



PHILIP D. MURPHY  
*Governor*

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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  
JANUARY 15, 2020**

**NANCY HUNT, ACTING CHAIRPERSON**

**WILLIAM SCAGLIONE, ACTING VICE-CHAIRPERSON**

**BOARD OF REVIEW MEETING JANUARY 15, 2020**

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**A regular meeting of the Board of Review was held on Wednesday, January 15, 2020 at 10:00 a.m., in Trenton, New Jersey**

**PRESENT: Nancy Hunt, Acting Chairperson, and William Scaglione, Acting Vice-Chairperson, 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 15, 2020 MEETING

### BOARD MINUTES:

Submitted for adoption are the minutes of the January 8, 2020 Board meeting.

**ACTION: THE BOARD VOTED TO ACCEPT THE MINUTES OF THE JANUARY 8, 2020 BOARD MEETING.**

### OLD BUSINESS:

**1. MARIA WHITTEN** BOR DKT. 00187443

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work. **(This case was placed in the wrong category in the meeting of January 8, 2020. Had nothing to do with the Superior Court. Placed as old business to correct the error).**

**ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASE AS A REOPEN AND DISMISSAL TO THE BOARD OF REVIEW.**

### SECTION A – HEARING MATTERS

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

**1. JENNIFER FIX** BOR DKT. 00197091

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

**2. ANTIONETTE WACHIRA** BOR DKT. 00179907

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

**3. ASHANTA BELL** BOR DKT. 00196753

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

**4. JILL VANDERWERF** BOR DKT. 00197494

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

## BOARD OF REVIEW MINUTES – JANUARY 15, 2020 MEETING

**5. JONATHAN FREDA** BOR DKT. 00182156

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

**6. BRIAN SMITH** BOR DKT. 00176472

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

**7. ANTHONY WHITE** BOR DKT. 00197022

Claimant appealed a decision of the Appeal Tribunal holding a period of ineligibility as the claimant was not available to work.

**8. JOHN HORTON** BOR DKT. 00196386

The claimant appealed the determination of the Appeal Tribunal holding the claimant disqualified for benefits for refusing suitable work and a liability to a non-fraud refund.

**9. EDWARD DRENNAN** BOR DKT. 00197169

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work and actively seeking work, and liable for a non-fraud refund.

**10. ANTHONY IVORY** BOR DKT. 00196801

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

**11. KHALILAH WILSON** BOR DKT. 00196043

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

**12. MOLIERE OGANY** BOR DKT. 00184967

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 CASES AS DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW.**

## BOARD OF REVIEW MINUTES – JANUARY 15, 2020 MEETING

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

1. SARAH PENFOLD BOR DKT. 00194338

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

2. VIRGILIO MARTINEZ BOR DKT. 00193594

The claimant requests reconsideration of the Board of Review decision affirming the Appeal Tribunal decision which dismissed the claimant's appeal as late without good cause.

3. WADII SHENOUDA BOR DKT. 00192841

The claimant requests reconsideration of the Board of Review decision affirming the Appeal Tribunal decision which held the claimant liable for a non-fraud refund.

4. CRYSTAL FERNANDEZ BOR DKT. 00179089

The employer requests reconsideration of the Board of Review decision affirming the Appeal Tribunal decision which held the claimant not disqualified under voluntary leaving work and no disqualification under discharge for misconduct.

5. NYISHIA EDWARDS BOR DKT. 00188191

The employer requests reconsideration of the Board of Review decision affirming the Appeal Tribunal decision which held the claimant not disqualified for benefits for misconduct connected with the work.

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

### A-3 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. XAIMARA LEON BOR DKT. 00198101

Claimant appealed the 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 15, 2020 MEETING

**2. KIMBERLIE DIENER** BOR DKT. 00197475

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

**3. MIGUEL LETOURNEAUT** BOR DKT. 196149

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

**4. SHAUN BARTO** BOR DKT. 00197215

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

**5. GERALD THOMPSON** BOR DKT. 00194426

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

**6. ARIS ALMONTE** BOR DKT. 00196931

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

**7. ADAM RAYFORD** BOR DKT. 00198271

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

**8. ABUL KALAM** BOR DKT. 00197669

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

**9. BOBBI BROOKS** BOR DKT. 00197727

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

**10. EUSUF WALTERS** BOR DKT. 00196170

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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**11. EUSUF WALTERS**

BOR DKT. 00195954

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.

