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DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
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Commissioner

BOARD OF REVIEW

**MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
OCTOBER 9, 2019**

JOSEPH P. SIEBER, CHAIRPERSON

NANCY W. HUNT, VICE-CHAIRPERSON

BOARD OF REVIEW MEETING OCTOBER 9, 2019

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A regular meeting of the Board of Review was held on Wednesday, October 9, 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 – OCTOBER 9, 2019 MEETING

SECTION A – HEARING MATTERS

BOARD MINUTES:

Submitted for adoption are the minutes of the October 2, 2019 Board meeting.

ACTION: THE BOARD VOTED TO APPROVE AND ADOPT THE MINUTES OF THE SEPTEMBER 2, 2019 MEETING.

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

- 1. ADRIENNE GRANT** BOR DKT. 00181978

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

- 2. ETOYA TORAN** BOR DKT. 00178553

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

- 3. JESSICA REIZIS** BOR DKT. 00182874

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

- 4. YVROSE ETIENNE** BOR DKT. 00181871

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

- 5. HELEN GOINS** BOR DKT. 00188214

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

- 6. KHAALIQ MUHAMMAD** BOR DKT. 00187854

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

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7. TAKKIA NORFLEET BOR DKT. 00186898

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

8. LEONILDE MONIZ BOR DKT. 00187586

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

9. MELISSA TROVATO BOR DKT. 00188743

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily and not liable for a non-fraud refund.

10. ERIK NORRIS BOR DKT. 00187027

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

11. JAQUIR QUEEN BOR DKT. 00181230

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 DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW.

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

1. PATRICIA MOSELY BOR DKT. 00182768

Employer request reconsideration of the Board of Review decision affirming the Appeal Tribunal decision holding the claimant not disqualified for leaving work voluntarily.

2. GLORIA BATISTA-MORA BOR DKT. 00182936

Claimant requests a reconsideration of the Board of Review decision affirming the Appeal Tribunal decision holding the claimant ineligible for Additional Benefits During Training (ABT).

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ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS REOPENING REQUESTS TO THE BOARD OF REVIEW.

A-3 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. KEITH DESCOTEAU BOR DKT. 00187734

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

2. TAREK ALAYDI BOR DKT. 00187647

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

3. SETH NAPP BOR DKT. 00182039

Claimant appealed a decision of the Appeal Tribunal denying a request to vacate the decision dismissing the appeal and scheduling a new hearing.

4. DOROTHY HARRELL BOR DKT. 00188167

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

5. MIGDALIA AYALA BOR DKT. 00187929

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

6. LYNNE NOWAK BOR DKT. 00188392

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.

7. LISA ROGERS BOR DKT. 00187937

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

8. JESSICA DEJESUS BOR DKT. 00187428

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

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9. RAJANI KHWAOUNJU

BOR DKT. 00186662

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

10. MERYL LOLAS

BOR DKT. 00186451

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

11. LORENZO THOMPSON

BOR DKT. 00188461

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

12. MARIANNA DELGADO

BOR DKT. 00188195

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

13. JACLYN LORBER

BOR DKT. 00189967

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

14. JALEEN MORRIS

BOR DKT. 00187280

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

15. JUSTIN BUTTERMAN

BOR DKT. 00183400

Employer appealed decision of the Appeal Tribunal denying a request to reopen the claim.

16. MIGUEL RODRIGUEZ

BOR DKT. 00189138

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

17. JAMES DONNELLY

BOR DKT. 00188735

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

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18. CAROL SCALETTI BOR DKT. 00188257

Employer #2 appealed the decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily.

19. BRYANT WILLIAMS BOR DKT. 00186507

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

20. TRACEY BOBB BOR DKT. 00187404

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

21. KATHERINE THOMPSON BOR DKT. 00176443

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

22. ROXANNE MONCRIEF BOR DKT. 00182873

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

23. JENNIFER PLASTINO BOR DKT. 00180199

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

24. ALYSSA WEITZ BOR DKT. 00185517

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

25. JAMES SPRENGER BOR DKT. 00188657

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

26. ASHLEY ASMONDA BOR DKT. 00182791

Claimant appealed a decision of the Appeal Tribunal holding her not ineligible for benefits under availability for work and a disqualification of benefits for leaving work voluntarily.

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27. NAJEARIA ELLENWOOD BOR DKT. 00189336

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

28. TERRI CINTRON BOR DKT. 00188635

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

29. APRIL CALDWELL BOR DKT. 00188746

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

30. KARYM MASSUH BOR DKT. 00187324

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

31. IRA JASKOLL BOR DKT. 00189027

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

32. NATHANIEL THOMAS BOR DKT. 00189862

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

33. ANNETTE MOREL BOR DKT. 00183425

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

34. KAMEISHA JOHNSON BOR DKT. 00188629

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

35. LYNDA NATIVIDAD BOR DKT. 00189685

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

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36. BRIDGET BOWEN

BOR DKT. 00186572

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

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

A-4 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. ANTHONY D'AGOSTINO

BOR DKT. 00185945

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

2. AFRODITI DECKER

BOR DKT. 00189110

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and ineligibility for benefits as the claimant had reasonable assurance of reemployment between terms. The claimant also appealed a non-fraud refund.

