0028 2044 25 (Oct. 30, 2019) – As the caretaker of a child with a disability, the claimant was permitted to limit her availability to part-time work pursuant to 430 CMR 4.45(3). However, she effectively removed herself from the labor force after 15 weeks, when she continued to seek only high-paying jobs in a limited number of occupations. Thereafter, she made only a token effort to find work. This disqualified her under G.L. c. 151A, § 24(b).

Board of Review
19 Staniford St., 4th Floor
Boston, MA 02114
Phone: 617-626-6400
Fax: 617-727-5874

Paul T. Fitzgerald, Esq.
Chairman
Charlene A. Stawicki, Esq.
Member
Michael J. Albano
Member

Issue ID: 0028 2044 25

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 unemployment benefits as of December 2, 2018. Benefits were denied on the ground that the claimant was not available for work within the meaning of G.L. c. 151A, § 24(b).

The claimant filed a claim for unemployment benefits with the DUA on September 11, 2018. On January 15, 2019, the DUA issued a notice of disqualification pursuant to G.L. c. 151A, § 24(b), which stated that the claimant did not meet the availability requirements of the law, because she was limiting her availability during the benefit year to part-time work without a prior history of part-time work. The claimant appealed the determination to the DUA hearings department. Following a hearing on the merits, the review examiner affirmed a part of the agency's initial determination and denied benefits as of the week ending December 8, 2018, in a decision rendered on March 2, 2019. The claimant sought review by the Board, which denied the appeal, and the claimant appealed to the District Court pursuant to G.L. c. 151A, § 42.

On August 16, 2019, the District Court ordered the Board to obtain further evidence. Consistent with this order, we remanded the case to the review examiner to take additional evidence concerning the claimant's availability for work. The claimant attended the remand hearing. Thereafter, the review examiner issued her consolidated findings of fact.

The issue before the Board is whether the review examiner's decision, which concluded that the claimant was not available for work as of the week ending December 8, 2018, because her availability restrictions had taken her out of the labor market, is supported by substantial and credible evidence and is free from error of law.

After reviewing the entire record, including the recorded testimony and evidence from the hearing, the review examiner's decision, the claimant's appeal, the District Court's Order, and

the consolidated findings of fact, we conclude that the review examiner's decision is affirmed in part and reversed in part.

Findings of Fact

The review examiner's consolidated findings of fact and credibility assessment, which were issued following the District Court remand, are set forth below in their entirety:

1. Since 2012, the claimant has worked part-time for a staffing agency demonstrating perfumes and colognes at retail stores during the holidays of Christmas, Valentine's Day, Mother's Day and Father's Day. Assignments are only available for a few weeks around each of those four holidays. She earns $21 per hour at this position.

2. The staffing agency will work around whatever limitations the claimant places on her availability, although her limitations will affect the number of hours the staffing agency is able to offer her.

3. From 2015 through September 11, 2018, the claimant also worked full-time for a credit union as a member service representative. Her hours were Monday through Friday, from 7:15 a.m. to 3:45 p.m. She earned $21 per hour. The claimant separated because the employer was dissatisfied with her performance.

4. The claimant has degenerative disc disease which prevents her from lifting more than ten pounds. The claimant's back problems did not prevent her from working full-time at the credit union. Since filing for unemployment, the claimant has been physically capable of working as long as the job did not require lifting more than 10 pounds.

5. The claimant's 16-year-old son (the son) is disabled. He has been diagnosed with major depressive disorder, anxiety, oppositional defiant disorder and ADHD.

6. The claimant lives with her son, the son's father, the son's uncle and the son's grandparents. Monday through Friday, the son's father, uncle and grandfather leave for work at 4:30 a.m. and return from work at 3:30 p.m. The grandmother does not drive. The claimant is the son's primary caretaker.

7. The son was attending a public school in [Town A]. At the beginning of September 2018, the son began attending a specialized therapeutic school in [Town B]. The son's school begins at 8 a.m.

8. The new school provided a van to pick the son up and drop him off each day. The son was so anxious about riding in the van he very quickly refused to do so. The school was not required to, and refused to, provide the son with 1:1 transport.

9. It is very important to the claimant and her son that he continue attending the therapeutic school. The claimant began driving her son to and from school. The school agreed to pay the claimant mileage for transporting her son.

