

Board of Review
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Issue ID: 0027 5993 49

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) to deny the claimant benefits as of the week ending July 27, 2019, for failure to complete Reemployment Services and Eligibility Assessment (RESEA) review requirements. We review, pursuant to our authority under G.L. c. 151A, § 41, and we affirm in part and reverse in part.

On October 29, 2018, the agency initially determined that the claimant was not entitled to unemployment benefits. The claimant appealed and attended the hearing. In a decision rendered on July 23, 2019, the review examiner affirmed the agency determination in part and reversed it in part, concluding that under G.L. c. 151A, § 25(a), the claimant had good cause for her failure to complete the RESEA requirements between October 21, 2018, and July 20, 2019, but did not have good cause beginning on July 21, 2019, and indefinitely thereafter. 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 to award benefits to the claimant through July 20, 2019, is based on substantial evidence and is free from any error of law affecting substantive rights. However, we disagree with her decision to deny benefits to the claimant beginning on July 21, 2019.¹ The Department of Career Services' Massachusetts One Stop Employment System (MOSES) database establishes that the claimant completed her RESEA requirements on July 26, 2019, and, therefore, she is entitled to benefits beginning on July 21, 2019.²

¹ We note that the review examiner's decision to deny benefits is based on the substantial evidence available to her at the time she rendered her decision, and our reversal of this part of the decision is based on a change to the claimant's circumstances which occurred subsequent to the issuance of the decision.

² The Board takes administrative notice of the information contained in the agency's MOSES system.

The review examiner's decision is affirmed in part and reversed in part. The claimant is entitled to receive benefits for the week ending October 27, 2018, and for subsequent weeks if otherwise eligible.

BOSTON, MASSACHUSETTS
DATE OF DECISION - August 28, 2019



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

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