

**Board of Review
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Member
Michael J. Albano
Member**

Issue ID: 0020 0905 94

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), which found the claimant monetarily ineligible for an unemployment claim in Massachusetts, because the services that he performed did not meet the requirements of G.L. c. 151A, § 3. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On October 26, 2016, the agency determined that the claimant was not monetarily eligible for a claim in Massachusetts. The claimant appealed, and only the claimant attended the hearing. In a decision rendered on February 28, 2018, the review examiner affirmed the agency determination, concluding that the claimant's services were not employment pursuant to G.L. c. 151A, § 3. Because the claimant had no wages from any other employment upon which to base a Massachusetts unemployment claim, the review examiner concluded that the claimant was not monetarily eligible for a claim pursuant to G.L. c. 151A, §§ 24(a) and 1(a).

The claimant timely appealed the review examiner's decision to the Board of Review. However, a processing error beyond the control of the Board prevented the Board from accepting review, denying review, or otherwise issuing a decision in this matter pursuant to the provisions of G.L. c. 151A, § 41.¹ The error was fixed in early 2020, and the Board is now able to decide the claimant's appeal. In so doing, we accept the claimant's timely application for review.

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.

¹ This was an error in the DUA's electronic record-keeping system, UI Online, which removed the appeal from the Board of Review's docket.

The review examiner's decision is affirmed. The claimant is monetarily ineligible for the claim filed with an effective date of October 26, 2016.

BOSTON, MASSACHUSETTS
DATE OF DECISION - January 23, 2020



Paul T. Fitzgerald, Esq.
Chairman



Charlene A. Stawicki, Esq.
Member

Member Michael J. Albano did not participate in this decision.

**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.

SF/rh