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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
MAY 6, 2020**

NANCY HUNT, ACTING CHAIRPERSON

WILLIAM SCAGLIONE, ACTING VICE-CHAIRMAN

SHARAHZAD A. LEDAN, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING MAY 6, 2020

MAY 6, 2020

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A regular meeting of the Board of Review was held on Wednesday, May 6, 2020 at 10:00 a.m., via conference call, in Trenton, New Jersey

PRESENT: Nancy Hunt, Acting Chairperson, William Scaglione, Acting Vice-Chairman, 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 – MAY 6, 2020 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the April 29, 2020 Board meeting.

ACTION: THE BOARD VOTED TO ADOPT THE MINUTES OF THE APRIL 29, 2020 MEETING.

SECTION A – HEARING MATTERS

A-1 WITHDRAWAL OF APPEALS

1. HELEN O'DONNELL BOR DKT. 00203307

Employer appealed the 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.

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

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

1. MARIA BENSON BOR DKT. 00180841

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

2. JONATHAN MARTINEZ BOR DKT. 00196793

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

3. MARK SMERECZNIK BOR DKT. 00193297

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

4. CHAYA BROYDE BOR DKT. 00186748

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

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

A-3 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. FRANCISCO JACONETTA BOR DKT. 199486

Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits for misconduct connected with the work.
2. PAMELA WALLACK BOR DKT. 00203613

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under reporting requirements.
3. CARMEN GONZALEZ BOR DKT. 00203215

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.
4. MICHAEL UCCI BOR DKT. 00199306

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work.
5. GIOVANNI SIGONA BOR DKT. 00202840

Claimant appealed decision of the Appeal Tribunal holding the claimant ineligible for Disability During Unemployment benefits on the ground that there were insufficient weeks and wages to establish a valid claim.
6. RYSELL RUAN BOR DKT. 00202927

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause.
7. STEVEN TUSSEL BOR DKT. 00199578

Claimant appealed decision of the Appeal Tribunal holding a disqualification for discharge for misconduct connected with the work.
8. CHRISTINE MARSH BOR DKT. 00203344

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

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9. JACQUELINE HIDALGO BOR DKT. 00202818

Claimant appealed a decision of the Appeal Tribunal holding a period of disqualification on the ground that the claimant was discharged for misconduct connected to the work.

10. MAURICIO CALDERON BOR DKT. 00204162

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

11. MICHELLE HARTL BOR DKT. 00203598

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

12. ASHLEY CHAPMAN BOR DKT. 00202507

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

13. RAMONA GRULLON-ROSA BOR DKT. 00195175

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

14. FREDERICK TEAL BOR DKT. 00201894

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

15. PAMELA REDDICK BOR DKT. 00204043

Claimant appealed decision of the Appeal Tribunal holding the claimant ineligible for Additional Benefits during Training.

16. DANIEL THORNE BOR DKT. 00203079

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

17. MARY MAGOWAN BOR DKT. 00203040

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

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18. ABDIAS TOUSSAINT BOR DKT. 00197830

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

19. VIRGINIA LOBUR BOR DKT. 00201735

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

20. VIRGINIA LOBUR BOR DKT. 00201736

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

21. MA FE MARASIGAN BOR DKT. 00204996

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

22. JENNIFER LAWSON BOR DKT. 00203151

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

23. DEBRA CSEH BOR DKT. 00201365

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

24. DANIELLE EVANGELISTA BOR DKT. 00202963

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

25. DAMARIS RIVERA BOR DKT. 00203409

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

26. BRIAN GOOD BOR DKT. 00197677

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

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27. RENNE SHEPPARD

BOR DKT. 00199726

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

28. YVONNE RACZKOWSKI

BOR DKT. 00204216

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

29. CRAIG MARTIN

BOR DKT. 00204258

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

30. VIRVENS DESSOURCES

BOR DKT. 00204398

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

31. LISA DELOATCH

BOR DKT. 00204198

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

32. ORLANDO HOPES

BOR DKT. 00189766

Claimant appealed 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.

33. MICHAEL AMILCARE

BOR DKT. 00200745

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, ineligible for benefits under ability to work and liable for a fraud refund due to willful misrepresentation.

34. OANA DEPROPHTIS

BOR DKT. 00204123

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

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35. JOHNNY DRAYTON BOR DKT. 00203777

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

36. DAVID GERENA BOR DKT. 00204619

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

37. SHERRY CIUBA BOR DKT. 00204424

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

38. MANUEL BARCENA BOR DKT. 00204241

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

39. JACQUELINE RUPINSKI BOR DKT. 00204044

Claimant filed an appeal to a decision of the Appeal Tribunal which held the claimant ineligible for benefits for failing to report in accordance with the regulations of the Division.

40. WILLIAM MENDEZ BOR DKT. 00203213

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

41. NAGTASHA CLARY BOR DKT. 00204052

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

42. LOURDES CASTRO BOR DKT. 00203937

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

43. JOHN RAMOS BOR DKT. 00198364

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

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44. TIANA THOM BOR DKT. 00202958

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

45. JENNIFER BARQUET BOR DKT. 00203532

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for Additional Benefits during Training on the ground that she was separated for reasons other than lack of work.

46. SHEILA ROBERSON BOR DKT. 00203877

Employer appealed a decision of the Appeal Tribunal holding the claimant eligible for benefits under availability for work and not liable for a non-fraud refund.

