

**Board of Review
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Issue ID: 0023 4857 36

BOARD OF REVIEW DECISION

Introduction and Procedural History of this Appeal

The claimant appeals a decision by Peter Sliker, a review examiner of the Department of Unemployment Assistance (DUA), to deny the claimant benefits for the period from November 5, 2017 through December 9, 2017. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On November 22, 2017, the agency initially determined that the claimant was not entitled to unemployment benefits for the period from November 5, 2017, through December 9, 2017. The claimant appealed, and only the claimant attended the hearing. In a decision rendered on January 23, 2018, the review examiner affirmed the agency determination, concluding that the claimant received a remuneration, as defined under G.L. c. 151A, § 1(r)(3), and, thus, was disqualified from receiving benefits for the period of time noted in the November 22, 2017, determination. The Board accepts 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 supported by substantial and credible evidence in the record, except for the first date noted in Finding of Fact #6. Per the claimant's testimony, and Exhibit # 5, the last day that the claimant worked was November 2, 2017, not November 12, 2017. This mistake with the finding appears to have been merely a typographical error. We also note that the October 17, 2017, date noted in Finding of Fact # 3 is, based on the record, clearly not the claimant's final day of work. According to the claimant's testimony, that was simply the day that the employer's sale was finalized. The money paid to the claimant was an incentive to stay through his final day of work, which was November 2, 2017. *See* Exhibit # 5. As to the remaining findings, we accept them as being supported by the record.

We also conclude that the review examiner's ultimate decision to disqualify the claimant from receiving benefits for five weeks is free from any error of law affecting substantive rights and is in accord with the DUA's policies regarding severance and stay bonuses. *Compare* DUA Service Representatives' Handbook Section 1416(G) *with* Section 1417(E).

The review examiner's decision is affirmed. The claimant is denied benefits for the period from November 5, 2017, through December 9, 2017. His benefit year shall be extended by five weeks.

BOSTON, MASSACHUSETTS
DATE OF DECISION - March 14, 2018



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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.

SF/rh