10. After separating from the credit union, the claimant filed an unemployment claim having an effective date of September 9, 2018. The claimant received A Guide to Benefits and Employment Services for Claimants (the Guide) that the Department of Unemployment Assistance (DUA) mailed to her.

11. The Guide provides a sample log claimants may use and states, in relevant part:

    "The Massachusetts Department of Unemployment Assistance (DUA) requires that as a condition of eligibility you must:

    …

    Keep a detailed written log of your work search activities…

    Provide your work search information to DUA upon request."

12. The claimant read the Guide and understood she was expected to keep a detailed log of her weekly work search activities. Prior to February 12, 2019, the claimant failed to track her work search activities because she considered it to be too much work. After February 12, 2019, she began to keep some notes of her work search activity in a notebook and kept copies of some emails but still did not maintain an organized, detailed work search log.

13. The claimant leaves her house between 7:20 and 7:30 a.m. to drive the 25 minutes to bring her son to school.

14. The claimant also picks her son up from school at 2 p.m.

15. The claimant is not available to work weekdays after approximately 8 p.m. because she needs to assist her son in getting to sleep.

16. Since other adults are home after 3:30, the claimant is available to work from approximately 4 p.m. to 8 p.m., Mondays through Fridays.

17. Although the claimant is available to work up to an 8-hour shift on Saturdays and Sundays, the claimant is primarily seeking a job that would allow her to work weekdays between the hours of 9:30 a.m. to 1 p.m. and 4 p.m. to 8 p.m.

18. The claimant is limiting the number of hours she will work each week to 25-30 so she can spend more time caring for her son.

19. The Department of Unemployment Assistance's (DUA) Service Representatives' Handbook (SRH) is a tool used to train DUA adjudicators. Section 1031 of the SRH deals with a claimant's eligibility for benefits under Section 24(b) of the unemployment insurance law and deals with a claimant's restricting herself to certain work or wages. SRH Section 1031 states:

(A) Minimum Level of Wages A claimant's ″accustomed remuneration″ is one factor to be considered when determining the suitability of work for which a claimant must be available. Whenever a claimant places a limitation on the minimum amount of wages for which he or she will work you must determine whether:

- the claimant possesses the skills or abilities required for the type of work desired;
- work paying the desired wages is available in the locality where the claimant is seeking work;
- the wages sought are higher than the prevailing rates for the type of work the claimant is seeking.

If the claimant states that he or she will only accept a wage level that exceeds the prevailing rates, you should explore the claimant's reasons for this wage requirement and determine whether he or she has realistic verifiable prospects of receiving such wages. If not, the claimant is considered to have so restricted his or her availability that he or she does not meet the requirements of § 24(b) of the Law. A claimant who has been employed at wages higher than the prevailing rate should be given a *reasonable* period of time to find work paying similar wages. A reasonable period of time is determined according to such factors as the claimant's prior salary, training or educational level, and likelihood of finding a job for which he or she is reasonably fitted, in his or her labor market area. As a general principle, work at a lower wage should not be deemed ″suitable″ [See 1100: Suitable Work] unless a claimant has been given a reasonable period of time to look for work for which he or she has the skill, in his or her labor market at a rate of pay commensurate with prior earnings.

For example, a claimant was last employed as an experienced welder at a wage of $15.00 per hour, plus fringe benefits when the employing unit -- a shipyard, closed. The nearest shipyard is outside the claimant's labor market area and beyond a reasonable commuting distance from the claimant. The prevailing wage rate for welders in the claimant's labor market area is $10.00/hr. Unless the claimant can present evidence of realistic prospects of obtaining a job at his customary wage, the claimant is subject to a disqualification pursuant to § 24(b) if he or she refuses to seek a job at the prevailing wage of $10 per hour.

(B) Restriction to Certain Occupation or Type of Work A claimant limits his or her availability to a certain occupation or type of work that he or she is

qualified by training or experience to perform. In addition, such work exists in the locality in which he or she is seeking work. If these conditions are met, then the claimant is available pursuant to § 24(b).

(C) Reasonable Period to Find Customary Work A claimant is entitled to a reasonable period of time, depending on the nature of the work sought, after filing a claim, to find work in his or her customary occupation, provided such work exists in the area in which the claimant is seeking work. The more skilled the job, the more time may be required to obtain the work.

