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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
NOVEMBER 20, 2019**

JOSEPH P. SIEBER, CHAIRPERSON

NANCY W. HUNT, VICE-CHAIRPERSON

BOARD OF REVIEW MEETING NOVEMBER 20, 2019

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A regular meeting of the Board of Review was held on Wednesday, November 20, 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 – NOVEMBER 20, 2019 MEETING

SECTION A – HEARING MATTERS

BOARD MINUTES:

Submitted for adoption are the minutes of the November 13, 2019 Board meeting.

ACTION: THE BOARD VOTED TO APPROVE THE MINUTES OF NOVEMBER 13, 2019 WITH A NOTATION THAT A CORRECTION WAS MADE TO REFLECT THE CORRECT DATE. NOVEMBER 6, 2019 WAS WRITTEN IN ERROR AND CORRECTED TO NOVEMBER 13, 2019.

A-1 VACATED APPEALS TO THE BOARD OF REVIEW

1. JAZMYN HINTON BOR DKT. 00143729

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 CASE AS A VACATED APPEAL TO THE BOARD OF REVIEW.

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

1. ERIKA STREETER BOR DKT. 00178707

The employer appealed a decision of the Appeal Tribunal holding no disqualification for leaving work voluntarily, no disqualification of benefits for refusing suitable work, and no disqualification of benefits for being a full-time student.

2. LILLIAN BAUTISTA BOR DKT. 00189838

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

3. CASSANDRA ALSTON BOR DKT. 00104769

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

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4. GUSTAVO PAREDES BOR DKT. 00168025

Claimant appealed to the courts from the decision of the Board of Review affirming the Appeal Tribunal's order denying the request to reopen.

5. BRITNEY GASKINS BOR DKT. 00190244

Claimant appealed a 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-3 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. NICOLO FRANCESCONI BOR DKT. 00192267

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

2. JAMILAH GRISWOLD BOR DKT. 00192360

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

3. JASMINE ROACH BOR DKT. 00193623

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

4. JEFFREY HEMINGWAY BOR DKT. 00190267

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

5. JEFFREY HEMINGWAY BOR DKT. 00190271

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

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- 6. RAMIA NADDAF** BOR DKT. 00186097

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

- 7. BRYANT MILLS, SR.** BOR DKT. 00192550

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

- 8. ZENOBIA MCWHORTER** BOR DKT. 00192617

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

- 9. GRACIA ANASTASIA** BOR DKT. 00181287

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

- 10. BAHIG TAWFELLOS** BOR DKT. 00187577

Claimant appealed a decision of the Appeal Tribunal reducing the weekly benefit rate due to a pension offset.

- 11. DONNA LYDECKER** BOR DKT. 00191288

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

- 12. CARL BEECHER** BOR DKT. 00184684

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

- 13. JOHN SPAGNOLA** BOR DKT. 00191720

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

- 14. JOSEPH MATTHEWS** BOR DKT. 00192084

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

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15. AROLD TURNER BOR DKT. 00192640

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

16. MARY CRAWFORD BOR DKT. 00192668

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

17. NYDIRAH BANKS BOR DKT. 00189430

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

18. VITO MAFFEI BOR DKT. 00193160

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

19. MICHAEL RICH BOR DKT. 00192688

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

20. ADRIANA RODRIGUEZ-COREANO BOR DKT. 00192900

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

21. VIRGILIO MARTINEZ BOR DKT. 00193594

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

22. ANTHONY BONANNO BOR DKT. 00192656

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

23. CINDY ORTEGA BOR DKT. 00192886

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

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24. JOHN ASCIONE BOR DKT. 00192480

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

25. MANUEL ALMODOVAR BOR DKT. 00192552

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

26. JUDITH KOMLODI BOR DKT. 00193167

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

27. IYANNA NEAL BOR DKT. 00192701

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

28. ROXANNE GILL BOR DKT. 00191353

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

29. MICHELLE YOUNGER BOR DKT. 00194100

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

30. DANIELLE STAFFORD BOR DKT. 00193539

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

31. JASON DRIVER BOR DKT. 00193295

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits for failing to report in accordance with the regulations of the Division.

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

BOARD OF REVIEW MINUTES – NOVEMBER 20, 2019 MEETING

A-4 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. ESTEBAN GUERRERO BOR DKT. 00192788

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 CASE AS A REVERSAL OF AN APPEAL TRIBUNAL DECISION.

A-5 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. WADI SHENOUDA BOR DKT. 00192841

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

2. GRACE ABRAMS BOR DKT. 00190183

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms.

3. AFROZE KHAN BOR DKT. 00190904

Claimant appealed the decision of the Appeal Tribunal dismissing a portion of the appeal as late and holding the claimant ineligible for benefits under availability for work.

4. WILLIAM NORIEGA BOR DKT. 00160576

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

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

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A-6 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

- 1. ANTOINE BROWN** **BOR DKT. 00184207**

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

- 2. MIWAKO BETUEL** **BOR DKT. 00192944**

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

- 3. SHIRLEY WILLIAMSON** **BOR DKT. 00192022**

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.

- 4. MARISOL ZAMORA** **BOR DKT. 00192471**

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

- 5. SEMAJ LYNCH** **BOR DKT. 00192784**

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

- 6. ALAINA TORRES** **BOR DKT. 00192653**

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

- 7. CHARLES TURNER** **BOR DKT. 00192628**

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

- 8. MARYANN MCELROY-KINGHORN** **BOR DKT. 00193817**

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

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9. KEFA GARY BOR DKT. 00187796

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

10. KYONA LEWIS BOR DKT. 00193152

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

11. DONISHA JOHNSON BOR DKT. 00192052

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

12. PETER BUDD BOR DKT. 00190888

Claimant appealed decision of the Appeal Tribunal holding a disqualification for discharge for misconduct connected to 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 WILFREDO ACEVEDO BOR DKT. 00191293

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

ACTION: THE BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL HOLDING THAT THE CLAIMANT ESTABLISHED AN INITIAL CLAIM FOR BENEFITS DATED AUGUST 4, 2019.

B-2 ISHANEL RIVERA BOR DKT. 00192534

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

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ACTION: THE BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL TO SUPPLEMENT THE RECORD REGARDING THE TIMELINESS OF THE APPEAL BASED ON EMPLOYERS HOSPITALIZATION.

B-3 ANGELICA JUAREZ BOR DKT. 00192300

Claimant appealed the decision of the Appeal Tribunal withdrawing the appeal.

ACTION: THE BOARD VOTED TO REMAND THIS CASE BACK TO THE APPEAL TRIBUNAL TO DEVELOP A FULL RECORD ON THE MERITS.

B-4 GREGORY BOTTOMLY BOR DKT. 00191484

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

ACTION: THE BOARD VOTED TO REMAND FOR FURTHER DEVELOPMENT OF THE RECORD.

B-5 FABIOLA ALARCON BOR DKT. 00191767

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 AS THE CLAIMANT VOLUNTARILY LEFT THE JOB WITHOUT GOOD CAUSE ATTRIBUTABLE TO THE WORK..

B-6 SALVATORE NESTA BOR DKT. 00177547

Claimant requests reconsideration of the Board of Review's decision affirming the Appeal Tribunal's decision which denied the claimant's request for a predate of an unemployment claim.

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ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DENYING THE CLAIMANT’S REQUEST TO PREDATE THE CLAIM.

B-7 SHARON ORLANDO

BOR DKT. 00188431

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

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION HOLDING A VOLUNTARY LEAVING DISQUALIFICATION. THE DECISION WILL BE REWRITTEN TO ANSWER THE ATTORNEYS QUESTIONS.