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State of New Jersey
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
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Commissioner

BOARD OF REVIEW

**MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
OCTOBER 2, 2019**

JOSEPH P. SIEBER, CHAIRPERSON

NANCY W. HUNT, VICE-CHAIRPERSON

BOARD OF REVIEW MEETING OCTOBER 2, 2019

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A regular meeting of the Board of Review was held on Wednesday, October 2, 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 2, 2019 MEETING

SECTION A – HEARING MATTERS

BOARD MINUTES:

Submitted for adoption are the minutes of the September 25, 2019 Board meeting.

ACTION: THE BOARD ACCEPTED TO ADOPT THE MINUTES OF THE SEPTEMBER 25, 2019 BOARD MEETING.

A-1 DISMISSALS OF LATE APPEALS TO THE BOARD OF REVIEW

1. DOUGLAS STOUT **BOR DKT. 00188476**

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

2. CLAUDE DELORRAINE **BOR DKT. 00186796**

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

3. BURNIS PARRISH **BOR DKT. 00184297**

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

4. PORSHA SAWYER **BOR DKT. 00183172**

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

5. THOMAS TORTORELLA **BOR DKT. 00187399**

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

6. FREDDY MALAVE **BOR DKT. 00180311**

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

7. DONNA CLAYTON **BOR DKT. 00179412**

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

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8. JO CARLO BOR DKT. 00178972

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

9. ERIN MCQUIRE BOR DKT. 00185967

Claimant appealed the Appeal Tribunal decision holding the claim valid with a weekly benefit rate of \$696.00 and a maximum benefit amount of \$18,096.00.

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

A-2 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. LAMAR WILLIAMS BOR DKT. 00182010

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

2. LAMAR WILLIAMS BOR DKT. 00185339

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

3. OLGA BERNAL BOR DKT. 00187148

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

4. HELEN PORTEE BOR DKT. 00188244

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

5. CINDY NIEVES BOR DKT. 00184123

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

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6. DOROTHY BADECKI BOR DKT. 00187006

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

7. MICHAEL ROSS BOR DKT. 00185375

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits since New Jersey does not have a reciprocal agreement with the foreign country in which the claimant resides and a non-fraud refund.

8. LEON PITTMAN BOR DKT. 00186153

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

9. ANNETTE WAGNER BOR DKT. 00186215

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

10. RAFAEL MORALES-CHAVES BOR DKT. 00178005

Claimant appealed decision of the Appeal Tribunal holding period of ineligibility for availability for work and active search for work issues.

11. KESHA BARLEY BOR DKT. 00187187

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

12. BILL BONVIE BOR DKT. 00187191

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

13. MELINDA ROBERTS BOR DKT. 00186605

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

14. DARYA SMITH BOR DKT. 00187868

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

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15. TIMOTHY KILGORE BOR DKT. 00187960

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

16. JOSEPH KIRCHNER BOR DKT. 00187398

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

17. JENNIFER MICHINSKI BOR DKT. 00187420

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

18. ANTOINETTE CAMPBELL BOR DKT. 00186978

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

19. CRYSTAL GAMBLE BOR DKT. 00186670

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

20. DAISY WELLS BOR DKT. 00186189

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

21. ALEXIS WILLIAMS BOR DKT. 00187998

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

22. RYAN TURPIN BOR DKT. 00186595

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

23. DWAYNE MOORE BOR DKT. 00183725

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

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24. VIOLA RAND BOR DKT. 00183868

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

25. RITA HANDA BOR DKT. 00171987

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

26. MICHAEL JAFELICE BOR DKT. 00181668

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

27. JEAN CALLAHAN BOR DKT. 00187695

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

28. KELLY KINLOCH BOR DKT. 00181168

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

29. ROGINA WILLIAMS BOR DKT. 00187510

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

30. RONALD ZELINSKI BOR DKT. 00184428

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

31. CAROLIN LOPEZ BOR DKT. 00187050

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

32. PHILLIP PITTMAN BOR DKT. 00188076

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

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33. CONNER LANGLOIS BOR DKT. 00187197

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.

34. BRIAN RICHARDSON BOR DKT. 00178532

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

35. CANDIDA BURGOS BOR DKT. 00186804

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

36. SADE BROWN BOR DKT. 00186236

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

37. FRANK SANTORO BOR DKT. 00181291

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

38. EDWARD CREIGHTON BOR DKT. 00188560

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

39. KARY DUFF BOR DKT. 00187974

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

40. WILLIAM MAXWELL BOR DKT. 00187615

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

41. ANTHONY COSENTINO BOR DKT. 00182740

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

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42. KEITH CLARKE, JR.

BOR DKT. 00188250

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

43. MIKAELA DUNN

BOR DKT. 00187662

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

44. GARY AMOS

BOR DKT. 00187493

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

45. SAMUEL MILLER

BOR DKT. 00185592

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

46. SAMUEL MILLER

BOR DKT. 00185582

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.

