Claimant appealed a decision of the Appeal Tribunal holding the claimant request for a pre-date of an unemployment claim.

46. ELIZA MITCHELL

BOR DKT. 00187735

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

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47. ELIZA MITCHELL

BOR DKT. 00187737

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

48. DANY JARAMILLO ARANDA

BOR DKT. 00188142

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

49. STACIE CHESSON

BOR DKT. 00177671

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and a decision holding the claimant ineligible for benefits under availability to work.

50. MONETTE MCCLOUD

BOR DKT. 00172633

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and that subsequent weeks and wages were insufficient to remove the disqualification imposed.

51. KINGSLEY AGYEMAN

BOR DKT. 00185897

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal of the Deputy's determination on the ground that the appeal was filed late without good cause.

52. TERRY BATTLES

BOR DKT. 00186362

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

53. CINTY KRAMER

BOR DKT. 00188337

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

54. ADE JONES

BOR DKT. 00186359

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

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55. DAHLIA RODRIGUEZ

BOR DKT. 00187697

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

56. LISA RACCUGLIA

BOR DKT. 00181932

Claimant appealed the Appeal Tribunal decision holding the unemployment claim dated April 4, 2019 invalid.

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

A-4 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. MARK WOLF

BOR DKT. 00186640

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

2. DEBORAH GOLASZEWSKI

BOR DKT. 00144485

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

3. DEBORAH GOLASZEWSKI

BOR DKT. 00169259

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of temporary disability benefits under Disability Benefits During Unemployment from February 4, 2018 as a previous voluntary leaving disqualification was still in effect.

4. SOPHONIA WILLIAMS

BOR DKT. 00178409

Claimant appealed decision of the Appeal Tribunal holding the appeal late with good cause, no disqualification for voluntarily leaving the work; holding the claim dated January 28, 2018 invalid and holding the claimant liable for non-fraud refund.

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5. JOSEPH TOUSSAINT BOR DKT. 00186948

Claimant appealed a decision of the Appeal Tribunal holding the appeal was filed timely, and holding a disqualification of benefits for misconduct connected with the work.

6. DONNA VILARO BOR DKT. 00167216

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

7. MICHAEL SORGER BOR DKT. 00184239

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

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

A-5 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. VINCENT DAILY BOR DKT. 00185533

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

2. LYDIA ROMAN BOR DKT. 00187486

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

3. MONETTE MCCLOUD BOR DKT. 00188234

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

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

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A-6 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

- 1. MICHAEL HYPOLITE** **BOR DKT. 00180138**

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

- 2. MICHAEL LEHMAN** **BOR DKT. 00181547**

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

- 3. DAKOTA CENTRONE** **BOR DKT. 00181182**

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

- 4. HOWIE FALLON** **BOR DKT. 00180893**

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

- 5. EDWARD ZEBRO** **BOR DKT. 00185306**

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

- 6. ISABEL LOPEZ** **BOR DKT. 00186381**

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

- 7. LUIS PIERRE-SEVERINO** **BOR DKT. 00180388**

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

- 8. JOSE GARCIA LOPEZ** **BOR DKT. 00185728**

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

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9. DESIREE ANGULO

BOR DKT. 00184637

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

10. RICHARD CERZOSIMO

BOR DKT. 00180654

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

11. DAVID MORGAN

BOR DKT. 00188408

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

12. GERI ZISA

BOR DKT. 00186776

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

13. JOSEPH AMMATURO

BOR DKT. 00185684

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

14. MELISSA COY

BOR DKT. 00182269

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 REMANDS TO THE APPEAL TRIBUNAL OR THE DEPUTY.

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SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 SALVATORE NESTA BOR DKT. 00177547

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

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION WITH A REWRITE TO REFLECT THE FACTS ACCURATELY.

B-2 HEATHER HARRISON BOR DKT. 00177234

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 AS THE CLAIMANT LEFT WORK VOLUNTARILY WITHOUT GOOD CAUSE.

B-3 ADRIENNE SCHWALL BOR DKT. 00179443

Claimant appealed a decision of the Appeal Tribunal holding the claimant not unemployed and the claim dated March 31, 2019 invalid.

ACTION: THE BOARD VOTED TO AFFIRM WITH A REWRITE TO SHOW CLAIMANT CANNOT PREVAIL AND ESTABLISH A VALID CLAIM.

B-4 BETH PRIBULA BOR DKT. 00186049

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

ACTION: BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION AND HOLD THE CLAIMANT DISQUALIFIED FOR MISCONDUCT CONNECTED WITH THE WORK.

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B-5 BRITTANY FORD BOR DKT. 00186435

Claimant appealed decision of the Appeal Tribunal which held a period of ineligibility on the ground the claimant was not able to work.

ACTION: THE BOARD VOTED TO MODIFY THE APPEAL TRIBUNAL DECISION WITH A CHANGE IN THE DATES OF INELIGIBILITY.

B-6 MICHELE MISIAG BOR DKT. 00186000

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

ACTION: THE BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL TO CONSIDER WHETHER OR NOT THIS COULD POTENTIALLY BE A REFUSAL OF SUITABLE WORK.

B-7 SHAQUITTA DAVIS BOR DKT. 00183207

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 HAD GOOD CAUSE FOR LEAVING WORK.

B-8 DARLENE SIMMONS BOR DKT. 00186795

Employer appealed a decision of the Appeal Tribunal holding no disqualification for voluntarily leaving the work and no disqualification for discharge for misconduct connected to the work.

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

**BOARD OF REVIEW MINUTES – SEPTEMBER 25, 2019
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AT 1:06 THE BOARD VOTED TO GO BACK INTO EXECUTIVE SESSION FOR LEGAL ADVICE.

AT 1:16 THE BOARD VOTED TO AGAIN COME OUT OF EXECUTIVE SESSION AND BACK INTO THE OPEN PUBLIC MEETING AT WHICH TIME THEY VOTED TO END THE OPEN PUBLIC MEETING.