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ROBERT ASARO-ANGELO  
*Commissioner*

**BOARD OF REVIEW**

**MINUTES OF REGULAR MEETING OF  
THE BOARD OF REVIEW  
JULY 15, 2020**

**JOSEPH SIEBER, CHAIRMAN**

**NANCY HUNT, VICE-CHAIRPERSON**

**WILLIAM SCAGLIONE, MEMBER**

**SHARAHZAD A. LEDAN, ACTING EXECUTIVE SECRETARY**

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

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

**PRESENT: Joseph Sieber, Chairman, Nancy Hunt, Vice-Chairperson, William Scaglione, Member, Sharahzad A. Ledan, Acting Executive Secretary, Keith Austin, Director.**

**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 – JULY 15, 2020 MEETING

### BOARD MINUTES:

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

**ACTION: THE BOARD VOTED TO ADOPT THE MINUTES OF THE JULY 8, 2020 BOARD MEETING.**

### OLD BUSINESS:

1. JADA THOMAS BOR DKT. 00209971

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work. **(This case was on the July 8, 2020 agenda as a reversal. However, the decision that was mailed was an affirmation of the Appeal Tribunal decision. This case was placed on this agenda to determine the proper disposition)**

**ACTION: THE BOARD VOTED TO AFFIRM THIS DECISION AS AN AFFIRMATION OF AN APPEAL TRIBUNAL DECISION.**

### SECTION A – HEARING MATTERS

#### A-1 WITHDRAWAL OF APPEALS

1. AMY BUCHALA BOR DKT. 00210309

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

2. BRIANA NEWELL BOR DKT. 00210922

The claimant appealed a decision of the Appeal Tribunal holding the claimant disqualified for benefits for leaving work voluntarily without good cause attributable to the work and a liability to a non-fraud refund.

**ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS WITHDRAWAL OF APPEALS.**

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

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

1. IKISHA GRANT BOR DKT. 00202655

Claimant appealed the decision of the Appeal Tribunal denying the claimants request for a reopening.

2. MOHAMMED BOUAICHI BOR DKT. 00192911

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

3. MARTHA ORTIZ BOR DKT. 00208941

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

4. SELA EMMENUEL BOR DKT. 00203897

Claimant is appealing the decision of the Appeal Tribunal denying their request to reopen.

5. JAMES DAVIS BOR DKT. 00174739

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

6. KATHERINE SANCHEZ BOR DKT. 00209076

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

7. EYMI FELIZ BOR DKT. 00195222

Claimant appealed a decision of the Appeal Tribunal denying the request to reopen the matter due to non-registration for the hearing. **(The Board voted to remove this case from the dismissal category, hold the appeal timely and affirm the Appeal Tribunal's decision denying the request to reopen.)**

8. LORIE ROBINSON BOR DKT. 00210382

Claimant filed an appeal to a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to such work. **(The Board voted to table this case until the procedural issue on PUA cases is discussed.)**

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9. CATHERINE MYERS-PLUMLEY BOR DKT. 00210612

Claimant appealed the decision of the Appeal Tribunal holding the claimant disqualified for benefits for leaving work voluntarily and tolling out the quit prior to the filing of the claim.

10. MARGARITA PRATTS BOR DKT. 00209219

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

**ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS DISMISSALS OF APPEAL TRIBUNAL DECISIONS WITH THE EXCEPTION OF #7 EYMI FELIZ WHICH WAS REMOVED FROM THE DISMISSAL CATEGORY AND THE BOARD VOTED TO HOLD THE APPEAL TIMELY AND AFFIRM THE APPEAL TRIBUNALS DENIAL OF REOPENING REQUEST. AND #8 LORIE ROBINSON WHICH THE BOARD VOTED TO TABLE UNTIL THE PROCEDURAL ISSUE ON PUA CASES IS DISCUSSED.**

### A-3 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. KRISTYNA BONICA BOR DKT. 00207803

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

2. CASSANDRA MAURER BOR DKT. 00208995

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

3. JUANITA KILLINGBECK BOR DKT. 00209372

Claimant appealed a decision of the Appeal Tribunal holding no disqualification for leaving the work voluntarily and no disqualification for discharge from the work and holding a period of ineligibility as she was not able to work.

4. JOANNA BRENT BOR DKT. 00210302

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

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**5. BIANCA ABRERA** BOR DKT. 00209278

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

**6. MICHELLE TESLIK** BOR DKT. 00208618

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

**7. KESHON IVEY** BOR DKT. 00210529

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work with employer #1 voluntarily.

**8. JARMUKA JOHNSON** BOR DKT. 00210305

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

**9. TISHIMA KENNEDY** BOR DKT. 00210522

Claimant appealed decision of the Appeal Tribunal which dismissed the appeal of the Deputy's determination on the ground that it was filed late without good cause.

**10. MISAEL RIVERA** BOR DKT. 00195019

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

**11. SEAN AZZI** BOR DKT. 00209703

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

**12. BIKALPA PAHARI** BOR DKT. 00210317

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

**13. MIRIYAH YATES** BOR DKT. 00193934

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

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**14. BRIAN MIKULKA** BOR DKT. 00209068

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

**15. STEVEN ERVELLI** BOR DKT. 00210197

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and reducing the claimant's weekly benefit rate to zero due to a pension offset.

**16. NICOLE MOHR** BOR DKT. 00209751

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

**17. MONICA BIELECKA** BOR DKT. 00210033

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

**18. MICHAEL LINDNER** BOR DKT. 00200261

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

**19. DIANNE RODRIGUEZ** BOR DKT. 00208286

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

**20. GERALD VERGALLITO** BOR DKT. 00210704

Claimant appealed a decision of the Appeal Tribunal holding the claimant not unemployed.

