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State of New Jersey
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
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BOARD OF REVIEW

**MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
JANUARY 22, 2020**

JOSEPH SIEBER, CHAIRMAN

NANCY HUNT, VICE-CHAIRPERSON

BOARD OF REVIEW MEETING JANUARY 22, 2020

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A regular meeting of the Board of Review was held on Wednesday, January 22, 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 – JANUARY 22, 2020 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the January 15, 2020 Board meeting.

ACTION: BOARD VOTED TO ACCEPT THE MINUTES OF THE JANUARY 15, 2020 MEETING.

OLD BUSINESS:

1. MICHAEL GOMEZ BOR DKT. 00190633

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal as late without good cause. **(The Board voted to table this case in the meeting of January 15, 2020 to get clarification on how to proceed. This case will be discussed further in the meeting of January 22, 2020).**

ACTION: THE BOARD VOTED TO REMAND THE ABOVE CASE TO THE APPEAL TRIBUNAL FOR AN AUDIBLE RECORD, FOR DEPUTY PARTICIPATION AND FOR ADDITIONAL TESTIMONY.

SECTION A – HEARING MATTERS

A-1 WITHDRAWAL OF APPEALS

1. DAMON THOMPSON BOR DKT. 00198758

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

ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASE AS A WITHDRAWAL OF APPEAL TO THE BOARD OF REVIEW.

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

1. RAMON REYES BOR DKT. 00197220

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

BOARD OF REVIEW MINUTES – JANUARY 22, 2020 MEETING

2. BRITTANY SUTTON BOR DKT. 00183960

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

3. SHARON LEDONNE BOR DKT. 00197054

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 DENIAL OF REOPENING REQUESTS TO THE BOARD OF REVIEW

1. MIGDALIA CHICO BOR DKT. 00193294

Claimant requests reconsideration of the Board of Review's decision affirming the Appeal Tribunal's decision holding a disqualification of benefits for leaving work voluntarily.

2. JULIAN CUELLAR BOR DKT. 00194228

Claimant requests reconsideration of the Board of Review's decision affirming the Appeal Tribunal's decision holding the claimant disqualified for discharge for misconduct connected with the work.

3. RAYMOND JOHNSTON BOR DKT. 00182441

Claimant requests reconsideration of the Board of Review's decision affirming the Appeal Tribunal's decision because the claimant did not participate in the hearing.

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

BOARD OF REVIEW MINUTES – JANUARY 22, 2020 MEETING

A-4 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. THOMAS GORDON BOR DKT. 00186489

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

2. RICARDO SMITH BOR DKT. 00197007

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

3. EPPSIE GREENE BOR DKT. 00189777

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

4. TOMEEKA HOLLOMAN BOR DKT. 00198080

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

5. NICOLE MURRAY BOR DKT. 00196895

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

6. MICHAEL TAURIELLO BOR DKT. 00196220

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

7. JOHN TIGGETT BOR DKT. 00190995

Claimant appealed the Appeal Tribunal decision holding the unemployment claim invalid and a liability to a non-fraud refund.

8. YVETTE HERNANDEZ BOR DKT. 00197455

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

BOARD OF REVIEW MINUTES – JANUARY 22, 2020 MEETING

9. YOLANDA HAMPTON BOR DKT. 00191854

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

10. CAROLE SPIVEY BOR DKT. 00196237

Claimant appealed a decision of the Appeal Tribunal holding no disqualification for refusal of suitable work and holding the claimant disqualified for leaving work voluntarily.

11. SHAUN MURRAY BOR DKT. 00192525

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

12. XIOMARA TORRES ROSADO BOR DKT. 00198349

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal due to non-registration for the hearing.

13. SUZANNE CHADWICK BOR DKT. 00196446

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

14. ALICIA FREEMAN BOR DKT. 00194091

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

15. PETER GREYTSMAN BOR DKT. 00193802

Claimant appealed a decision of the Appeal Tribunal holding the claimant not unemployed and the claim dated February 24, 2019 invalid.

16. REGINALD DOWLING BOR DKT. 00194654

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

17. BRITTANY VEGA BOR DKT. 00196371

Claimant appealed a decision of the Appeal Tribunal holding her ineligible for Additional Benefits During Training (ABT) on the ground that the separation from the employment was for reasons other than lack of work.

BOARD OF REVIEW MINUTES – JANUARY 22, 2020 MEETING

18. BRITTANY VEGA

BOR DKT. 00196368

Claimant appealed a decision of the Appeal Tribunal holding no disqualification for leaving the work voluntarily and holding a period of ineligibility as the claimant was no available for work.

19. JENNIFER COOMBE

BOR DKT. 00195875

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

20. OMAR GARCIA

BOR DKT. 00196451

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

21. BINTU JENGO

BOR DKT. 00193912

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

22. TINA GRESS

BOR DKT. 00195407

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

23. VANESSA MUDALY

BOR DKT. 00191996

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

24. JEROME JETER

BOR DKT. 00199594

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

25. JASON IVERSON

BOR DKT. 00198509

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

BOARD OF REVIEW MINUTES – JANUARY 22, 2020 MEETING

26. MATTIE BROWN

BOR DKT. 00193221

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

27. MAHASIN ABDALMAJIED

BOR DKT. 00192592

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment with an educational institution and liable for a non-fraud refund.

28. CLAIRE OBOYLE

BOR DKT. 00197749

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

29. LATRICIA O'BRIEN

BOR DKT. 00197080

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

30. ANNA WITKOWSKA

BOR DKT. 00198323

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

31. VERNON CROUCH

BOR DKT. 00194788

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

32. RAYMUNDO CASILLAS

BOR DKT. 00174638

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

33. VALLASIA ORTIZ

BOR DKT. 00197343

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

34. GEETA JOSHI

BOR DKT. 00198196

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.