3. DANGELY MESA

BOR DKT. 00187161

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

4. HOUSSAM TOUFAILI

BOR DKT. 00188855

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

5. ROSA PEREZ

BOR DKT. 00187919

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 REVERSALS OF APPEAL TRIBUNAL DECISIONS.

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A-5 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. CARLA SARAVANOS BOR DKT. 00187145

The claimant appealed a decision of the Appeal Tribunal which held the claimant ineligible for disability during unemployment benefits under reporting requirements.

2. LAZARA RIVERO BOR DKT. 00188845

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

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

A-6 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. VALERIE OTT BOR DKT. 00185386

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

2. SHAMONDA CRIBB BOR DKT. 00187699

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

3. KAYLEE COLLINS BOR DKT. 00187272

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

4. JASMINE HENDERSON BOR DKT. 00181795

Employer appealed the decision of the Appeal Tribunal which denied the request to reopen the appeal.

5. KELVIN CALVA BOR DKT. 00183800

Claimant appealed decision of the Appeal Tribunal denying the request to reopen the appeal.

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6. BEATRICE FLIPPEN BOR DKT. 00168008

Deputy appealing decision of the Appeal Tribunal holding claimant liable for a non-fraud refund.

7. CARL SCHUENEMANN BOR DKT. 00183404

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

8. NIKKI GRAY BOR DKT. 00179911

Employer appealed a decision of the Appeal Tribunal holding the claimant eligible for benefits on the ground that she was available for work.

9. 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.

10. ROCHELLE WALKER BOR DKT. 00182745

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

11. LAWRENCE MYRICK BOR DKT. 00154435

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

12. ADNAND SHAHAJ BOR DKT. 00187947

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

13. SHERRECE ROOKS BOR DKT. 00189508

Hearing could not be found checked digital recording using SS#, claimant's name, date of hearing and AE's # but no hearing can be found.

14. KAYLAH LEWIS BOR DKT. 00189271

The employer appealed a decision of the Appeal Tribunal holding no disqualification as the discharge was not for misconduct connected to the work.

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15. JOSE QUINONEZ

BOR DKT. 00188764

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

16. KAYLEE COLLINS

BOR DKT. 00187272

Employer appealed the decision of the Appeal Tribunal holding no 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.

A-7 REVERSE AND REMAND TO THE APPEAL TRIBUNAL OR THE DEPUTY

1. RITA VACHANI

BOR DKT. 00189050

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

ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASE AS A REVERSAL AND REMAND TO THE APPEAL TRIBUNAL OR THE DEPUTY.

SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 BERNICE BARKHAMER

BOR DKT. 00183898

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

ACTION: THE BOARD VOTED TO REMAND THE ABOVE CASE TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY REGARDING ALL THE CLAIMANT'S EMPLOYERS.

B-2 SAMARA KRAFT

BOR DKT. 00155363

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

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ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL’S DECISION AND REJECT THE ATTORNEY’S CONTENTION THAT THERE WAS A DUE PROCESS VIOLATION.

B-3 MARVIN SALAZAR BOR DKT. 00188864

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

ACTION: THE BOARD VOTED TO TABLE THIS CASE UNTIL THE MEETING OF OCTOBER 16, 2019.

B-4 MARIETTE GUAY BOR DKT. 00187717

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

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION WITH A REWRITE TO ADD ADDITIONAL DETAILS WITH RESPECT TO THE REASON THE CLAIMANT VOLUNTARILY LEFT THE JOB.

B-5 TOMASA RUIZ BOR DKT. 00188712

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

ACTION: THE BOARD VOTED TO REVERSE THE VOLUNTARY QUIT DISQUALIFICATION AND REMAND TO THE DEPUTY THE CLAIMANT’S AVAILABILITY.

B-6 VICTOR CAMACHO BOR DKT. 00187787

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

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ACTION: THE BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION AS THE RECORD DID NOT SUPPORT THE FINDINGS THAT THE CLAIMANT HAD GOOD CAUSE FOR LEAVING WORK.

B-7 RICHARD MULE BOR DKT. 00189311

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 DECISION ON THE TIMELINESS AND REMAND FOR TESTIMONY ON THE MERITS.

B-8 AMANDA CAPONEGRO BOR DKT. 00187264

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

ACTION: THE BOARD VOTED TO REMAND FOR ADDITIONAL TESTIMONY REGARDING CLAIMANT'S DISABILITY AND FOR CLAIMANT'S MEDICAL DOCUMENTATION.

B-9 BIBIANA MILLER BOR DKT. 187944

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

ACTION: BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION WITH A MODIFICATION CITING THE HOPKINS CASE.

B-10 AMBIMBOLA ATOBATELE BOR DKT. 00188358

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily, misconduct connected with the work, refusing suitable work and not ineligible for benefits under availability for work.

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