



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lieutenant Governor

State of New Jersey
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
P.O. Box 110
TRENTON, NEW JERSEY 08625-0110

ROBERT ASARO-ANGELO
Commissioner

BOARD OF REVIEW

**MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
AUGUST 21, 2019**

JOSEPH P. SIEBER, CHAIRPERSON

NANCY W. HUNT, VICE-CHAIRPERSON

BOARD OF REVIEW MEETING AUGUST 21, 2019

AUGUST 21, 2019

.....
A regular meeting of the Board of Review was held on Wednesday, August 21, 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 – AUGUST 21, 2019 MEETING

SECTION A – HEARING MATTERS

BOARD OF REVIEW MINUTES:

Submitted for adoption are the minutes of Board of Review’s August 14 2019 meeting.

ACTION: THE BOARD VOTED TO ADOPT THE MINUTES OF THE AUGUST 14, 2019 BOARD OF REVIEW OPEN PUBLIC MEETING.

A-1 ORDER VACATING APPEALS TO THE BOARD OF REVIEW

1. ARCENA PENA BOR DKT. 00179017

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 AN ORDER VACATING THE APPEAL TO THE BOARD OF REVIEW.

A-2 REQUEST FOR RECONSIDERATION FROM SUPERIOR COURT

1. JONATHON JOHNSON BOR DKT. 00158001

Claimant appealed the decision of the Appeal Tribunal holding the claimant disqualified for benefits for voluntary leaving of work without good cause. The Board of Review affirmed the Appeal Tribunal and denied the requesting to reopen. Superior Court is requesting the Board to reconsider the denial of reopening.

ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASE AS A RE-OPENING FROM THE SUPERIOR COURT AND ACCEPT THE COURT’S REMAND.

A-3 DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW

1. JOSEPH LACCITELLI BOR DKT. 00182106

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

BOARD OF REVIEW MINUTES – AUGUST 21, 2019 MEETING

2. LUIS SANTANA

BOR DKT. 00183406

Claimant appealed the decision of the Appeal Tribunal relieving the employer of charges.

3. ROBERT LUNA

BOR DKT. 00179720

Claimant appealed from a decision of the Appeal Tribunal which held claimant disqualified for voluntarily leaving the work and liable for non-fraud refund.

4. LORRAINE SCHULTZ

BOR DKT. 00170775

The claimant appealed a decision of the Appeal Tribunal holding him subject to a pension reduction and liable for non-fraud refund.

5. KELLY NOEL

BOR DKT. 00158222

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

6. PHILIP KIZELEWICZ

BOR DKT. 00183689

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

7. KENNY BLACK

BOR DKT. 00182185

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

8. CHRISTINA HUBNER

BOR DKT. 00177293

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

9. SHAREEF LAING

BOR DKT. 00181821

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

10. STEVEN WRONKO

BOR DKT. 00175760

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

BOARD OF REVIEW MINUTES – AUGUST 21, 2019 MEETING

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

A-4 DENIAL OF REOPENING REQUESTS TO THE BOARD OF REVIEW

- 1. RAMESHCHANDRA SHAH** BOR DKT. 00144861

Claimant appealed a decision of the Board of Review denying the claimant's request for a reopening.

- 2. MICHELLE MASON** BOR DKT. 00171768

Claimant appealed a decision of the Board of Review denying the claimant's request for a reopening.

- 3. NAMEIR GREEN** BOR DKT. 00176965

Claimant appealed a decision of the Board of Review denying the claimant's request for a reopening.

- 4. JOHN HOGAN** BOR DKT. 00177976

Claimant appealed a decision of the Board of Review denying the claimant's request for a reopening.

- 5. OWEN MCPHERSON** BOR DKT. 00179163

Claimant appealed a decision of the Board of Review denying the claimant's request for a reopening.

- 6. RICARDO JIMINEZ** BOR DKT. 00180471

Claimant appealed a decision of the Board of Review denying the claimant's request for a reopening.

- 7. BRIAN TAYLOR** BOR DKT. 00181020

Claimant appealed a decision of the Board of Review denying the claimant's request for a reopening.

BOARD OF REVIEW MINUTES – AUGUST 21, 2019 MEETING

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

A-5 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. CHRISTOPHER LOKERSON BOR DKT. 00183745

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

2. VILMA OCASIO BOR DKT. 00182876

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

3. LEIKIA HALLETT BOR DKT. 00182638

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

4. ALYSSA DORAN BOR DKT. 00181873

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and dismissing the claimant's ability to work as academic.

