

Claimant is ineligible for TRA benefits during the weeks at issue, which preceded his approved training period.

**Board of Review
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Member**

Issue ID: 0020 1071 64

BOARD OF REVIEW DECISION

Introduction and Procedural History of this Appeal

The claimant appeals a decision by Margaret Blakely, a review examiner of the Department of Unemployment Assistance (DUA), to deny Trade Readjustment Allowance (TRA) benefits.¹ We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

The DUA initially determined that the claimant was entitled to TRA benefits for the period July 26, 2015 through September 26, 2015. However, on November 16, 2016, the agency redetermined the claimant's eligibility, finding that he was not entitled to TRA benefits for those weeks and was required to return the overpaid benefits under G.L. c. 151A, § 69(a). The claimant appealed, and both parties attended the hearing. In a decision rendered on June 29, 2017, the review examiner affirmed the overpayment, concluding that, because the claimant was not in approved training during the nine weeks at issue, he was not eligible for TRA benefits under 19 U.S.C. §§ 2291(a)(5)(a) or 2291(c). The Board accepted the claimant's 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.

The review examiner's decision is affirmed. The claimant is not entitled to TRA benefits for the period July 26, 2015, through September 26, 2015, and he must repay \$6,348.00 to the unemployment compensation fund without interest.

¹ The TRA benefits at issue were available pursuant to the Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015) (Pub. L. 114-27).

The claimant's requests to the DUA to reopen his 2015-02 claim and to pre-date his 2016-01 claim may affect his eligibility for further TRA benefits. The DUA has opened Issue ID # 0022 8046 62 and Issue ID # 0022 7151 85, respectively, in response to these requests.² As of the date of this decision, those issues have been denied, but the claimant may exercise his right to request a hearing within the time allowed by statute.

BOSTON, MASSACHUSETTS
DATE OF DECISION - September 18, 2017



Paul T. Fitzgerald, Esq.
Chairman



Charlene A. Stawicki, Esq.
Member

Member Judith M. Neumann, Esq. 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.

AB/rh

² Issue ID # 0022 8046 62 addresses the period from March 7, 2016, the date the claimant began approved training, through July 23, 2016, the end of his 2015-02 claim. Issue ID # 0022 7151 85 addresses the period from July 24, 2016, through September 11, 2016, the date that the claimant opened his 2016-01 claim and includes weeks that the claimant was participating in approved training.