47. DONICA RYLAND

BOR DKT. 00181979

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

48. EDWARD HARRIS

BOR DKT. 00187800

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

49. VITO MAFFEI

BOR DKT. 00179289

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

50. DEQUAN STEELE

BOR DKT. 00180221

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

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51. EILEEN LERRO

BOR DKT. 00187608

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

52. THOMAS GULIANO

BOR DKT. 00184205

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

53. QAWAUN WHITE

BOR DKT. 00184306

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

54. ADAM COMOLLO

BOR DKT. 00187322

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

55. EDWARD MCHALE

BOR DKT. 00187881

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

56. RUBEN SALGADO

BOR DKT. 00188528

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

57. VELVET MCNEIL

BOR DKT. 00190303

Employer appealed a decision of the Appeal Tribunal dismissing the claimant's appeal under no justiciable issue.

58. CARLOS GONZALEZ

BOR DKT. 00187317

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

59. EDWARD SOZIO

BOR DKT. 00187935

Claimant appealed the decision of the Appeal Tribunal holding a disqualification as the claimant did not meet the reporting requirements of the Division.

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60. EKATERINA ORLOVA

BOR DKT. 00188321

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

61. CRAIG BEY

BOR DKT. 00187222

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

62. BERNADETTE DE LEON

BOR DKT. 00176894

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and holding the claimant ineligible for benefits under availability for work.

63. CHANELL GRIFFIN

BOR DKT. 00186838

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

64. MOLLY LAMENIA

BOR DKT. 00182700

Claimant appealed a decision of the Appeal Tribunal holding the employer filed a timely appeal and a disqualification of benefits for leaving work voluntarily

65. ALEXANDRIA DAMESTOIR

BOR DKT. 00189164

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

66. SIMONE JELKS BANDISON

BOR DKT. 00189757

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

ACTION: THE BOARD ACCEPTED THE ABOVE CASES AS AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS.

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A-3 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. DARLENE KEENAN BOR DKT. 00185561

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

2. CONNIE BIANCULLI BOR DKT. 00187269

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

3. ANAYERI GARCIA BOR DKT. 00188717

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

4. DAWN KAMINSKI BOR DKT. 00187740

Claimant appealed a decision of the Appeal Tribunal holding a period of ineligibility as she was not actively seeking work.

5. JOSE LUIS CANDELARIO BOR DKT. 00187053

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

ACTION: THE BOARD ACCEPTED THE ABOVE CASES AS REVERSALS OF APPEAL TRIBUNAL DECISIONS.

A-4 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. GABRIEL DIAZ BOR DKT. 00185314

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

2. TAMARA BUTLER BOR DKT. 00187660

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

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3. LOVISHA DIXON **BOR DKT. 00188973**

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

4. GABRIEL BLOCK **BOR DKT. 00185247**

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

5. INSHIRA GRAHAM **BOR DKT. 00187657**

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

6. RUBIN COLLINS **BOR DKT. 00185739**

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

7. YAHMENA BASS-COCHRAN **BOR DKT. 00188419**

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

8. ROBERT BRENNAN **BOR DKT. 00188597**

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

9. JOAN SULLIVAN **BOR DKT. 00177330**

Claimant appealed a decision of the Appeal Tribunal dismissing the appeal.

10. WILLIAM GIERSBACH **BOR DKT. 00186532**

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

11. LINDA JUNG **BOR DKT. 00186976**

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

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ACTION: THE BOARD ACCEPTED THE ABOVE CASES AS REMANDS TO THE APPEAL TRIBUNAL OR THE DEPUTY.

SECTION B - MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 RONALD WALMACH BOR DKT. 00179770

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

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION HOLDING NO DISQUALIFICATION FOR BENEFITS.

B-2 JOANN VAN DYKE BOR DKT. 00186775

Claimant appealed the decision of the Appeal Tribunal holding the appeal filed timely and holding a disqualification for voluntarily leaving the work.

ACTION: THE BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY.

B-3 FINESSE SIMMS BOR DKT. 00180055

Claimant appealed the decision of the Appeal Tribunal holding a disqualification for voluntarily leaving the work, holding a period of ineligibility as the claimant was not able to work and holding the claimant liable for a non-fraud refund.

ACTION: THE BOARD VOTED TO MODIFY THE APPEAL TRIBUNAL DECISION HOLDING NO DISQUALIFICATION FOR VOLUNTARY LEAVING, AND INELIGIBLE FOR BENEFITS UNDER AN AVAILABILITY FOR WORK ISSUE.

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B-4 ARNALDO MENDOZA

BOR DKT. 00185664

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

ACTION: THE BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION HOLDING NO DISQUALIFICATION FOR MISCONDUCT CONNECTED WITH THE WORK.

B-5 RODRIGO GAMON

BOR DKT. 00180606

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 HOLDING NO DISQUALIFICATION FOR VOLUNTARILY LEAVING WORK.

B-6 MARIA WHITTEN

BOR DKT. 00187443

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

ACTION: THE BOARD VOTED TO MODIFY THE APPEAL TRIBUNAL DECISION FROM A VOLUNTARY QUIT DISQUALIFICATION TO A MISCONDUCT DISQUALIFICATION.