BOARD OF REVIEW MINUTES – JANUARY 22, 2020 MEETING

35. TAI'ASIA DAVIS

BOR DKT. 00197069

Claimant appealed decision of the Appeal Tribunal holding a disqualification for leaving the work voluntarily without good cause attributable to such work and holding the claimant liable for non-fraud refund.

36. MONICA HARSCH

BOR DKT. 00197190

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

37. DAVID CHARLES

BOR DKT. 00194804

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

38. MERYL LOLAS

BOR DKT. 00198095

Claimant appealed a decision of the Appeal Tribunal which held the claimant disqualified for benefits due to a prior disqualification imposed.

39. TATIANA GALVAN

BOR DKT. 00196821

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

40. SHENIKWA ROGERS

BOR DKT. 00197076

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work and ineligible for benefits for not actively seeking work.

41. MAKEYLIA NERO

BOR DKT. 00196769

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

42. SHAQUAN BEALE

BOR DKT. 00196256

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

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

BOARD OF REVIEW MINUTES – JANUARY 22, 2020 MEETING

A-5 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. ADRIANNA AVITABLE-TROTTA BOR DKT. 00189723

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms, and liable for a non-fraud refund.

2. LEONYA JOHNSON BOR DKT. 00197759

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

3. ROBERT JONES BOR DKT. 00197862

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

4. DAWN HAJEK BOR DKT. 00196364

Employer appealed the decision of the Appeal Tribunal holding no disqualification of benefits as the claimant did not leave work voluntarily without good cause attributable to the work.

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

A-6 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. RICHARD BROWN BOR DKT. 00191101

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

2. DI' KIRA HILL BOR DKT. 00198048

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for Additional Benefits During Training.

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

BOARD OF REVIEW MINUTES – JANUARY 22, 2020 MEETING

A-7 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. JAVIER CALZADILLA BOR DKT. 00181013

Claimant appealed a decision of the Appeal Tribunal holding the claimant liable for a non-fraud refund on the ground that he was employed with earnings.

2. ALEXANDRIA PERROTTE BOR DKT. 00197274

Claimant appealed a decision of the Appeal Tribunal holding a disqualification for benefits on the ground that the claimant is a full-time student who did not earn sufficient base year wages as a full-time student to establish a claim.

3. JOSE LOPEZ BOR DKT. 00197251

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

4. KRISHANA HAMMOND BOR DKT. 00191631

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

5. GREGORY COGDELL, JR. BOR DKT. 00198023

Claimant appealed a decision of the Appeal Tribunal which held a disqualification for benefits on the ground that the claimant left the work voluntarily without good cause attributable to such work.

6. RONALD SAUSA BOR DKT. 00196507

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

7. ABBY GERONIMO BOR DKT. 00197111

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

8. BERNADETTE ROSKOWSKY BOR DKT. 00198025

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

BOARD OF REVIEW MINUTES – JANUARY 22, 2020 MEETING

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 ALEXIS HAYES BOR DKT. 00189410

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

ACTION: THE BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION AND HOLD A VOLUNTARY LEAVING WITHOUT GOOD CAUSE.

B-2 DANIELLE HANSEN BOR DKT. 00195192

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

ACTION: THE BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION AND HOLD NO DISQUALIFICATION FOR BENEFITS AS THE CLAIMANT LEFT WORK VOLUNTARILY WITH GOOD CAUSE.

B-3 PATRICK BERGIN BOR DKT. 00183681

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

ACTION: THE BOARD VOTED TO TABLE THIS MATTER UNTIL THE MEETING JANUARY 29, 2020.

B-4 ANDREW UHRLASS BOR DKT. 00196106

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

BOARD OF REVIEW MINUTES – JANUARY 22, 2020 MEETING

ACTION: THE BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION AND HOLD NO VOLUNTARY QUIT DISQUALIFICATION.

B-5 CAROL STEWART

BOR DKT. 00170094

Employer appealed the Appeal Tribunal decision holding the unemployment claim valid on the grounds that services performed by the claimant were localized in this State.

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

B-6 YOMARY VASQUEZ

BOR DKT. 00196800

Claimant appealed a decision of the Appeal Tribunal which held the claimant ineligible for disability during unemployment benefits as the claimant had reasonable assurance of reemployment with an educational institution.

ACTION: THE BOARD VOTED TO TABLE THIS CASE UNTIL JANUARY 29, 2020 MEETING AS DKT. NO. 00210033 WAS SCHEDULED FOR A HEARING ON JANUARY 23, 2020 AND THE BOARD WAITED FOR THE OUTCOME OF THIS HEARING.

B-7 JORDAN RIVERA

BOR DKT. 00194358

Claimant appealed a decision of the Appeal Tribunal holding no disqualification for voluntarily leaving the work and holding a period of disqualification for discharge for misconduct connected with the work.

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION AND HOLD A MISCONDUCT DISQUALIFICATION.

THE BOARD VOTED TO AMEND THE JANUARY 22, 2020 AGENDA TO ADD REMANDS FROM THE SUPERIOR COURT. ROSE GONZALEZ DKT. NO. 00164879.

BOARD OF REVIEW MINUTES – JANUARY 22, 2020 MEETING

THIS CASE CAME BACK FROM THE COURT. DENIED REQUEST TO REOPEN. WENT TO COURT. COURT SENT IT BACK TO THE BOARD TO RECONSIDER SENDING BACK TO THE APPEALS EXAMINER TO CONSIDER NEW EVIDENCE.