5. MICHELE ZAWACKI BOR DKT. 00171316

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work and liable for a non-fraud refund.

6. JOEL CANDELARIA BOR DKT. 00177565

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

7. TAMIKA DILL BOR DKT. 00179209

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.

BOARD OF REVIEW MINUTES – AUGUST 21, 2019 MEETING

8. RAFAEL CLASS

BOR DKT. 00182107

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

9. SCOTT LOSEY

BOR DKT. 00183656

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

10. ELIZABETH GAMBONE

BOR DKT. 00182875

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

11. LUCAS FIGUEROA

BOR DKT. 00179866

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

12. SIMONE ALEXANDER

BOR DKT. 00179549

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

13. PAULA EASTMOND

BOR DKT. 00183309

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

14. ANDREW SELIGMAN

BOR DKT. 00183611

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

15. VICTOR BUTLER

BOR DKT. 00184753

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

16. MOISES TORRES JR

BOR DKT. 00177079

Claimant filed timely appeal from Appeal Tribunal decision denying request to reopen.

BOARD OF REVIEW MINUTES – AUGUST 21, 2019 MEETING

17. FRANK CHRISTY

BOR DKT. 00183525

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

18. SAMUEL FERNANDEZ

BOR DKT. 00184087

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

19. DANA BOYD

BOR DKT. 00183283

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

20. DIANA OLIVARES

BOR DKT. 00184141

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and not unemployed.

21. JHON CAICEDO

BOR DKT. 00177728

Employer is appealing a decision of the Appeal Tribunal holding no disqualification for discharge from the employer.

22. RAMON MORA

BOR DKT. 00176634

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

23. DIANE LEE

BOR DKT. 00180054

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

24. GERMAN PIZARRO

BOR DKT. 00182578

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

25. ANGEL MARTNEZ

BOR DKT. 00184062

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

BOARD OF REVIEW MINUTES – AUGUST 21, 2019 MEETING

26. JULIEDSON CHERIDOR

BOR DKT. 00183421

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

27. WILLIAM HARRIS

BOR DKT. 00184479

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

28. VINCENT PORTARO

BOR DKT. 00182358

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

29. ASHWIN NARGE

BOR DKT. 00184206

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

30. ROSA CUBAS

BOR DKT. 00184227

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits for not being able to work, available for work, and actively seeking work.

31. JONATHAN LOPEZ

BOR DKT. 00184021

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work from 5/26/19 through 6/1/19.

32. ORLANDO MARTINEZ

BOR DKT. 00178515

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

33. MONICA LLANES

BOR DKT. 00182935

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

34. CARLOS REYES

BOR DKT. 00177164

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

BOARD OF REVIEW MINUTES – AUGUST 21, 2019 MEETING

35. JORGE SEGURA

BOR DKT. 00179386

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

36. NADA JUZMESKA

BOR DKT. 00183098

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

37. JESSICA MAXWELL

BOR DKT. 00183698

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

38. JUANA MONTEPEQUE

BOR DKT. 00183566

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

39. THEODORE RIKER

BOR DKT. 00181563

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

40. TAKIA CLAYTON

BOR DKT. 00182793

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

41. MICHAEL GELEWSKI

BOR DKT. 00184636

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

42. REGINA WILSON

BOR DKT. 00184476

Claimant appealed from a decision of the Appeal Tribunal holding an ineligibility for benefits as she was not available for work.

43. LEVAR SMITH

BOR DKT. 00168738

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

BOARD OF REVIEW MINUTES – AUGUST 21, 2019 MEETING

44. PETER HARRIGAN

BOR DKT. 00183949

Claimant appealed a decision of the Appeal Tribunal holding the claimant disqualified for benefits for a discharge for misconduct.

45. RAUL BENITEZ

BOR DKT. 00183426

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

46. SABINA CEUS

BOR DKT. 00183209

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

47. DARWIN ULLOA

BOR DKT. 00183411

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

48. TASHA SULTON

BOR DKT. 00181101

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

49. GEORGE SPADEA

BOR DKT. 00183929

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

50. KENNETH ANDERSON

BOR DKT. 00175654

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

51. RAFAEL AGUILAR

BOR DKT. 00181265

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

52. ESMERALDO BESHOLLI

BOR DKT. 00184625

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

BOARD OF REVIEW MINUTES – AUGUST 21, 2019 MEETING

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

A-6 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. MAGGIE ROBINSON BOR DKT. 00180629

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

2. LISA MATRISS BOR DKT. 00177874

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

3. BRIAN TAKAROFF BOR DKT. 00183419

Claimant appealed the decision of the Appeal Tribunal holding a disqualification.

