

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

Issue ID: 0026 3324 29

BOARD OF REVIEW DECISION

Introduction and Procedural History of this Appeal

The employer appeals a decision by a review examiner of the Department of Unemployment Assistance (DUA) to award the claimant benefits. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On August 3, 2018, the agency initially determined that the claimant was entitled to unemployment benefits. The employer appealed, and both parties attended the hearing. In a decision rendered on September 25, 2018, the review examiner affirmed the agency determination, concluding that the claimant is eligible to receive benefits, pursuant to the provisions of G.L. c. 151A, §§ 29(a), 29(b), and 1(r). The Board accepts the employer'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 employer's appeal, we conclude that the review examiner's findings of fact and conclusions of law are supported by substantial and credible evidence in the record and free from error of law.

In its appeal to the Board, the employer expressed concerns with charges to its account, given that it continues to employ the claimant in the same manner as it had prior to the effective date of the unemployment claim. We refer the employer to 430 CMR 5.05(1), which is cited in the August 3, 2018, determination. If the employer is concerned about charges to its account, or whether it will be charged at all, it may contact the DUA's Employer Customer Service Line at (617) 626-5075 and choose option 5.

The review examiner's decision is affirmed. The claimant is entitled to receive benefits for the week beginning July 15, 2018, and for subsequent weeks if otherwise eligible.

BOSTON, MASSACHUSETTS
DATE OF DECISION – October 24, 2018



Charlene A. Stawicki, Esq.
Member



Michael J. Albano
Member

Chairman Paul T. Fitzgerald, Esq. 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

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