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DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
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BOARD OF REVIEW

**MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
AUGUST 28, 2019**

JOSEPH P. SIEBER, CHAIRPERSON

NANCY W. HUNT, VICE-CHAIRPERSON

BOARD OF REVIEW MEETING AUGUST 28, 2019

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A regular meeting of the Board of Review was held on Wednesday, August 28, 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 28, 2019 MEETING

SECTION A – HEARING MATTERS

BOARD MINUTES:

Submitted for adoption are the minutes of the August 21, 2019 Board meeting.

ACTION: THE BOARD VOTED TO ADOPTED THE MINUTES OF THE AUGUST 21, 2019 BOARD MEETING.

A-1 APPEAL DISMISSALS TO THE BOARD OF REVIEW FOR NON-JUSTICIABLE ISSUES

1. KATERIN TRINIDAD BOR DKT. 00179372

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

ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASE AS A DISMISSAL TO THE BOARD OF REVIEW FOR NON-JUSTICIABLE ISSUE.

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

1. BARBARA BANE BOR DKT. 00183866

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

2. REGGIE MAZON BOR DKT. 00162818

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

3. CATHERINE SIMON BOR DKT. 00182018

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

4. KARLA MENDEZ BOR DKT. 00174687

Claimant appealed late to the decision of the Appeal Tribunal holding the claimant not ineligible for benefits and not disqualified under N.J.A.C. 12:17-12.6.

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5. STACEY JONES-MANLEY BOR DKT. 00184919

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

6. ADAM SANTIAGO BOR DKT. 00176738

Claimant appealed late to 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 DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW.

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

1. DOROTHY EVANS BOR DKT. 00174459

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

2. CHANDER MALHOTRA BOR DKT. 00176509

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

3. DENISE ZDICHOWSKI BOR DKT. 00177306

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

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

A-4 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. AHMED ELANSARY BOR DKT. 00184555

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

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2. JOSE N ORTEGON

BOR DKT. 00184260

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

3. TASHA M SULTON

BOR DKT. 00181101

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

4. DeJESUS GONZALEZ

BOR DKT. 00184037

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

5. SHADA ROBINSON

BOR DKT. 00181556

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

6. KAREN KRAHULIK

BOR DKT. 00183314

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits under reporting requirements.

7. QUEST WATTLEY

BOR DKT. 00183532

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.

8. MACKENZIE KENNEDY

BOR DKT. 00184906

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of disability benefits as previous disqualification was still in effect.

9. IZODUWA UWAGUE

BOR DKT. 00166621

Claimant appealed the decision of the Appeal Tribunal holding the appeal timely and services performed were in employment, and a disqualification of benefits for leaving work voluntarily.

10. IVY DAN

BOR DKT. 00152924

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

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11. DESHONDA RENFRO

BOR DKT. 00185241

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

12. ANYELINA ULLO MOLINA

BOR DKT. 00184627

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

13. CHARLINE FELISSAINT

BOR DKT. 00184958

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

14. SOUHILA YACIA

BOR DKT. 00183882

Claimant appealed a disqualification of benefits for misconduct connected with the work.

15. ELISEO TERRONES JR

BOR DKT. 00178108

Claimant appealed a disqualification of benefits for misconduct connected with the work.

16. BERNADETTE WOJCIECHOWSKI

BOR DKT. 00183429

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

17. SHANELL MERRIWEATHER

BOR DKT. 00183807

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.

18. DEITRICH BROADNAX

BOR DKT. 00144180

Claimant appealed the decision of the Appeal Tribunal holding the unemployment claim invalid.

19. JOHN CARPENTER JR

BOR DKT. 00180085

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

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20. JOANNE DEAN

BOR DKT. 00181000

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

21. ANITA TIRADO

BOR DKT. 00184170

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

22. JOHN HURON, JR.

BOR DKT. 00184506

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

23. ANTHONY SALVATICO

BOR DKT. 00183487

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

24. ROBERT JENSEN, JR.

BOR DKT. 00180594

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

25. SUE DAVIS

BOR DKT. 00184591

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

26. MELANIE GARCIA

BOR DKT. 00184866

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

27. ANTHONY WICHOSKI

BOR DKT. 00184440

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

28. AGNES MINDAK

BOR DKT. 00184661

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

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29. TRACY KING

BOR DKT. 00185794

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

30. TRACY KING

BOR DKT. 00185795

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

31. WILLIAM GEFFRARD

BOR DKT. 00182262

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

32. KRISTY POWELL

BOR DKT. 00166734

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

33. KIMYADA WARD

BOR DKT. 00185377

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

34. RHONDA MOORE

BOR DKT. 001845610

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

35. MAURICIO PARRA

BOR DKT. 00184420

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

36. ANGELICA BUTRON

BOR DKT. 00183521

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

37. SAMUEL PRESSLEY

BOR DKT. 00182662

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant was between terms and had reasonable assurance of reemployment with an educational institution.

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38. VANESSA WALLACE

BOR DKT. 00178336

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant was between terms and had reasonable assurance of reemployment with an educational institution.

ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS AFFIRMATIONS FROM APPEAL TRIBUNAL DECISIONS TO THE BOARD OF REVIEW, WITH THE EXCEPTION OF CASE NUMBER 33 WHICH THE BOARD VOTED TO REMOVE AS IT WAS A DUPLICATE OF CASE NUMBER 28.

A-5 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. DARNELL BAKER

BOR DKT. 00183704

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

2. COLLEEN BLASHFIELD

BOR DKT. 00178883

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

ACTION: THE BOARD VOTED TO ACCEPT THE CASE AS REVERSALS OF APPEAL TRIBUNAL DECISIONS.

A-6 REQUESTS FOR RECONSIDERATION FROM THE SUPERIOR COURT

1. JAMIE WEST

BOR DKT. 00064703

To consider the impact of the intervening legislation that eliminated severe misconduct.

ACTION: THE BOARD AGREED TO TAKE THIS CASE FROM THE SUPERIOR COURT FOR RECONSIDERATION REGARDING THE LEVEL OF MISCONDUCT TO BE IMPOSED.

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2. ATUL PATEL

BOR DKT. 00109635

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause. The Board of Review affirmed the decision of the Appeal Tribunal and held the claimant's appeal late without good cause. The Superior Court is requesting the Board to reconsider due to the claimant's limited English proficiency. **(Case to be discussed).**

ACTION: THE BOARD DECIDED THAT THE CLAIMANT'S APPEAL WAS LATE WITH GOOD CAUSE UPON REQUEST FOR RECONSIDERATION FROM THE SUPERIOR COURT, AND REMANDED THE MATTER TO THE APPEAL TRIBUNAL TO ISSUE A DECISION ON THE MERITS.

3. GUSTAVO PAREDES

BOR DKT. 00168025

Claimant appealed the decision of the Appeal Tribunal denying the request to reopen the matter due to non-registration for the hearing. The Board of Review affirmed the Appeal Tribunal's decision denying the request to reopen. The Superior Court is asking the Board to reconsider due to the claimant's limited English proficiency and internet problems.

ACTION: THE BOARD AGREED TO THE SUPERIOR COURT'S REQUEST FOR RECONSIDERATION, AND DECIDED TO DISMISS THE APPEAL AS ALL BENEFITS ON THE CLAIM IN QUESTION WERE EXHAUSTED.

4. DAPHNE KAPLAN

BOR DKT. 00144288

Case remanded from Superior Court to review the monetary eligibility on the claim dated August 20, 2017 and the non-fraud refund request.

ACTION: THE BOARD AGREED TO THE SUPERIOR COURT'S REQUEST FOR RECONSIDERATION, AND VOTED TO REVIEW THE CLAIMANT'S MONETARY ENTITLEMENT TO BENEFITS.

A-7 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. SHARDAE ETHRIDGE

BOR DKT. 00174193

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

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2. PATRICIA BIANK

BOR DKT. 00183342

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

3. JOSEPH SAINATO

BOR DKT. 00183982

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

4. IVETTE L VASQUEZ

BOR DKT. 00183811

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

5. ELVIA M MARTINEZ

BOR DKT. 00185245

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

6. RAYMOND RONDON

BOR DKT. 00174500

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

7. HECTOR ESPARRA

BOR DKT. 00179924

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.

8. WANDA RODRIGUEZ-MEDINA

BOR DKT. 00184481

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

9. MATTHEW MCCLELLAN, SR.

BOR DKT.00184135

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

10. EUGENE WHITERS

BOR DKT. 00184470

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

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11. JAPHON HOWARD-PICKETT

BOR DKT. 00184257

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

12. THOMAS CARP, SR.

BOR DKT. 00184760

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

13. JOANA LUJANO

BOR DKT. 00185014

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

14. CHARLES ZIEGLER

BOR DKT. 00184680

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

15. AKBAR VENABLE

BOR DKT. 00184818

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

16. TIFFANY PARKS

BOR DKT. 00184639

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

17. STEVEN CARLSON

BOR DKT. 00185107

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 REMANDS TO THE APPEAL TRIBUNAL OR THE DEPUTY.

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SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 DANIELLE LAFAYETTE BOR DKT. 00179252

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

ACTION: THE BOARD VOTED TO REOPEN THE ABOVE CASE AND REVERSE THE DECISION.

B-2 JONATHAN MARTINEZ BOR DKT. 00180991

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

ACTION: THE BOARD VOTED TO REOPEN AND REMAND FOR A DECISION ON THE MERITS.

B-3 JUSTO DISLA BOR DKT. 00179707

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

ACTION: THE BOARD VOTED TO REOPEN THE ABOVE CASE AND REMAND TO THE APPEAL TRIBUNAL FOR A DECISION ON THE MERITS.

B-4 JAMES PIDICK BOR DKT. 00186693

Claimant is not appealing the Appeal Tribunal's decision because it was in his favor. It appears that the Deputy took back as refund the weeks ending May 18, 2019 and May 25, 2019, without an explanation or determination. The Appeal Tribunal held no voluntary quit allowed the claimant to backdate his claim to May 12, 2019, and held no refund liability. Suggest vacate as this appeal was docketed in error.

ACTION: THE BOARD VOTED TO VACATE THIS CASE AS THE DECISION WAS IN THE CLAIMANT'S FAVOR.