4. TYKERA PARKER BOR DKT. 00181260

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.

A-7 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. THOMAS WILLIAMS BOR DKT. 00184026

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

2. MALGOZATA KOZAK BOR DKT. 00174632

Claimant appealed a decision of the Appeal Tribunal holding claimant ineligible for benefits from 12/23/18 through 1/19/19 for having reasonable assurance of employment with an educational institution.

BOARD OF REVIEW MINUTES – AUGUST 21, 2019 MEETING

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

A-8 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. KIMBERLY HOPKINS BOR DKT. 00183516

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

2. KELLY KAUFMAN BOR DKT. 00182322

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

3. GIANFRANCO BONANNI BOR DKT. 00083943

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

4. RAFAEL NIDAM BOR DKT. 00183508

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

5. VINCENT GALLO BOR DKT. 00177149

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

6. ANTHONY ASSIA BOR DKT. 00183729

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

7. NAJIYYAH CARTER BOR DKT. 00182486

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

8. ANGELA ALFANO BOR DKT. 00162480

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

BOARD OF REVIEW MINUTES – AUGUST 21, 2019 MEETING

9. MATTHEW SCHROEDER

BOR DKT. 00182690

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

10. SARAH HASPEL

BOR DKT. 00175528

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

11. TOSHA THOMAS

BOR DKT. 00182979

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

12. RAYMUNDO CASILLAS

BOR DKT. 00174638

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

13. DIEGO MAGANA

BOR DKT. 00184003

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

14. RODOLFO VASQUEZ

BOR DKT. 00183053

Claimant and employer #2 appealed a decision of the Appeal Tribunal holding a partial disqualification for leaving work with employer #2 voluntarily.

15. MICHAEL SCHIPANI

BOR DKT. 00184266

Claimant appealed the decision of the Appeal Tribunal holding the claimants weekly benefit rate reduced due to a pension reduction.

16. RAYMOND JOHNSTON

BOR DKT. 00182441

Claimant appealed a denial of reopening from the Appeal Tribunal as he failed to participate without good cause.

17. ASHLEY LOSPINUSO

BOR DKT. 00183903

Employer appealed the decision of the Appeal Tribunal holding the claimant was not discharged for misconduct connected with the work.

BOARD OF REVIEW MINUTES – AUGUST 21, 2019 MEETING

18. JOHN PAYOR

BOR DKT. 00183433

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

19. JENETTE RODRIGUEZ

BOR DKT. 00177748

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

20. SHARELL MUSE

BOR DKT. 00177237

Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits 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 EMELITA ANDERSON

BOR DKT. 00183350

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

ACTION: THE BOARD VOTED TO MODIFY THE APPEAL TRIBUNAL DECISION FROM A MISCONDUCT DISQUALIFICATION TO A VOLUNTARY QUIT DISQUALIFICATION FOR JOB ABANDONMENT.

B-2 CURTIS LAVISCOUNT

BOR DKT. 00182755

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

BOARD OF REVIEW MINUTES – AUGUST 21, 2019 MEETING

ACTION: THE BOARD VOTED TO REMAND THIS CASE BACK TO THE APPEAL TRIBUNAL.

B-3 TIMOTHY RUGGERI JR BOR DKT. 00184320

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

ACTION: THE BOARD VOTED TO REMAND THIS CASE BACK TO THE APPEAL TRIBUNAL TO ASK THE APPROPRIATE QUESTIONS.

B-4 IAIN COLE BOR DKT. 00175908

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 AFFIRM THE APPEAL TRIBUNAL DECISION AND HOLD NO MISCONDUCT.

B-5 YOLANDA WINTERS BOR DKT. 00180368

Claimant was held not disqualified for misconduct but ineligible for reporting requirements and ability to work.

ACTION: THE BOARD VOTED TO HAVE THE APPELLATE SPECIALIST REWRITE THE BOARD'S DECISION AND AFFIRM THE APPEAL TRIBUNAL DECISION.

BOARD OF REVIEW MINUTES – AUGUST 21, 2019 MEETING

B-6 GEOFFREY BOSSIO

BOR DKT. 00176984

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 REMAND THIS CASE BACK TO THE APPEAL TRIBUNAL FOR A HEARING ON THE MERITS AND ACCEPT TIMELINESS AS GOOD CAUSE.