



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lieutenant Governor

State of New Jersey
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
P.O. Box 110
TRENTON, NEW JERSEY 08625-0110

ROBERT ASARO-ANGELO
Commissioner

BOARD OF REVIEW

**MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
DECEMBER 4, 2019**

JOSEPH P. SIEBER, CHAIRPERSON

NANCY W. HUNT, VICE-CHAIRPERSON

BOARD OF REVIEW MEETING DECEMBER 4, 2019

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A regular meeting of the Board of Review was held on Wednesday, December 4, 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 – DECEMBER 4, 2019 MEETING

SECTION A – HEARING MATTERS

BOARD MINUTES:

Submitted for adoption are the minutes of the November 27, 2019 Board meeting.

ACTION: THE BOARD VOTED TO ACCEPT THE MINUTES OF THE NOVEMBER 27, 2019 MEETING.

OLD BUSINESS:

1. THERESA DUMONT **BOR DKT. 00192543**

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal as late without good cause. **(This case was tabled in the meeting of November 27, 2019).** Appellate Specialist Matos.

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION WITH A REWRITE TO ADDRESS THE CLAIMANTS CONTENSION OF A FAILURE TO PAY BENEFITS.

2. ADONIUS MELVINS **BOR DKT. 00194028**

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily. **(This case was tabled in the meeting of November 27, 2019).** Appellate Specialist Matos.

ACTION: THE BOARD VOTED TO MODIFY THE DECISION OF THE APPEAL TRIBUNAL FROM A VOLUNTARY QUIT DISQUALIFICATION TO A REFUSAL OF SUITABLE WORK ALLOWED.

3. ANDREINA ESPINAL **BOR DKT. 00193080**

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, and liable for a non-fraud refund. **(This case was tabled in the meeting of November 27, 2019).** Appellate Specialist Zola.

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ACTION: THE BOARD VOTED TO REVERSE THE APPEAL TRIBUNAL DECISION HOLDING A VOLUNTARY QUIT DISQUALIFICATION AND A LIABILITY TO REFUND BENEFITS TO A VOLUNTARY QUIT ALLOWED AND NO LIABILITY TO REFUND BENEFITS.

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

1. BARRY WEST **BOR DKT. 00188434**

Claimant appealed a decision of the Appeal Tribunal which held the appeal filed timely and held an ineligibility as there were insufficient qualifying wages in accordance with Public Law 97-362.

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

A-2 BOARD OF REVIEW CASES DISMISSED WITHOUT PREJUDICE

1. MICHAEL OLIVEIRA **BOR DKT. 00190174**

Claimant appealed a decision of the Appeal Tribunal holding the claim for Ex-Serviceman's benefits invalid and a liability for a non-fraud refund.

ACTION: THE BOARD VOTED TO ACCEPT THE ABOVE CASE AS A DISMISSAL WITHOUT PREJUDICE.

A-3 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS

1. KYLE HILL **BOR DKT. 00193978**

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

2. SHENA DEGAN **BOR DKT. 00193945**

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

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3. DENISE STEPHENS BOR DKT. 00193327

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

4. EDWARD MORGAN BOR DKT. 00194346

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

5. KEVIN TROUTMAN BOR DKT. 00194863

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

6. REGINALD COLLEY BOR DKT. 00194187

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and that subsequent weeks and wages in covered employment were not sufficient to overcome the disqualification imposed.

7. SLAWOMIR JURASZEK BOR DKT. 00193432

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

8. LATOYA JACOBS BOR DKT. 00193626

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

9. MALAIJAH WILSON BOR DKT. 00194517

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

10. JULIAN CUELLAR BOR DKT. 00194228

Claimant appealed the decision of the Appeal Tribunal holding the claimant disqualified for discharge for misconduct connected to the work.

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11. CALLIE BIELY

BOR DKT. 00190476

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

12. ESTEBAN SURIEL

BOR DKT. 00188558

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

13. LORRAINE BROWN-BROWN

BOR DKT. 00188141

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

14. DEMETRIA MYLES

BOR DKT. 00194158

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

15. ANNMARIE LUGIN

BOR DKT. 00189474

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

16. SARAH PENFOLD

BOR DKT. 00194338

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

17. NICOLE GRANATO

BOR DKT. 00194653

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

18. VILMARY NUÑEZ

BOR DKT. 00193889

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

19. CARLOS CANOVERA

BOR DKT. 00184019

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

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misconduct connected with the work and liable for benefit charges to its experience rating account.

