

Different training program needs a new, complete Section 30 application.

**Board of Review
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Issue ID: 0023 1279 40

BOARD OF REVIEW DECISION

Introduction and Procedural History of this Appeal

The claimant appeals a decision by Krista Tibby, a review examiner of the Department of Unemployment Assistance (DUA), denying an extension of the claimant's unemployment benefits while she participated in a training program. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

The claimant separated from employment, filed an unemployment claim, effective April 23, 2017, and was approved for benefits. She subsequently filed an application with the DUA for an extension of benefits to attend a training program, which the agency denied on October 5, 2017. The claimant appealed the determination to the DUA hearings department. Following a hearing on the merits attended by the claimant, the review examiner affirmed the agency's determination and denied the extension of benefits in a decision rendered on November 1, 2017. We accepted the claimant's application for review.

The extended benefits were denied after the review examiner determined that the claimant had failed to submit an application for approval of a new training program at the Coastal Career Academy, which was different from the training program in her original application, and, thus, she was not eligible for the extended benefits under G.L. c. 151A, § 30(c) (Section 30 benefits).

Ruling of the Board

With her appeal to the Board, the claimant submits a new Section 30 application for approval of a medical assistant training program at the Coastal Career Academy. Because pages 5 and 6 of the application are not filled in, this application is incomplete and may not be approved as is. Therefore, 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. Based upon the existing Section 30 applications filed with the DUA and the Board, the claimant is not eligible to receive an extension of up to 26 times her weekly benefit rate under G.L. c. 151A, § 30(c). **The claimant is instructed to promptly file a new, completed Section 30 application for her training program at Coastal**

Career Academy directly to the DUA Section 30/TOP Unit. Upon receiving a new *complete* Section 30 application, the DUA TOP Unit shall determine whether the claimant is eligible for Section 30 benefits for her new training program.

BOSTON, MASSACHUSETTS
DATE OF DECISION - February 6, 2018



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Chairman



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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.

AB/jv