

**Board of Review
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Issue ID: 0024 7445 87

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 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 and filed a claim for unemployment benefits on July 10, 2017, which was subsequently approved. On February 14, 2018, the claimant filed an application for training benefits, which was denied by the DUA on February 23, 2018. The claimant appealed and attended the subsequent hearing. In a decision rendered on March 28, 2018, the review examiner affirmed the agency determination, concluding that, while she found the claimant had good cause for filing her application for training benefits after her 20th compensable week, she did not establish that she would complete her program within two years, and, thus, she was ineligible for training benefits pursuant to G.L. c. 151A, § 30(c), and 430 CMR 9.05(2)(c). 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 decision is based on substantial evidence and is free from any error of law affecting substantive rights.

Moreover, even if we accepted *arguendo* the claimant's assertion on appeal that she has arranged to take more classes per semester so that she can finish her program within two years, we take administrative notice that the claimant's chosen program of study is not listed in the Massachusetts One-Stop Employment Services (MOSES) or JobQuest websites as having been approved for training benefits by the DUA. Training benefits are only available to claimants who participate in programs that have been approved by the DUA as meeting the "certain measurable standards" set forth in 430 CMR 9.05(2)(a) through (e).

The review examiner's decision is affirmed. The claimant is ineligible to receive training benefits under G.L. c. 151A, § 30(c).

BOSTON, MASSACHUSETTS
DATE OF DECISION - April 19, 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.

JPC/rh