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Commissioner

BOARD OF REVIEW

**MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
FEBRUARY 12, 2020**

JOSEPH SIEBER, CHAIRMAN

NANCY HUNT, VICE-CHAIRPERSON

WILLIAM SCAGLIONE, BOARD MEMBER

BOARD OF REVIEW MINUTES – FEBRUARY 12, 2020 MEETING

BOARD MINUTES:

Submitted for adoption are the minutes of the February 5, 2020 Board meeting.

**ACTION: THE BOARD VOTED ADOPT THE MINUTES OF THE
FEBRUARY 5, 2020 MEETING.**

OLD BUSINESS:

1. BERNA VARGAS **BOR DKT. 00199387**

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work. **(This case was tabled in the meeting of February 5, 2020. To be discussed further in the meeting of February 12, 2020).**

**ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL
TRIBUNAL DECISION HOLDING A MISCONDUCT
DISQUALIFICATION.**

2. DESIREE WHITSETT **BOR DKT. 00179132**

Claimant appealed the Appeal Tribunal decision holding a disqualification for benefits for leaving work voluntarily. **(This case was on the January 29, 2020 agenda. Put on the February 12, 2020 agenda to be discussed further).**

**ACTION: BOARD VOTED TO REMAND THIS MATTER TO THE
APPEAL TRIBUNAL FOR ADDITIONAL INFORMATION
WHEN THE MOTION TO REMAND COMES FROM THE
SUPERIOR COURT.**

SECTION A – HEARING MATTERS

A-1 VACATED APPEALS TO THE BOARD OF REVIEW

1. LEIDY MARTINEZ **BOR DKT. 00198363**

Claimant appealed a decision of the Appeal Tribunal to the Board of Review in error.

BOARD OF REVIEW MINUTES – FEBRUARY 12, 2020 MEETING

**ACTION: THE BOARD VOTED TO ACCEPT THIS CASE AS A
VACATED APPEAL TO THE BOARD OF REVIEW.**

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

- 1. ONESIMO ALMONTE** **BOR DKT. 00176167**

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

- 2. DAVID GORE** **BOR DKT. 00198311**

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

- 3. NICHOLAS PIRRERA** **BOR DKT. 00191875**

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

- 4. MARC KOOTMAN** **BOR DKT. 00199226**

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

- 5. IRENE TEMPALSKI** **BOR DKT. 00193476**

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

- 6. MICHAEL MOKRACEK** **BOR DKT. 00198912**

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

- 7. DEAN LEWIS** **BOR DKT. 00059299**

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

**BOARD OF REVIEW MINUTES – FEBRUARY 12, 2020
MEETING**

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. TYLER PERSON BOR DKT. 00188039

Claimant requests reconsideration of the Board of Review's decision affirming the Appeal Tribunal's decision holding no disqualification for discharge for misconduct connected with the work.

2. LAURA TSOUNIS BOR DKT. 00185804

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.

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

A-4 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. ZINA LLOYD BOR DKT. 00199142

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

2. RAFAEL VALDEZ BOR DKT. 00200642

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

3. CRYSTAL SMITH BOR DKT. 00200466

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

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- 4. RUBIN COLLINS** **BOR DKT. 00185739**

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

- 5. OLYMPIA TSIPRAILIDIS** **BOR DKT. 00195626**

Claimant appealed the decision of the Appeal Tribunal holding the claimant with a fraud disqualification.

- 6. OLYMPIA TSIPRAILIDIS** **BOR DKT. 00195627**

Claimant appealed the Appeal Tribunal decision holding the appeal late without good cause.