**12. DANIEL CLARK**

BOR DKT. 00198273

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

**13. ANNE GREEN**

BOR DKT. 00196346

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

**14. ARTUR TUREK**

BOR DKT. 00196528

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

**15. CYNTHIA FINCHER**

BOR DKT. 00192423

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

**16. CYNTHIA FINCHER**

BOR DKT. 00192424

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

**17. KATHLEEN KIRK-LIBERATORE**

BOR DKT. 00188343

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

**18. LECH CHOROSZUCHA**

BOR DKT. 00197245

Claimant appealed a decision of the Appeal Tribunal denying the predate of the claim.

**19. MARJORIE GUISE**

BOR DKT. 00197219

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

## BOARD OF REVIEW MINUTES – JANUARY 15, 2020 MEETING

**20. JOSEPH LECH**

BOR DKT. 00196391

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

**21. SHANERE DELOACH**

BOR DKT. 00192139

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

**22. BRADFORD JUNGELS**

BOR DKT. 00196671

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

**23. JAMES HUNTER**

BOR DKT. 00198089

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

**24. SIRILO ALCANTARA**

BOR DKT. 00197131

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

**25. ROSE VILLAR**

BOR DKT. 00197374

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

**26. TERENCE WRIGHT**

BOR DKT. 00196468

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

**27. RASHEITA KELLY**

BOR DKT. 00198854

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.

**28. HILDA GONZALEZ-ALVAREZ**

BOR DKT. 00197466

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



## BOARD OF REVIEW MINUTES – JANUARY 15, 2020 MEETING

**29. JOHANNY NOBOA**

BOR DKT. 00198045

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

**30. GEORGIANNA MUSHALLA**

BOR DKT. 00196273

Claimant appealed a decision of the Appeal Tribunal holding the claim dated February 11, 2019 valid with a weekly benefits rate of \$577.00 and a maximum benefit amount of \$9,820.00.

**31. SPRIHA VERMA**

BOR DKT. 00197658

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits on the ground that the claimant left the work voluntarily without good cause attributable to such work.

**32. DELIA HERRERA**

BOR DKT. 00194968

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

**33. EDDY ROMANI**

BOR DKT. 00196118

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

**34. DINEKA HOWE**

BOR DKT. 00196704

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

**35. JANETTE CORTAVARRIA**

BOR DKT. 00196022

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.

**36. JAKEERAH ROBINSON**

BOR DKT. 00196367

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

## BOARD OF REVIEW MINUTES – JANUARY 15, 2020 MEETING

**37. ALEX ODOM** BOR DKT. 00196072

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

**38. ANTHONY ROGERS, SR.** BOR DKT. 00197218

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

**39. JEFFREY AMOROSI** BOR DKT. 00184732

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

**40. JOSE REYES** BOR DKT. 00198049

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

**41. JESSICA MORALES** BOR DKT. 00197453

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

**42. WELINTON PEREZ** BOR DKT. 00195651

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

**43. TAISHA RODRIGUEZ** BOR DKT. 00194927

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

**44. KELLEY GRAY** BOR DKT. 00196336

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

**45. TYLER MAHLER** BOR DKT. 00190750

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

## BOARD OF REVIEW MINUTES – JANUARY 15, 2020 MEETING

### 46. CLAUDINE STERLING

BOR DKT. 00196440

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

### 47. THOMAS BERGSTROM

BOR DKT. 00197822

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

**ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS. WITH THE EXCEPTION OF NUMBER 45 ON THE LIST TD MILLER, DOCKET NO. 00194768 WHICH WAS REMOVED FROM THE LIST FOR DISCUSSION.**

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

##### 1. KAREN MOHRING

BOR DKT. 00197945

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 CASE AS A REVERSAL OF AN APPEAL TRIBUNAL DECISION. WITH THE EXCEPTION OF NUMBER 2 ON THE LIST KIMBERLY SCHAEFER DKT. NO. 00196541 WHICH WAS REMOVED FOR DISCUSSION.**

#### A-5 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

##### 1. ALEXANDRIA WALDMAN

BOR DKT. 00197982

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

##### 2. EMMANJUEL THOMAS

BOR DKT. 00182294

Deputy appealed a decision of the Appeal Tribunal finding the claimant not liable for refund.