After such reasonable period, if it becomes clear that the claimant has little or no prospects of finding work in his or her previous or customary occupation but the claimant insists on such limitation and will not seek other suitable work, then the claimant will be disqualified because of the unreasonable restrictions on availability pursuant to § 24(b) of the Law.

(D) Restriction to One Employer A claimant who restricts his or her availability to employment with one employer -- remains eligible for benefits as long as you can verify with the employer that he or she has been given a *definite* date to return to work with this employer within four weeks. If there is no definite return to work date, and the claimant still insists on restricting availability to this particular employer, he or she will be disqualified pursuant to § 24(b) of the Law.

20. Section 1129 of the SRH deals with a claimant's eligibility for benefits under section 25(c) of the unemployment insurance law and is entitled Length of Unemployment. Section 1129 states:

    In general, a claimant is entitled to a reasonable amount of time to find new work with wages and fringe benefits equivalent to his or her most recent employment. An exception exists when such work is no longer available in the area in which the claimant is available for and actively seeking work.

    What constitutes a ″reasonable″ amount of time? DUA defines long-term unemployment as unemployment lasting 15 weeks or longer, it is reasonable to expect that a claimant who has been unemployed for longer than 15 weeks will accept a job offer at a reduced salary or wage level. Use your judgment in individual cases: a longer period might be reasonable for claimants in certain specialized occupations. You should establish, though, that reasonable prospects for finding work at the previous wage level still exist.

21. The claimant is primarily looking for a teller or other banking position, or a non-managerial customer service position. The claimant had previously worked at a fast food establishment, but because her experience there was negative, she is not interested in pursuing that type of work in the future. The claimant would consider work as a cashier, cleaner, receptionist or hostess.

22. At the beginning of November, 2018, the claimant applied to two full-time jobs — as a payroll clerk at the [Employer A] and an administrative position with the [Town A] police department. At the time, the claimant hoped her son would be able to transition to riding the school's van to and from school, which would allow her to work full-time. The transition did not occur; the son remained unable to ride the van and has continued to require 1:1 transport.

23. The claimant does not have a home computer, but is able to access the internet through her cell phone. Since filing for unemployment, on three days per week, she peruses Linked In on her phone. Every other week she goes to a career center and uses the center's computers to look at job listings. While at the career center, she uses JobQuest and mass.gov to read about advertised jobs. Friends from her last job periodically send her notices of job openings they believe might interest her.

24. The claimant works in self-employment driving for a large, car service business. She does this between 12 and 20 hours per week. The claimant is nervous driving during rush hour or during the evening, so only picks up work mornings and early afternoons. The claimant earns an average of $15 per hour in self-employment.

25. During the week ending December 8, 2018, the claimant worked 28 hours. She earned $367.50 from the staffing agency (because she had work for the Christmas season) and $290 from self-employment.

26. During the week ending December 15 2018, the claimant worked 36 hours. She earned $577.50 from the staffing agency and $240 from self-employment.

27. During the week ending December 22, 2018, she worked 26 hours. She earned $504 from the staffing agency and $120 in self-employment.

28. During the week ending December 29, 2018, the claimant worked 21 hours. She earned $262.50 from the staffing agency and $217.04 in self-employment.

29. During the week ending January 5, 2019, the claimant worked 18 hours. She earned $301.40 in self-employment.

30. For the week ending January 12, 2019, the claimant worked 12 hours. She earned $252.16 in self-employment.

31. After January 2019, the claimant has continued to work for the temporary help firm, but has worked few hours.

32. The claimant did not apply to any jobs between December 18, 2018 and February 12, 2019.

33. The claimant applied for positions on February 12, 2019, February 21, 2019, on or about March 6, 2019, March 27, 2019 and May 17, 2019. The February 12, March 27, and May 17 positions were full-time. The claimant was invited to an interview on her May 17 application, but did not attend because the job was full-time. It is unknown whether the job she applied to on February 21 was full-time or part-time; she received no response to her application.

34. After February 21, 2019, while checking the internet for jobs, the claimant periodically saved copies of job listings that looked interesting. She reviewed the listings and eliminated jobs that were full-time or required lifting more than ten pounds.