**21. EDWARD ALVAREZ** BOR DKT. 00210188

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

**22. DANIELLE JOHNSON** BOR DKT. 00207805

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

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**23. FAKHRUD-DEEN SALEEM**

BOR DKT. 00206780

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

**24. FAKHRUD-DEEN SALEEM**

BOR DKT. 00206781

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

**25. JESSE FREEDMAN**

BOR DKT. 00210293

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

**26. CARLOS ECHEVERRY**

BOR DKT. 00210018

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

**27. JOSEPH ALTAMIRANO**

BOR DKT. 00210540

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

**28. ESTANIA DUROSEAU**

BOR DKT. 00209629

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

**29. ERIN LIBERTO**

BOR DKT. 00209749

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

**30. LAUREN URUSOW**

BOR DKT. 00209775

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

**31. JULIUS MOORE**

BOR DKT. 00206411

Employer appealed decision of the Appeal Tribunal holding no disqualification for leaving the work voluntarily without good cause attributable to such work and no disqualification for discharge for misconduct connected to the work.



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

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

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

1. MICHAEL UCCI BOR DKT. 00207436

Claimant appealed an Appeal Tribunal decision from a Request for Refund from the Director, imposing a liability to refund of benefits received for the weeks ending November 9, 2019 through December 7, 2019.

2. ROBERT GILLMAN BOR DKT. 00206054

Claimant is requesting reconsideration of the Board of Review's decision affirming the Appeal Tribunal's decision holding wages subsequent to a disqualification of benefits for leaving work voluntarily are insufficient to remove a disqualification.

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

### **EXECUTIVE SESSION:**

**11:14 THE BOARD VOTED TO GO INTO EXECUTIVE SESSION FOR LEGAL ADVICE REGARDING CHRISTOPHER TRANCHINA CASE**

**11:22 THE BOARD VOTED TO COME OUT OF EXECUTIVE SESSION AND RESUME THE REGULAR OPEN PUBLIC MEETING.**

### **A-5 REQUESTS FOR RECONSIDERATION FROM THE SUPERIOR COURT**

1. CHRISTOPHER TRANCHINA BOR DKT. 00153758

The employer appealed on June 18, 2018 from a determination of the Deputy, mailed June 7, 2018, holding the claimant eligible for benefits, without disqualification, from May 6, 2018. The employer contends that the claimant was not an independent contractor and not an employee of the company. There were no other issues disputed by the appellant employer.

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

**ACTION: THE BOARD VOTED TO REQUEST THE COURT TO REMAND THIS CASE BACK TO THE BOARD OF REVIEW TO REVERSE THE APPEAL TRIBUNAL DECISION.**

### A-6 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. ANDREW LUNA BOR DKT. 00210607

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

2. LUIS CORTES MURILLO BOR DKT. 00207640

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

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

### A-7 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. KARLA ESCOBAR BOR DKT. 00201282

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

2. JOANNE DELACRUZ BOR DKT. 00209773

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

3. TARA TULINO BOR DKT. 00208594

Employer appealed decision of the Appeal Tribunal which held no disqualification for voluntarily leaving the work and no disqualification for discharge from the employment.

4. AKO ROBINSON BOR DKT. 00210201

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

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5. JENNIFER HERNANDEZ BOR DKT. 00209662

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

6. ASHLEY BASISTA BOR DKT. 00209864

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

7. RANDY SINGH BOR DKT. 00208213

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

8. MAYLEE SORKIN BOR DKT. 00211795

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

9. DOMINIQUE GREEN BOR DKT. 00210620

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

10. SARAH HOSKIN BOR DKT. 00210360

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

11. GIOVANNI DREYER BOR DKT. 00210476

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

**ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS REMANDS TO THE APPEAL TRIBUNAL OR THE DEPUTY.**

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

### SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

**B-1** FATIMA HERRERA BOR DKT. 00207051

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily. (**Appellate Specialist Hart**)

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

**B-2** CHANISE BURGESS BOR DKT. 00207691

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily. (**Appellate Specialist Zola**)

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

**B-3** RYAN BOSTON BOR DKT. 00210023

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as late without good cause. (**Appellate Specialist Jackson**)

**ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION, HOLDING THE APPEAL LATE WITHOUT GOOD CAUSE AND SUPPLEMENT THE DECISION WITH A STATEMENT INDICATING THAT THE CLAIMANT FAILED TO SEND IN EVIDENCE THAT HE HAD A LEARNING DISABILITY.**

**B-4** GABRIEL COVINGTON BOR DKT. 00210967

The claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits on the ground that he was unable to work. (**Appellate Specialist Hart**)

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

**ACTION: THE BOARD VOTED MODIFY THE APPEAL TRIBUNAL DECISION HOLDING INELIGIBILITY AND ADD A STATEMENT THAT THE CLAIMANT’S FURTHER ELIGIBILITY FOR BENEFITS BE DETERMINED BY THE DEPUTY.**

**B-5 TYLER LATIL** BOR DKT. 00210127

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily. (**Appellate Specialist Zola**)

**ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION HOLDING A DISQUALIFICATION FOR BENEFITS FOR VOLUNTARY LEAVING.**

**B-6 ELAINE OFFERJOST** BOR DKT. 00210259

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily. (**Appellate Specialist Matos**)

**ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION HOLDING A DISQUALIFICATION FOR VOLUNTARILY LEAVING THE JOB FOR PERSONAL REASONS.**

**B-7 ASHLEY MERCHAN** BOR DKT. 00210223

Claimant appealed decision of the Appeal Tribunal holding a disqualification for leaving the work voluntarily. (**Appellate Specialist Alverio**)

**ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION.**

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

**B-8** ANDRES GIRALDO

BOR DKT. 00210106

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for misconduct connected with the work. (**Appellate Specialist Zola**)

**ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION.**