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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
FEBRUARY 19, 2020**

JOSEPH SIEBER, CHAIRMAN

NANCY HUNT, VICE-CHAIRPERSON

WILLIAM SCAGLIONE, BOARD MEMBER

BOARD OF REVIEW MEETING FEBRUARY 19, 2020

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A regular meeting of the Board of Review was held on Wednesday, February 19, 2020 at 10:00 a.m., in Trenton, New Jersey

PRESENT: Joseph Sieber, Chairman, and Nancy Hunt, Vice-Chairperson, William Scaglione, Board Member, 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 – FEBRUARY 19, 2020 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the February 12, 2020 Board meeting.

**ACTION: THE BOARD VOTED TO ACCEPT THE MINUTES OF THE
FEBRUARY 12, 2020 MEETING.**

SECTION A – HEARING MATTERS

A-1 VACATED APPEALS TO THE BOARD OF REVIEW

1. KATHLEEN COSTANEY BOR DKT. 00200240

Employer appealed a decision of the Appeal Tribunal which held a disqualification for discharge for misconduct connected with the work.

2. WERFY FERNANDEZ BOR DKT. 00185074

Claimant appealed a determination of the Deputy holding the claimant ineligible for benefits under reporting requirements.

3. TAMMY MULROY BOR DKT. 00195919

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

4. TAMMY MULROY BOR DKT. 00195921

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
VACATED APPEALS TO THE BOARD OF REVIEW.**

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

1. CORNELIE MICHEL BOR DKT. 00199359

Claimant appealed the decision of the Appeal Tribunal which held the claimant ineligible for disability during unemployment benefits.

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2. BRIAN ZIMMERMAN BOR DKT. 00201349

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

3. ASHLEY OLIVER BOR DKT. 00196509

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

4. DAVID WILLIAMS BOR DKT. 00198744

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

5. SANDRA M. BURITICA BOR DKT. 00115171

Claimant appealed a decision of the Appeal Tribunal holding the claimant liable for a fraud refund and fraud disqualification for a period of one year.

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

A-3 DENIAL OF REOPENING REQUESTS TO THE BOARD OF REVIEW

1. CAROL MILLER BOR DKT. 00196159

Claimant is requesting reconsideration of the Board of Review's decision affirming the Appeal Tribunal's decision holding the claimant's unemployment claim valid.

2. JENETTE RODRIGUEZ BOR DKT. 00195000

Claimant is requesting reconsideration of the Board of Review's decision affirming the Appeal Tribunal's decision holding the claimant ineligible for benefits under availability for work.

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

BOARD OF REVIEW MINUTES – FEBRUARY 19, 2020 MEETING

A-4 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

- 1. SUMAN SETHI** **BOR DKT. 00201448**

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

- 2. DONNA SEVERINO** **BOR DKT. 00198831**

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

- 3. TYRONE DIXON** **BOR DKT. 00201125**

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

- 4. VICTORIA GARRETT** **BOR DKT. 00200970**

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

- 5. LAKAIYA GEORGE** **BOR DKT. 00191863**

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

- 6. JOSEPH ROMEO** **BOR DKT. 00200363**

Claimant appealed a decision of the Appeal Tribunal holding a disqualification as the claimant was discharged for misconduct connected to the work.

- 7. KAREN MOORE** **BOR DKT. 00188216**

Claimant appealed a decision of the Appeal Tribunal holding the claimant not liable for a waiver of debt and liable for a non-fraud refund.

- 8. RONALD MUNSON** **BOR DKT. 00200329**

Claimant appealed a decision of the Appeal Tribunal holding him liable for a fraud refund.

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- 9. MICHAEL MCGUINESS** BOR DKT. 00200881

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

- 10. LYERIKA MILFORD** BOR DKT. 00199104

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

- 11. DAESHON SPEARMAN** BOR DKT. 00200702

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

- 12. JHOAN MONCADA** BOR DKT. 00198264

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

- 13. FELIX PIMENTAL** BOR DKT. 00194287

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

- 14. KATYANA SCOTT** BOR DKT. 00200083

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

- 15. JOLYNNE SUNKETT** BOR DKT. 00201135

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

- 16. JONATHAN ALVARADO** BOR DKT. 00193138

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

- 17. GENUINO DEL CARMEN** BOR DKT. 00200905

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

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18. EDWIN HERNANDEZ BOR DKT. 00198708

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

19. CAMILA GONZALEZ BOR DKT. 00183498

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

20. KIMBERLY SIMONSON BOR DKT. 00192628

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

21. CYNTHIA DISERIO BOR DKT. 00201031

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

22. TIA RODWELL BOR DKT. 00200703

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

23. JERRY BAREVIC BOR DKT. 00198860

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

24. LAWRENCE ALCINE BOR DKT. 00201265

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

25. ZAKIA SAWYER BOR DKT. 00194150

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 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS.