35. The claimant further eliminated job listings for all part-time jobs that did not state the exact hours the employer wished to fill. Of 21 jobs the claimant reviewed between February 21, 2019 and August 25, 2019, only two jobs listed the specific hours to be filled (a monitor position with the Boston Public Schools with hours of 7:30 a.m. to 3:30 p.m. and the janitor position mentioned below.) The claimant has never contacted an employer to ask for further information about the specific hours of work the employer has available. For example:

- On July 28, 2019, the claimant reviewed a janitor position that listed hours as Monday – Friday, 10 a.m. to 2 p.m. and 5 p.m. to 9 p.m. The claimant did not contact the employer to see if it would be possible to work until 1:30 p.m. rather than 2 p.m. or to work fewer hours overall.

- On August 1, 2019, a part-time merchandiser position stated it was seeking an individual to work 10-25 hours per week, for various hours. The claimant did not contact the employer for specific information about the various hours.

- On August 6, 2019, a part time data entry position was advertised. The worker would be able to work from home. The employer was looking for 4-6 hours per day, 5 days per week. The claimant did not contact the employer to determine if the employer set the hours or the worker could choose the hours worked.

- On August 7 and August 8, 2019, there were host positions for two different employers which described the positions as "part-time flexible." The claimant did not contact either employer to ask what the "flexible" hours were.

36. With the exception of the few applications she submitted (discussed in above findings), since filing for unemployment the claimant has limited her job search to positions that specify in their posted advertisement that the job is part-time and the hours worked will be Monday through Friday between the hours of 9:30 a.m. to 1 p.m. or 4 p.m. to 8 p.m.

37. Although the claimant is looking for work that pays a minimum of $20 per hour, the minimum hourly rate she demands did not affect her decision on whether or not to apply for a job because no jobs specifically listed in their job advertisement the weekday hours the claimant sought.

Credibility Assessment:

At the initial hearing, the claimant testified she looked at her Linked-In account three days per week. At the remand hearing she stated she looked daily. Her testimony at the initial hearing is deemed more credible because it was not affected by subsequent events suggesting a limited availability or job search might negatively affect her eligibility for unemployment benefits.

The Court order directed that the claimant "should be allowed to present evidence showing what, if any, work search efforts she has made since December 18, 2018." Since the claimant presented no documentation of job search activities during the period of December 18, 2018 through February 11, 2019, it is concluded she kept no record of any job search activities and did not apply to any jobs during this period. The claimant's testimony that, since filing for unemployment, she has checked her Linked-In account 3 times per week is accepted as credible, as is her testimony that every other week she used the career center's computers to browse mass.gov and Jobquest.

Since the claimant did not present an organized and detailed log showing for each week of her claim, it is concluded she never kept such a record during her unemployment claim. After February 12, 2019, she kept some emails and notes, but not on a week-to-week basis.

At the initial hearing, the claimant initiated the subject of her salary requirements during an inquiry into the depth or breadth of her job search. She stated she was not looking for a minimum wage job, but was seeking something "a bit more." The Examiner asked "What are you looking for in terms of salary?" and the claimant replied "At least $20, minimum". On direct examination, the claimant's representative then asked "[You] said you were looking for customer service jobs that are, you know, ideally, at least $20 an hour, but are you still considering, are you still looking at jobs that are, maybe, a little less than $20 an hour?" The claimant replied she does look at them and added she looks at "anything and everything that meets my skill sets and what I can do." Since the claimant volunteered – without any guidance or suggestion from either the Examiner or her representative - she was seeking a minimum of $20 per hour, I conclude the claimant intended to limit herself to employment that paid at least that. However, at the remand hearing, the claimant persuasively testified that, for the entire year-long duration of her claim, she first eliminated all jobs that did not specify in the job listing that the employer was seeking a part-time worker between the hours of Monday through Friday, from 9 a.m. – 1:30 p.m. and from 4 p.m. – 8 p.m. Since

> no employer passed this threshold test, the claimant's salary restriction had no practical relevance.