## BOARD OF REVIEW MINUTES – JANUARY 15, 2020 MEETING

**3. MICHAEL READIE** BOR DKT. 00193592

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

**4. AMANDA WEINER** BOR DKT. 00184511

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

**5. DIEGO MAGAÑA** BOR DKT. 00184003

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

**6. KATHERINE DUNPHY** BOR DKT. 00195990

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

**7. MARVIN JACOBS** BOR DKT. 00195402

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

**8. JUAN ESPINAL** BOR DKT. 00196377

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

**9. SHERI ALBERTS** BOR DKT. 00186269

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

**10. LEONARD RUTLEDGE** BOR DKT. 00192979

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

**11. CLARENCE TROUBLEFIELD** BOR DKT. 00197353

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

## BOARD OF REVIEW MINUTES – JANUARY 15, 2020 MEETING

**12. BARBARA MASCOLA** BOR DKT. 00191706

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

**13. BRIAN GOOD** BOR DKT. 00197677

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

**14. NOELLE LUMFORD** BOR DKT. 00197433

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

**15. JENETTE RODRIGUEZ** BOR DKT. 00177748

The employer appealed a decision of the Appeal Tribunal holding no disqualification under N.J.S.A. 43:21-5(a) and N.J.S.A. 43:21-5(c).

**16. JASON BERMUDEZ** BOR DKT. 00195807

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

**17. BENEDITCT STEFANELLI** BOR DKT. 00198318

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

**18. KATIE BROWN** BOR DKT. 00198836

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

**19. CARISSA DIETZ** BOR DKT. 00195427

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 THE DEPUTY.**



## BOARD OF REVIEW MINUTES – JANUARY 15, 2020 MEETING

**B-5** KIMBERLY SCHAEFER

BOR DKT. 00196541

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits for failing to meet the Division's reporting requirements.

**ACTION: THE BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION ON THE ABOVE CASE AND HOLD GOOD CAUSE FOR NOT MEETING REPORTING REQUIREMENTS.**

**B-6** MALEEK DORSEY

BOR DKT. 00196324

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

**ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION AND HOLD A MISCONDUCT DISQUALIFICATION.**

**B-7** KEITH SANTOLI

BOR DKT. 00198739

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

**ACTION: THE BOARD VOTED TO REMAND THE ABOVE CASE TO THE APPEAL TRIBUNAL FOR FURTHER TESTIMONY.**

**MALEEK DORSEY DKT. NO. 00196324 WAS ORIGINALLY IN SECTION A-5 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS. ACTING VICE CHAIRMAN MR. SCAGLIONE REQUESTED THIS CASE BE REMOVED FROM THAT SECTION FOR DISCUSSION. THEREFOR, SECTION A-5 MODIFICATIONS OF APPEAL TRIBUNAL DECISION WAS DELETED AND SECTION A-6 REMANDS TO THE APPEAL TRIBUNAL OR THE DEPUTY BECAME SECTION A-5 IN THE BOARD MINUTES.**

## **BOARD OF REVIEW MINUTES – JANUARY 15, 2020 MEETING**

**10:22: THE BOARD VOTED TO GO INTO EXECUTIVE SESSION FOR LEGAL ADVICE.**

**10:28: THE BOARD VOTED TO COME OUT OF EXECUTIVE SESSION AND RESUME THE REGULAR BOARD MEETING.**

**11:21: THE BOARD VOTED TO GO INTO EXECUTIVE SESSION AGAIN FOR LEGAL ADVICE.**

**11:26: THE BOARD VOTED TO COME OUT OF EXECUTIVE SESSION AND RESUME THE OPEN PUBLIC MEETING.**

**11:29: THE BOARD VOTED TO GO INTO EXECUTIVE SESSION FOR LEGAL ADVICE. (OSPINA CASE). DKT. NOS. 135069 AND 134771 WERE REMANDED AND DOCKET NO. 135070 WAS VACATED.**

**11:31: THE BOARD VOTED TO COME OUT OF EXECUTIVE SESSION AND RESUME THE OPEN PUBLIC MEETING AT WHICH TIME THE MEETING WAS ADJOURNED BY ACTING CHAIRPERSON NANCY HUNT.**