- 7. KEON MURRAY** **BOR DKT. 00199863**

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

- 8. ADRIAN FLORES** **BOR DKT. 00197093**

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

- 9. ROBERT SHEVLIN** **BOR DKT. 00192121**

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

- 10. JULIE BEASLEY** **BOR DKT. 00191108**

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

- 11. KELVIN CALVA** **BOR DKT. 00183808**

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

- 12. JAMES WEAVER** **BOR DKT. 00198881**

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

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13. ALLEN SNOWDEN BOR DKT. 00197078

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

14. ADAM SOLLNER BOR DKT. 00201581

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

15. LAZARO PARODI-PEDROSO BOR DKT. 00195684

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

16. IRA SMITH BOR DKT. 00200736

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

17. CHRISTOPHER BELLAMY BOR DKT. 00200253

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

18. DOMONIQUE MCQUEEN BOR DKT. 00195661

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

19. MACDELENA VICTOR BOR DKT. 00194333

The employer appealed the decision of the Appeal Tribunal holding the claimant eligible for benefits under able and available and actively seeking work.

20. ANTHONY LONGOBARDI BOR DKT. 00200460

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

21. YESENIA TAVERAS JIMENEZ BOR DKT. 00196185

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

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22. LAWRENCE QUINN BOR DKT. 00201075

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

23. VIREN VORAR BOR DKT. 00197924

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

24. VERNISSA JENNINGS BOR DKT. 00200527

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

25. FURQUAN MCGEE BOR DKT. 00200770

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

26. MICHAEL OSTROSKI BOR DKT. 00191556

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

27. IVY ENNALS BOR DKT. 00200252

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

28. TASHA SCOTT BOR DKT. 00200528

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

29. BEATRIZ LOPEZ BOR DKT. 00195628

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

30. JAMIEL VALENTINE BOR DKT. 00197161

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

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31. MARC KOOTMAN BOR DKT. 00199222

Claimant is appealing the decision of the Appeal Tribunal dismissing the appeal as it was filed late without good cause.

32. DEAN PANESIS BOR DKT. 00196908

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

33. PAUL WILLIAMS BOR DKT. 00200015

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits under availability for work.

34. EUGENE STILSON BOR DKT. 00201186

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

35. CHRISTINE SWET BOR DKT. 00201206

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 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS.**

A-5 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. PETER DOMBROWSKI BOR DKT. 00198629

Claimant appealed the decision of the Appeal Tribunal holding the claimant disqualified for benefits for leaving work voluntarily and the issue of availability as academic.

2. ROBERT LUTY BOR DKT. 00191032

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

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3. GINA SPADEA BOR DKT. 00200154

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

4. JANIS BIRCH BOR DKT. 00199738

Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for misconduct connected with 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. STUART WOLF BOR DKT. 00200922

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

2. SAMUEL VELEZ BOR DKT. 00199652

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

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

A-7 REQUEST FOR RECONSIDERATION FROM THE SUPERIOR COURT

1. PATRICIA CHARLES BOR DKT. 00187183

For the Board to reconsider claimant's request for reopening.

ACTION: THE BOARD VOTED TO ADVISE THE COURT THAT THEY WILL TAKE BACK THIS CASE AND REVERSE THE BOARD OF REVIEW DENIAL OF REOPENING (NON-REGISTRATION ISSUE) DECISION AND REMAND THE MERITS TO THE APPEAL TRIBUNAL.

BOARD OF REVIEW MINUTES – FEBRUARY 12, 2020 MEETING

A-8 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. ERIC JOHNSON BOR DKT. 00200356

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

2. LORENA DIN BOR DKT. 00192904

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

3. MARTHA HERBERT BOR DKT. 00199791

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

4. MARTHA HERBERT BOR DKT. 00199801

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

5. JOSEPH MARTINO BOR DKT. 00194428

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

6. LADY ESPINAL BOR DKT. 00201502

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

7. KIA LEMMON BOR DKT. 00198853

Deputy appealed the decision of the Appeal Tribunal holding the claimant no ineligible under ability to work and not liable for a refund.

8. ISIAH BYRD BOR DKT. 00201342

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

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9. PETER BUDD BOR DKT. 00190888

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

10. ARCANGELO RUBINO BOR DKT. 00192096

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

11. ANTHONY INTERNICOLA BOR DKT. 00199311

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

12. JENNIFER ORTIZ BOR DKT. 00197309

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

13. MICHAEL TOMASZEWSKI BOR DKT. 00201489

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

14. PEAR BRUNY BOR DKT. 00194679

Employer appealed the decision of the Appeal Tribunal holding no 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 GENEVA JOHNSON BOR DKT. 00199276

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

**BOARD OF REVIEW MINUTES – FEBRUARY 12, 2020
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ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION AND HOLD A MISCONDUCT DISQUALIFICATION. CITE SMITH VS. BOARD OF REVIEW IN THE DECISION.

