

Board of Review
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Issue ID: 0020 8639 98

BOARD OF REVIEW DECISION

Introduction and Procedural History of this Appeal

The claimant appeals a decision by J. I. Cofer, a review examiner of the Department of Unemployment Assistance (DUA), to deny the claimant training benefits arising from her claim for regular unemployment benefits. We review, pursuant to our authority under G.L. c. 151A, § 41, and reverse.

On January 14, 2016, the claimant applied for unemployment benefits following her separation from employment. The DUA subsequently found her eligible for regular unemployment benefits. On September 8, 2016, the agency initially determined that the claimant was entitled to training benefits for a training program that began on September 7, 2016, and would run through December 31, 2017. *See* DUA Issue ID # 0019 4874 39.

When the claimant's benefit year expired, her benefit year employment required that she file a new claim for unemployment benefits, which she did on January 8, 2017. Again, the DUA subsequently found her eligible for regular unemployment benefits. Because she had opened a new claim for benefits, the claimant was also required to reapply for training benefits. On January 24, 2017, the DUA received her application for training benefits to attend the same program, which she was still attending, and for which she had previously been approved for training benefits. But on March 17, 2017, the agency issued a determination disqualifying the claimant from training benefits. The claimant appealed and attended the subsequent hearing. In a decision rendered on June 13, 2017, the review examiner affirmed the agency determination, concluding that the claimant did not require additional education or training to gain suitable employment and, thus, was disqualified from receiving training benefits pursuant to G.L. c. 151A, § 30(c), and 430 CMR 9.00 and 9.04. 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 findings of fact are based on substantial and credible evidence. When the claimant's initial benefit year expired, her benefit year earnings required that she file a new claim for unemployment benefits and a new application for training benefits, pursuant to 430 CMR 9.07(1). We also believe the review examiner's analysis properly distinguished the difference between a program that is *necessary* for reemployment and one that is merely *desired* for a new career path. The training

opportunities program does not exist to provide funding to people who simply wish to make a career change. Rather, the regulation clearly states:

The general goal of M.G.L. c. 151A, 30(c) is to allow claimants to acquire the new skills *necessary* to obtain employment. (Emphasis added.)

Nevertheless, we conclude, as a matter of law, that in this case, the interests of justice and equity are better served by approving this claimant's request for training benefits, which was predicated on a prior award of training benefits to complete the same program for which she initially applied and had been approved, within the same time period for which she was initially approved.

The review examiner's decision is reversed. The claimant is eligible for training benefits.

BOSTON, MASSACHUSETTS
DATE OF DECISION - November 22, 2017



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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.

JPC/rh