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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
OCTOBER 30, 2019**

JOSEPH P. SIEBER, CHAIRPERSON

NANCY W. HUNT, VICE-CHAIRPERSON

BOARD OF REVIEW MEETING OCTOBER 30, 2019

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A regular meeting of the Board of Review was held on Wednesday, October 30, 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 – OCTOBER 30, 2019 MEETING

SECTION A – HEARING MATTERS

BOARD MINUTES:

Submitted for adoption are the minutes of the October 23, 2019 Board meeting.

ACTION: THE BOARD VOTED TO APPROVE THE MINUTES OF THE OCTOBER 23, 2019 MEETING.

OLD BUSINESS:

1. LISA GESNER BOR DKT. 0189160

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

ACTION: THE BOARD VOTED TO TABLE THIS CASE TO BE PLACED AS OLD BUSINESS IN THE MEETING OF NOVEMBER 6, 2019.

2. DAPHNE KAPLAN BOR DKT. 00144288

Case remanded from Superior Court to review the monetary eligibility on the claim dated August 20, 2017 and for non-fraud refund request. **(This case was on the August 28, 2019 agenda and is being put back on this agenda for reconsideration).**

ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASE BACK FROM THE COURT AND REMAND TO THE APPEAL TRIBUNAL FOR A NEW HEARING WITH A SUBPEONA TO THE DEPUTY.

A-1 VACATED APPEALS TO THE BOARD OF REVIEW

1. DAMIEN WALKER BOR DKT. 00191297

Claimant appealed a decision of the Appeal Tribunal granting the claimant's request for withdrawal of his appeal of a non-fraud refund.

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2. ASWAH CROWDER BOR DKT. 00181435

The employer appealed the Deputy's determination denying relief of benefit charges.

ACTION: THE BOARD VOTED TO ACCEPT ABOVE CASES AS VACATED APPEALS TO THE BOARD OF REVIEW.

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

1. PAUL SULLIVAN BOR DKT. 00182884

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

2. ASHWIN NAGRE BOR DKT. 00189783

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

3. AMIER HOOD BOR DKT. 00182604

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

4. RUDDY CASTILLO BOR DKT. 00189251

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

5. CHARLES TURNER BOR DKT. 00188297

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

6. ADAM MACKNOWSKY BOR DKT. 00189151

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

BOARD OF REVIEW MINUTES – OCTOBER 30, 2019 MEETING

ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASES AS DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW.

A-3 REQUEST FOR RECONSIDERATION FROM THE SUPERIOR COURT

1. ROSE GONZALEZ BOR DKT. 00164879

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 BACK FROM THE COURT AND REMAND TO DISCUSS MEDICAL DOCUMENTATION.

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

1. BEVERLY COOPER BOR DKT. 00182438

Claimant requests a reconsideration of the Board of Review decision affirming the Appeal Tribunal decision which held the claimant ineligible for benefits under ability for work and liability to a non-fraud refund.

2. TYRONE BAKER BOR DKT. 00186329

Claimant requests a reconsideration of the Board of Reviews decision affirm the Appeal Tribunal decision which dismissed the claimant's appeal as late without good cause. **(A memo will be sent to the Appeal Tribunal)**

3. DAHLIA RODRIGUEZ BOR DKT. 00187167

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

4. SHAVONNE KNOLTON BOR DKT. 00183870

Claimant requests a reconsideration of the Board of Review's decision affirming the Appeal Tribunal decision which held the claimant liable for a non-fraud refund.

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5. BILL BONVIE BOR DKT. 00187191

Claimant requests a reconsideration of the Board of Review decision affirming the Appeal Tribunal decision which held the claimant disqualified for benefits for misconduct connected with the work.

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

A-5 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. CHUKWUAMEKA KENDRICK BOR DKT. 00182523

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

2. CHRISTOPHER WILEMAN BOR DKT. 00176525

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

3. HERIBERTO GALVIS BOR DKT. 00190023

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

4. MARIE MONTALVO BOR DKT. 00190332

Claimant appealed the decision of the Appeal Tribunal holding the claimant ineligible for benefits as the claimant had reasonable assurance of reemployment between terms.

5. TANISHA HILL BOR DKT. 00191370

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

6. BENJAMIN BIGBY BOR DKT. 00184844

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

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7. DIVYANG SHAH BOR DKT. 00190293

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

8. ASHLEY POUSCHEL BOR DKT. 00189836

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

9. VICTOR SANTIAGO BOR DKT. 00186548

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

10. TROI EVERETT BOR DKT. 00187632

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

11. DANIELLE SLINGBAUM BOR DKT. 00190596

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

12. HAILEY TUCCI BOR DKT. 00190732

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

13. KATHRYN DENZ BOR DKT. 00189485

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

14. ABDULBASIR CUSHMERE BOR DKT. 00182428

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.