BOARD OF REVIEW MINUTES – FEBRUARY 19, 2020 MEETING

A-5 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

- 1. NAYAH STEPHENS** **BOR DKT. 00198892**

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

- 2. STEVE FELICE** **BOR DKT. 00199248**

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

- 3. SAMANTHA DUPREY** **BOR DKT. 00201367**

Claimant appealed the decision of the Appeal Tribunal holding her ineligible for benefits from October 27, 2019 through January 28, 2020 as she was unavailable for work.

- 4. TRACEY MORA-VALVERDE** **BOR DKT. 00199713**

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

- 5. AHMED AFIFI** **BOR DKT. 00198283**

Claimant appealed a decision of the Appeal Tribunal holding the appeal late with good cause and holding a disqualification for discharge for misconduct connected to the work.

- 6. MATTHEW NICOLAI** **BOR DKT. 00199240**

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

- 7. OLABODE YUSUF** **BOR DKT. 00200085**

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

- 8. ENRICO HERNANDEZ** **BOR DKT. 00198344**

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

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9. STARQUASHIA QUINN BOR DKT. 00200100

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

10. JENNIFER GREENHALGH BOR DKT. 00191504

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

11. GRETCHEN SOLICH BOR DKT. 00199707

Claimant appealed the 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 REMANDS TO THE APPEAL TRIBUNAL OR THE DEPUTY.

SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 THERESE HOLM BOR DKT. 00197860

Claimant appealed a 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 WITH A REWRITE ADVISING THAT ANY PARTY MAY REOPEN THE MATTER WHEN THE GRIEVANCE PROCEEDING IS COMPLETED.

B-2 ALEXANDER BARRETO BOR DKT. 00199095

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

ACTION: THE BOARD VOTED TO REMAND THIS CASE TO FIND OUT THE STATUS OF THE ALLEGED TERMINATION RESCISSION LETTER.

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B-3 LINDA BURKE BOR DKT. 00200317

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

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION HOLDING NO DISQUALIFICATION OF BENEFITS FOR MISCONDUCT CONNECTED WITH THE WORK.

B-4 CHRISTA FISHER BOR DKT. 00184541

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

ACTION: THE BOARD VOTED TO REMAND THIS CASE TO A NEW EXAMINER WITHIN THE SAME DISTRICT AS THERE WAS A VIOLATION OF DUE PROCESS.

B-5 CLIFFORD STEINER BOR DKT. 00197635

Claimant's wife appealed a decision of the Appeal Tribunal holding the claimant disqualified for leaving work voluntarily.

ACTION: THE BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL TO GET ADDITIONAL INFORMATION REGARDING THE STATUS AND VALIDITY OF THE CLAIMANT'S MEDICAL CARD.

B-6 DESTINY PEREZ BOR DKT. 00200729

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

ACTION: THE BOARD VOTED TO AFFIRM THE VOLUNTARY QUIT DISQUALIFICATION IMPOSED BY THE APPEAL TRIBUNAL.

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B-7 LASHAUN SMITH

BOR DKT. 00200113

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.

B-8 AMANDA POWELL

BOR DKT. 00199813

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 HOLDING NO VOLUNTARY QUIT OR MISCONDUCT DISQUALIFICATIONS; HOLDING A VOLUNTARY QUIT ALLOWED.

B-9 YITZCHAK PERLBERG

BOR DKT. 00200889

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

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION IN PART, AND REMAND FOR ADDITIONAL TESTIMONY REGARDING THE REFUND.

B-10 ROSEMARIE ROBINSON

BOR DKT. 00194678

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.

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10:28 THE BOARD VOTED TO GO INTO EXECUTIVE SESSION FOR LEGAL ADVICE.

10:33 THE BOARD VOTED TO COME OUT OF EXECUTIVE SESSION AND RESUME THE REGULAR OPEN PUBLIC MEETING.

11:00 THE BOARD VOTED TO GO INTO EXECUTIVE SESSION FOR LEGAL ADVICE.

11:25 THE BOARD VOTED TO COME OUT OF EXECUTIVE SESSION AND RESUME THE REGULAR OPEN PUBLIC MEETING. AT WHICH TIME A MOTION WAS MADE BY CHAIRMAN JOSEPH SIEBER TO ADJOURN THE MEETING. THE MOTION WAS SECONDED BY VICE-CHAIRPERSON NANCY HUNT.