20. GINA DAMIANO BOR DKT. 00194084

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

21. MIGDALIA CHICO BOR DKT. 00193294

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

22. GAROUTE ALEXIS BOR DKT. 00187096

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

23. MICHELE ROSSETTI BOR DKT. 00194182

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

24. MARK DANISZEWSKI BOR DKT. 00194560

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

25. RUBI CRUZ BOR DKT. 00194190

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

26. JAMES POLANCO BOR DKT. 00193581

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

27. DJERY LARSON BOR DKT. 00194549

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

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28. NIAJAH BRYANT BOR DKT. 00194323

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

29. CLARITA MARANIA BOR DKT. 00194609

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

30. ELLEN O'SHEA BOR DKT. 00194785

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

31. LAURIE JOHNSON BOR DKT. 00194153

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

32. DIANE MAGILL BOR DKT. 00194214

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

33. ROBERT NARDONE BOR DKT. 00193522

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

34. AHMED ABDELAZIM BOR DKT. 00193829

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

35. ERIC YSABEL BOR DKT. 00194347

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

36. ANNA PEASE BOR DKT. 00193923

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

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

A-4 REVERSALS OF APPEAL TRIBUNAL DECISIONS

1. EDWARD MACE BOR DKT. 00192494

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

2. LOUISE ORTMANN BOR DKT. 00193398

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 CASES AS REVERSALS OF APPEAL TRIBUNAL DECISIONS.

A-5 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY

1. ROBERT STANLEY, JR. BOR DKT. 00193574

Claimant appealed the decision of the Appeal Tribunal holding him disqualified for benefits due to his full-time student status.

2. THORIS COLLIE BOR DKT. 00188098

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

3. EUFEMIA GUZMAN BOR DKT. 00193311

Employer appealed a decision of the Appeal Tribunal holding the claimant eligible for benefits on the ground that she was able and available for work.

4. JENNIFER FERNANDEZ BOR DKT. 00194888

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

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5. SHARNELL ROGERS BOR DKT. 00185555

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

6. DAVID HOLZE BOR DKT. 00194400

Employer appealed a decision of the Appeal Tribunal holding no disqualification of benefits for leaving work voluntarily or 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 LISA DIGIOVANI BOR DKT. 00190040

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

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION HOLDING A VOLUNTARY QUIT DENIED.

B-2 RAMON RODRIGUEZ BOR DKT. 00193589

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

ACTION: THE BOARD VOTED TO AFFIRM THE APPEAL TRIBUNAL DECISION HOLDING A VOLUNTARY QUIT DENIED.

B-3 ANN INMAN BOR DKT. 00194497

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for gross misconduct connected with the work (and the validity of the claim).

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

B-4 MORGAN COLFAX

BOR DKT. 00188646

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.

ACTION: THE BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY REGARDING TERMS AND CONDITIONS OF AGREEMENT FOR CLAIMANT TO WORK REMOTELY FROM HOME.

B-5 SCOTT PORCHIK

BOR DKT. 00193008

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

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

THE BOARD VOTED FOR THE OPEN PUBLIC MEETINGS FOR THE CALENDAR YEAR 2020.

THE BOARD VOTED THAT THE OPEN PUBLIC MEETINGS FOR THE CALENDAR YEAR 2020 WILL BE HELD EVERY WEDNESDAY FROM JANUARY 8, 2020 TO DECEMBER 30, 2020 IN THE LABOR BUILDING, 1 JOHN FITCH PLAZA, 7TH FLOOR, LARGE CONFERENCE ROOM.

IT WAS ALSO VOTED THAT MR. SIEBER WILL REMAIN AS CHAIRMAN, MS. HUNT WILL REMAIN AS THE VICE CHAIR AND MR. SCAGLIONE WILL REMAIN AS THE EXECUTIVE SECRETARY.

AT 11:24 THE BOARD VOTED TO GO INTO EXECUTIVE SESSION FOR LEGAL ADVICE.

AT 11:33 THE BOARD VOTED TO COME OUT OF EXECUTIVE SESSION AND RESUME THE OPEN PUBLIC MEETING, AT WHICH TIME IT WAS ALSO VOTED THAT THE OPEN PUBLIC MEETING BE ADJOURNED.