Ruling of the Board

In accordance with our statutory obligation, we review the decision made by the review examiner to determine: (1) whether the consolidated findings are supported by substantial and credible evidence; and (2) whether the review examiner's original conclusion is free from error of law. Upon such review, the Board adopts the review examiner's consolidated findings of fact except as follows. We reject the portions of Consolidated Findings of Fact ## 4 and 34, which state that the claimant cannot lift more than 10 pounds, as the claimant testified at the remand hearing that she could not lift more than 15 pounds.[1] We also reject the portion of Consolidated Finding of Fact # 32, which states that the claimant did not apply to any jobs between December 18, 2018, and February 12, 2019, as the claimant confirmed she did not apply to any jobs beginning on December 8th of that time period. In adopting the remaining findings, we deem them to be supported by substantial and credible evidence. We further believe that the review examiner's credibility assessment is reasonable in relation to the evidence presented.

The issue before the Board is whether the claimant meets the requirements of G.L. c. 151A, § 24(b), which provides, in pertinent part, as follows:

> [An individual, in order to be eligible for benefits under this chapter, shall] . . . (b) Be capable of, available, and actively seeking work in his usual occupation or any other occupation for which he is reasonably fitted . . . .

The agency initially determined that the claimant was not eligible for benefits because she was limiting her availability to part-time, without having a history of part-time employment. In her decision, the review examiner concluded that the claimant's restriction to part-time availability alone did not disqualify her from the receipt of benefits, as her personal circumstances rendered her exempt from the general requirement that claimants be available for full-time work in order to be eligible for benefits under G.L. c. 151A, § 24(b). We agree.

There are a limited number of circumstances, when a claimant may limit his/her availability for work during the benefit year to part-time employment. One such circumstance is a qualified individual with a disability who provides sufficient documentation to substantiate the inability to work full-time because of such disability, and that such limitation does not effectively remove the claimant from the labor force. *See* 430 CMR 4.45(3).

We have previously held that pursuant to regulations promulgated under the Americans with Disability Act[2], this provision must extend to a claimant who is a caregiver of a family member with a disability. *See* Board of Review Decision BR-108922 (Apr. 30, 2009). Here, the claimant established through medical documentation that she is the caregiver of her son, who is an

[1] We have supplemented the findings of fact, as necessary, with the unchallenged evidence before the review examiner. *See* Bleich v. Maimonides School, 447 Mass. 38, 40 (2006); Allen of Michigan, Inc. v. Deputy Dir. of Department of Employment and Training, 64 Mass. App. Ct. 370, 371 (2005).
[2] 42 U.S.C. § 12101, *et seq*. *See* 28 C.F.R. § 35.130(a) and (g).

individual with a disability. Consequently, her eligibility for unemployment benefits during the benefit year will not be affected by her restriction to part-time work.

We also agree with the review examiner's conclusion that the claimant was entitled to benefits between the effective date of her claim, September 9, 2018, and the week ending December 1, 2018. The examiner arrived at this conclusion after considering a few of the provisions in the agency's Service Representative Handbook (SRH). Sections 1031 (A), (B) & (C) of the SRH allow claimants a *reasonable* amount of time to try out a limited work search in their efforts to find employment. The term "reasonable" is further defined in SRH § 1129, which states that long-term unemployment is being unemployed for 15 weeks or longer, and, after a limited and unproductive search during the first 15 weeks of unemployment, it is reasonable to expect a claimant to accept a job which does not meet the claimant's requirements, such as a job at a reduced wage level.

The review examiner originally found that the claimant was limiting her work search to jobs that paid a minimum of $20.00 per hour, as she was accustomed to earning $21 per hour at her previous full-time job. The accuracy of this finding was questioned in the District Court proceedings, as the claimant had made several contradictory statements regarding the type of pay she was willing to accept. After questioning the claimant further on this issue at the remand hearing, the review examiner again found that the claimant was limiting her work search to jobs that paid a minimum of $20.00 per hour. Since it is within the scope of the review examiner's role to assess the parties' credibility, and we do not find her adverse credibility determination on this matter to be unreasonable in relation to the evidence presented, her assessment will not be disturbed. *See* School Committee of Brockton v. Massachusetts Commission Against Discrimination, 423 Mass. 7, 15 (1996).

