

**Board of Review  
19 Staniford St., 4<sup>th</sup> Floor  
Boston, MA 02114  
Phone: 617-626-6400  
Fax: 617-727-5874**

**Paul T. Fitzgerald, Esq.  
Chairman  
Judith M. Neumann, Esq.  
Member  
Charlene A. Stawicki, Esq.  
Member**

**Issue ID: 0021 0747 05-02**

## **BOARD OF REVIEW DECISION**

### **Introduction and Procedural History of this Appeal**

The employer appeals a decision by M. Shortelle, a review examiner of the Division of Unemployment Assistance (DUA), allowing the claimant benefits following his separation from employment for the weeks ending May 20, 2017 through July 1, 2017, and denying benefits for the weeks ending February 18, 2017, through May 13, 2017, the week ending July 8, 2017, and subsequent weeks. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On May 18, 2017, the agency initially determined that the claimant was not entitled to unemployment benefits. The claimant appealed and attended the hearing on June 16, 2017. In a decision rendered on June 17, 2017, the review examiner affirmed in part, and reversed in part, concluding that the claimant had not met the eligibility requirement of G.L. c. 151A, § 24(b), for the weeks that the claimant was attending school full time. 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 ultimate decision to modify the award of benefits is based on substantial evidence and is free from any error of law affecting substantive rights.

In so doing, we note that the review examiner made a number of errors in the dates reported in the findings of fact. Based on the entire record, it is clear that Findings of Fact ## 1 and 2 refer to September of 2016, and Finding of Fact # 3 refers to October of 2016. In context, these are minor errors (perhaps typographical) that do not affect the ultimate conclusion in this case. The Board concludes that the findings (as corrected) are supported by substantial and credible evidence.

The review examiner's decision is affirmed. The claimant is awarded benefits for the weeks ending May 20, 2017, through July 1, 2017, if otherwise eligible, and denied benefits for the weeks ending February 18, 2017, through May 13, 2017, the week ending July 8, 2017, and subsequent weeks.

**BOSTON, MASSACHUSETTS**  
**DATE OF DECISION - August 28, 2017**



Paul T. Fitzgerald, Esq.  
Chairman



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Member

**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](http://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.

CAS/rh