

**Board of Review
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**Paul T. Fitzgerald, Esq.
Chairman
Charlene A. Stawicki, Esq.
Member
Michael J. Albano
Member**

Issue ID: 0025 7005 68

Introduction and Procedural History of this Appeal

The claimant appeals a decision by a review examiner of the Department of Unemployment Assistance (DUA) to deny the claimant benefits following her separation from employment on May 26, 2018. We review, pursuant to our authority under G.L. c. 151A, § 41, and we affirm in part and reverse in part.

On June 10, 2020, the agency initially determined that the claimant was entitled to unemployment benefits. The employer appealed the determination to the DUA hearings department. Following a telephone hearing on the merits, attended only by the employer, the review examiner reversed the agency determination in a decision rendered on September 15, 2020, concluding that the claimant engaged in deliberate misconduct in wilful disregard of the employer's interest and, thus, was disqualified under G.L. c. 151A, § 25(e)(2). 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 to deny

benefits beginning on May 20, 2018, is based on substantial evidence and is free from any error of law affecting substantive rights. However, information contained in the DUA's UI Online system establishes that the claimant's indefinite disqualification is no longer warranted, as she earned sufficient wages in 2019 to monetarily requalify for benefits on her 2020 claim. Therefore, the last week of the claimant's disqualification should be the week ending May 18, 2019. This end date for the disqualification will be implemented in the UI Online system.



BOSTON, MASSACHUSETTS

DATE OF DECISION – October 23, 2020

Charlene A. Stawicki, Esq.
Member



Michael J. Albano
Member

Chairman Paul T. Fitzgerald, Esq. did not participate in this decision.

If this decision disqualifies the claimant from receiving regular unemployment benefits, the claimant may be eligible to apply for Pandemic Unemployment Benefits (PUA). The claimant may contact the PUA call center at (877) 626-6800 and ask to speak to a Tier 2 PUA Supervisor.

**ANY FURTHER APPEAL WOULD BE TO A MASSACHUSETTS
STATE DISTRICT 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.

SVL/rh