B-2 ELIN FRIIS KABO

BOR DKT. 00199567

Claimant appealed a 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 REVERSE THE APPEAL TRIBUNAL DECISION AND HOLD A FAVORABLE DECISION TO THE CLAIMANT.

B-3 DALE MOLNAR

BOR DKT. 00198017

Claimant appealed a decision of the Appeal Tribunal holding the claim for benefits valid with a weekly benefit rate of \$696.00 and a maximum benefit amount of \$4,872.00.

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

B-4 DAVID FOULKS

BOR DKT. 00190792

Claimant appealed the decision of the Appeal Tribunal granting the withdrawal of his appeal of a disqualification of benefits for misconduct connected with the work.

ACTION: THE BOARD VOTED TO DISMISS THIS CASE AS A LATE APPEAL TO THE BOARD OF REVIEW.

B-5 KENNETH DIDDLE

BOR DKT. 00200204

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

**BOARD OF REVIEW MINUTES – FEBRUARY 12, 2020
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ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION WITH A REWRITE AND AFFIRM ON DIFFERENT GROUNDS.

B-6 SHIRLEY SANCHEZLISK BOR DKT. 00197978

Employer appealed a 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 WITH A REWRITE ADDRESSING THE EMPLOYER’S CONTENTION.

B-7 STEVEN ENDRESS BOR DKT. 00195570

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 AND HOLD NO DISQUALIFICATION FOR VOLUNTARY LEAVING.

B-8 FOTIOS PAPANASTASIOU BOR DKT. 00201093

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

ACTION: THE BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL FOR RECONSIDERATION OF ADDITIONAL MEDICAL DOCUMENTATION THE CLAIMANT IS PROVIDING.

B-9 GERALD CONOVER BOR DKT. 00200516

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

**BOARD OF REVIEW MINUTES – FEBRUARY 12, 2020
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ACTION: THE BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL FOR TESTIMONY FROM THE CLAIMANT’S SUPERVISOR.

B-10 IVETTE CALO BOR DKT. 00140001

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for gross misconduct connected with the work on 12/03/2017.

ACTION: THE BOARD VOTED TO TABLE THIS CASE UNTIL THE MEETING OF FEBRUARY 19, 2020.

B-11 NICOLE LAWRIE-JACKSON BOR DKT. 00140239

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for gross misconduct connected with the work on 12/03/2017.

ACTION: THE BOARD VOTED TO TABLE THIS CASE UNTIL THE MEETING OF FEBRUARY 19, 2020.

B-12 CECELIA BETHEA BOR DKT. 00143116

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for gross misconduct connected with the work on 12/24/2017.

ACTION: THE BOARD VOTED TO TABLE THIS CASE UNTIL THE MEETING OF FEBRUARY 19, 2020.

B-13 ROBERT ESTOR BOR DKT. 00200724

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily, no disqualification of benefits for discharge for misconduct connected with the work, and no liability for a non-fraud refund.

ACTION: THE BOARD VOTED TO VACATE THE APPEAL TO THE BOARD OF REVIEW.

**BOARD OF REVIEW MINUTES – FEBRUARY 12, 2020
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11:11: THE BOARD VOTED TO GO INTO EXECUTIVE SESSION FOR LEGAL ADVICE.

11:14: THE BOARD VOTED TO COME OUT OF EXECUTIVE SESSION AND RESUME THE REGULAR OPEN PUBLIC MEETING.

11:15: THE BOARD VOTED TO GO INTO EXECUTIVE SESSION AGAIN FOR LEGAL ADVICE.

11:18: 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 AND SECONDED BY VICE-CHAIRPERSON NANCY HUNT.