

Board of Review
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Issue ID: 0017 0525 22

BOARD OF REVIEW DECISION

Introduction and Procedural History of this Appeal

The claimant appeals a decision by a review examiner of the Department of Unemployment Assistance (DUA) determining that the claimant was overpaid benefits due to a misrepresentation of facts under G.L. c. 151A, § 69(a). We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On October 1, 2015, the DUA sent the claimant a Notice of Disqualification and a Notice of Fault Finding, informing her that she had an overpayment of benefits, because she gave information to the DUA that she knew or reasonably should have known was false. The claimant filed a timely appeal and attended a hearing on November 5, 2015. In a decision issued on August 2, 2018,¹ the review examiner affirmed the overpayment and the fault/fraud finding. The claimant filed a timely application for review with the Board on August 3, 2018, and it was accepted for review.

¹ The delay in issuing this hearing decision is attributable to a problem in the DUA's electronic record-keeping system, UI Online.

Ruling of the Board

After considering the recorded testimony and evidence from the hearing, the review examiner's decision, and the claimant's appeal, we conclude that the review examiner's decision is based on substantial evidence and is free from any error of law affecting substantive rights. Therefore, the review examiner's decision is affirmed.

BOSTON, MASSACHUSETTS
DATE OF DECISION - November 16, 2018



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**ANY FURTHER APPEAL WOULD BE TO A MASSACHUSETTS STATE DISTRICT
COURT OR TO THE BOSTON MUNICIPAL COURT
(See Section 42, Chapter 151A, General Laws, Enclosed)**

The last day to appeal this decision to a Massachusetts District Court is thirty days from the mail date on the first page of this decision. If that thirtieth day falls on a Saturday, Sunday, or legal holiday, the last day to appeal this decision is the business day next following the thirtieth day.

To locate the nearest Massachusetts District Court, see:
www.mass.gov/courts/court-info/courthouses

Please be advised that fees for services rendered by an attorney or agent to a claimant in connection with an appeal to the Board of Review are not payable unless submitted to the Board of Review for approval, under G.L. c. 151A, § 37.

SPE/rh