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15. SHAVONNAH GORDON BOR DKT. 00188278

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

16. CARLOS RIVERA BOR DKT. 00190597

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

17. LISETTE RODRIGUEZ BOR DKT. 00190615

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

18. BARBARA HUNTER BOR DKT. 00190896

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

19. MARIA THOMPSON BOR DKT. 00186658

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

20. BRIAN WARREN BOR DKT. 00189409

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

21. VINCENT ROBERTELLO BOR DKT. 00191698

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

22. TERRY DAVIS BOR DKT. 00191376

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

23. TABITHA LAURENZO BOR DKT. 00189729

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

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24. NADIA GABSI BOR DKT. 00187310

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

25. NASTASSIA DAVIS BOR DKT. 00191899

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.

26. NAQUASHA SALMOND BOR DKT. 00189918

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

27. JOSEPH MACLARDY BOR DKT. 00189940

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

28. KELLY MATOS BOR DKT. 00190195

Claimant appealed a decision of the Appeal Tribunal holding no disqualification for discharge from the work and holding the claimant ineligible as the claimant was not available for work.

29. GEOFFREY WAUMANS BOR DKT. 00189977

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

30. PATERICIA GRANT BOR DKT. 00191346

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

31. JANET CICCHINI BOR DKT. 00190228

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

32. INAYAH HARRISON BOR DKT. 00189119

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

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33. CHRISTA SALVIANO BOR DKT. 00190831

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

34. CAMMIE GRAYS BOR DKT. 00177299

Claimant appealed the decision of the Appeal Tribunal denying the request to reopen the appeal.

35. ANA NUÑEZ BOR DKT. 00177323

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal of the Director's determinations on the ground that the appeal was filed late without good cause.

36. ERIC CONTY BOR DKT. 00186988

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

37. SHIREELYN GORDON BOR DKT. 00190626

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause and the claimant ineligible for benefits under availability for work.

38. KALVIN BATTS BOR DKT. 00192214

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

39. DAVID ERQUINIGO BOR DKT. 144323

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

40. HEATHER LAMB BOR DKT. 00190273

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

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41. CARLOS HINCAPIE BOR DKT. 00190733

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

42. GIANCARLO RAMOS BOR DKT. 00186524

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

43. LAURA SEELEY BOR DKT. 00191093

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

44. TANYA VIALET BOR DKT. 00191930

Claimant appealed the decision of the Appeal Tribunal holding a period of ineligibility on the ground that the claimant did not report in accordance with regulations of the Division.

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

A-6 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS

1. JESUS CINTRON BOR DKT. 00189809

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 CASE AS A MODIFICATION OF AN APPEAL TRIBUNAL DECISION.

A-7 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. ERIC STURGIS BOR DKT. 00190762

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

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2. SANDRA LEIBELL BOR DKT. 00184382

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

3. JEERIC PRITCHETT BOR DKT. 00190266

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

4. DANIEL KING BOR DKT. 00189874

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

5. DARLENE RIVERS BOR DKT. 00191205

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

6. DARLENE RIVERS BOR DKT. 00191206

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

7. KAREN MOORE BOR DKT. 00188216

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

8. ANNETTE QUINTANA BOR DKT. 00192055

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

9. INYAH MORALES BOR DKT. 00192572

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

10. RAYMONDO CASILLAS BOR DKT. 00174638

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

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11. MICHELLE FERREIRAS

BOR DKT. 00191037

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

12. TRACI JUDGE

BOR DKT. 00185507

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

13. FAYYAZ MAJEED

BOR DKT. 00185433

Claimant appealed decision of the Appeal Tribunal holding the claimant disqualified for benefits on the ground that the claimant was discharged for misconduct connected with the work.

14. AMY DOOLEY

BOR DKT. 00190675

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

15. JEFF DONKIN

BOR DKT. 190840

Claimant appealed the Appeal Tribunal decision holding the unemployment claim valid with 13 weeks of benefits.

16. RAUL CABALLERO

BOR DKT. 00185640

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

17. DAVID VICTORIA

BOR DKT. 00191765

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

18. DANILO SALGADO

BOR DKT. 00191721

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 ABOVE CASES AS REMANDS TO THE APPEAL TRIBUNAL OR THE DEPUTY.

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SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 MATTHEW TOLLI BOR DKT. 00187401

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

ACTION: THE BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL FOR THE CLAIMANT'S ELIGIBILITY BEYOND A REASONABLE ASSURANCE PERIOD AS THE CLAIMANT WAS A NON-PROFESSIONAL EMPLOYEE NOT BACK TO WORK.

B-2 MARIA PINTO BOR DKT. 00184164

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

ACTION: THE BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL NO VOLUNTARY QUIT AND NO MISCONDUCT. APPELLATE SPECIALIST HAS TO WRITE NEW DECISION.

B-3 TRACI WILLIS BOR DKT. 00179492

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

ACTION: THE BOARD VOTED TO TABLE THIS CASE FOR FURTHER DISCUSSION ON THE NOVEMBER 6, 2019 MEETING.