47. TIMISHA WOODS BOR DKT. 00201556

Employer appealed a decision of the Appeal Tribunal holding the claim valid on the ground that the claimant was not an independent contractor.

48. MICHAEL MARTIN BOR DKT. 00202711

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

49. FELIX PIMENTEL BOR DKT. 00203947

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

50. BRITTANY YANGUA BOR DKT. 00200713

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

51. PETER CENTENO BOR DKT. 00200739

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

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

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A-4 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. RHAMEEN LE GRAND BOR DKT. 00203009

Employer appealed decision of the Appeal Tribunal holding no disqualification as the claimant was not discharged for misconduct connected to the work.

2. DANIEL NUZZO BOR DKT. 00204430

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 REVERSALS OF APPEAL TRIBUNAL DECISIONS.

A-5 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. ANGEL MEDINA COLLAZO BOR DKT. 00201956

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 MODIFICATION OF AN APPEAL TRIBUNAL DECISION.

A-6 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. DAYRA MATOS BOR DKT. 00202043

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and no toll out.

3. FRANK KAUTZ BOR DKT. 00202423

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

2. PETER COURTER BOR DKT. 00202535

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

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3. ANTHONY GIELLO BOR DKT. 00202749

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

4. KYLE ROBINSON BOR DKT. 00202795

Employer appealed a decision of the Appeal Tribunal holding the claimant's appeal of the Deputy's determination timely and holding no disqualification as the claimant was not discharged for misconduct connected to the work.

5. VICTOR ALVERIO BOR DKT. 00195043

Employer appealed the decision of the Appeal Tribunal holding the employer liable for charges.

6. DARNELL SEAWRIGHT BOR DKT. 00199438

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

7. ALVARO HOYOS BOR DKT. 00204002

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

8. JOSE MEJIA NUÑEZ BOR DKT. 00202412

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

9. CHRISTINE REDSTREAKE BOR DKT. 00203781

Employer #1 appealed the 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.

10. AARON BELL BOR DKT. 00204249

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

11. FELIX QUINTANA BOR DKT. 00198564

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

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12. ALESANDRO CHILA BOR DKT. 00202520

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

13. PATRICIA CHARLES BOR DKT. 00187183

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

14. BARBARA DAZZA BOR DKT. 00201267

Employer appealed a decision of the Appeal Tribunal holding the unemployment claim valid as the claimant was not employed full-time and not liable for a nonfraud refund.

15. ARGERIOS MALLOUS BOR DKT. 00203899

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

16. RICHARD SOLOMENKO BOR DKT. 00205010

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

17. SHARIKA ASBERRY BOR DKT. 00203819

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

18. EUGENIO LOPEZ BOR DKT. 00202785

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

19. PAMELA JOHNSON BOR DKT. 00200227

Claimant appealed decision of the Appeal Tribunal holding the claim for unemployment benefits invalid on the ground that there were insufficient weeks and wages.

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20. ALEXANDER PREZIOSO

BOR DKT. 00202242

Claimant appealed decision of the Appeal Tribunal holding the claimant ineligible for Disability During Unemployment benefits on the ground that he was not totally disabled.

21. EFRAIN HERNANDEZ

BOR DKT. 00203687

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

22. ANTHONY GALIONE

BOR DKT. 00203738

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

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 LAKESHIA RIDDICK

BOR DKT. 00202949

Claimant appealed a decision of the Appeal Tribunal holding a period of ineligibility for Disability During Unemployment benefits on the ground that she was not unable to work

ACTION: THE BOARD VOTED TO MODIFY THE BOARD'S DECISION WITH A REWRITE TO REFLECT THE CLAIMANT SHOULD BE ENTITLED TO DISABILITY DURING UNEMPLOYMENT NOT WORK UNEMPLOYMENT.

B-2 RAYMOND VOLANTO

BOR DKT. 00198450

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

BOARD OF REVIEW MINUTES – MAY 6, 2020 MEETING

ACTION: THE BOARD VOTED TO TABLE THIS CASE UNTIL THE AGENDA MEETING OF MAY 13, 2020.

B-3 CATLIN GOULD BOR DKT. 00199052

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

ACTION: THE BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL'S DECISION WITH A REWRITE.

B-4 DENISE COLLIER BOR DKT. 00199080

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

ACTION: THE BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL ON TIMELINESS AND MAKE IT LATE WITH GOOD CAUSE TO THE APPEAL TRIBUNAL AND MODIFY THE DEPUTY'S DETERMINATION TO NO VOLUNTARY QUIT AND NO MISCONDUCT.

B-5 CATHY DEFRANCIS BOR DKT. 00203116

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

ACTION: THE BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL'S DECISION WITH A REWRITE TO REFLECT THE FINAL INCIDENT.

B-6 DAWN WAY BOR DKT. 00201419

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

ACTION: THE BOARD VOTED TO TABLE THIS CASE UNTIL THE MEETING OF MAY 13, 2020.

BOARD OF REVIEW MINUTES – MAY 6, 2020 MEETING

B-7 BROOKE RAUP

BOR DKT. 00199703

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

ACTION: THE BOARD VOTED TO TABLE THIS CASE UNTIL THE MEETING OF MAY 13, 2020.

B-8 ASHLEY CHAPMAN

BOR DKT. 00202507

Employer 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'S DECISION WITH A REWRITE STRESSING THE GOOD CAUSE FOR LEAVING.