

**Board of Review  
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Chairman  
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Member  
Michael J. Albano  
Member**

**Issue ID: 0023 6888 20**

## **BOARD OF REVIEW DECISION**

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

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

On December 6, 2017, the agency initially determined that the claimant was not entitled to training benefits. The claimant appealed and subsequently attended the hearing. In a decision rendered on February 16, 2018, the review examiner affirmed the agency determination, concluding that the claimant was not enrolled in his training program on a full-time basis and, thus, was not entitled to training benefits pursuant to G.L. c. 151A, § 30(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.

At the time of the hearing, the claimant was not even enrolled in what his training program considers to be a full-time schedule (six credits per ten-week term). Moreover, on the claimant's application for training benefits, his training provider wrote "n/a" when asked for its Training PRO/MOSES course identification number. *See* Exhibit # 7. In addition to this evidence in the record, which indicates that the training program had not been approved, we take administrative notice that the claimant's chosen program is not listed in the Massachusetts One-Stop Employment System (MOSES) or JobQuest databases as a program approved for training benefits under G.L. c. 151A, § 30(c).

The review examiner's decision is affirmed. The claimant is denied up to 26 additional weeks of unemployment benefits to participate in this program.

Pursuant to G.L. c. 151A, § 30(c), the claimant has two weeks from the date of this decision to apply for training benefits to attend a program that has secured approval in MOSES and JobQuest.<sup>1</sup>

The claimant remains eligible for regular unemployment benefits for the duration of this claim, so long as he meets the requirements of G.L. c. 151A, § 24(b).

**BOSTON, MASSACHUSETTS**  
**DATE OF DECISION - June 29, 2018**



Paul T. Fitzgerald, Esq.  
Chairman



Charlene A. Stawicki, Esq.  
Member

Member Michael J. Albano 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](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.

JPC/rh

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<sup>1</sup> We note that, if the claimant's current program applies for — and receives — approval as a Section 30(c) training program in MOSES, he may submit another Training Opportunities Program application within two weeks of this decision.

We further note that, if the claimant chooses to remain in his current program, and the program does not obtain Section 30(c) approval, the claimant may file a new claim for unemployment benefits after his benefit year expires on September 22, 2018, with a new weekly benefit rate to be calculated based on the wages he earned this year.