Other than some seasonal work through a staffing agency and some hours with a ride-sharing service, the claimant did not become gainfully employed during her benefit year. The review examiner found that, in addition to looking at bank teller jobs, the claimant was also considering work as a cashier, cleaner, receptionist or hostess. Given the type of work the claimant was looking at, we can reasonably infer that placing a $20.00 per hour pay rate minimum restriction on her work search was going to substantially restrict her options, and, in fact, the claimant was unable to find a permanent job that met her requirements. Again, given the provisions in the SRH, we will not disturb the review examiner's conclusion that the claimant will not be penalized for placing such a restriction on her search at the start of her benefit year.

The examiner originally allowed twelve weeks for the claimant's limited job search, which ran between September 9, 2018, and the week ending December 1, 2018. Since the SRH allows for 15 weeks for a restricted job search, the District Court questioned the examiner's application of only 12 weeks. We agree that the claimant should have been allowed 15 weeks of a restricted job search, which was up until the week ending December 22, 2018. The District court also asked the review examiner to obtain further evidence pertaining to the claimant's work search efforts since December 8th. After hearing additional testimony from the claimant, the review examiner found that the claimant did not apply to any jobs between December 8, 2018, and February 12, 2019, and she subsequently applied to approximately five jobs between February and May, 2019. At least three of the jobs she applied to were full-time, and she declined an interview by one of these jobs because it was a full-time position. The review examiner further

found that the claimant failed to apply to jobs which indicated that they were part-time positions, if they did not specify the exact hours in the job advertisement. This was not an active work search. *See* Conley v. Dir. of the Division of Employment Security, 340 Mass. 315, 319 (1960) (six applications for work over approximately five month period not an active work search). In fact, as a result of this work search strategy, the claimant did not find any job during her entire benefit year that met her availability requirements.

Section 1005 (C) of the SRH states that in order to maintain continuing eligibility for unemployment benefits, claimants must follow a course of action which is reasonably designed to result in prompt reemployment in suitable work. The claimant's testimony during the remand hearing clearly established that she did not make a reasonable effort to obtain long-term reliable employment. For example, rather than contacting the employers who listed part-time hours, including flexible hours, such as the employers mentioned in Consolidated Finding # 35, to find out what the hours were or possibly negotiate the start and end times to fit her availability, the claimant simply dismissed these employers, without reason. Furthermore, the claimant was qualified to work in the fast food industry, yet she refused to apply to positions in that field because she had *one* bad experience at *one* fast food establishment. This is not a reasonable basis for excluding an entire industry from her job search, particularly when she has experience in the area and it is common knowledge that this industry employs many part-time workers.

Finally, although the claimant testified at the original hearing that she was working 12 to 20 hours per week for the ride-sharing service, she clarified at the remand hearing that it was closer to five to ten hours, but did not specify when the change occurred. The review examiner found that driving during rush hour or during the night made the claimant nervous, so she restricted her driving work to the mornings and early afternoons. Even with these restrictions on when she could drive, the claimant could easily have worked 20 to 30 hours per week for this ride-sharing service, if she was truly available during the hours she mentioned, which were 9:30 a.m. to 1:00 p.m. and 4:00 p.m. to 8:00 p.m., Monday through Friday, and eight hours each on Saturday and Sunday.[3] The fact that the claimant did not take full advantage of her employment relationship with this ride-sharing service calls into question her willingness to be employed, even part-time on a long-term basis. Additionally, the claimant's actions with respect to the ride-sharing service, which pays an average of $15 per hour, also lend further support to the review examiner's credibility determination that the claimant is not interested in obtaining long-term employment that pays less than $20.00 per hour.

We conclude as a matter of law that beginning the week ending December 29, 2018, the continued limitations to the claimant's job search are deemed to have effectively removed her from the labor force within the meaning of 430 CMR 4.45(3)(c), and, therefore, she no longer met the requirement for limiting her availability to part-time employment. We further conclude that because her subsequent efforts to seek employment could not reasonably lead to new employment, she did not meet the active work search requirements of G.L. c. 151A, § 24(b).

[3] The claimant testified during the remand hearing on September 24, 2019, that she was 21 weeks pregnant and that further affected her availability.

The review examiner's decision is affirmed in part and reversed in part. The claimant is entitled to benefits from September 9 through December 22, 2018, if otherwise eligible. She is denied benefits beginning the week ending December 29, 2018, and for subsequent weeks, until such time as she meets the requirements of the law.

BOSTON, MASSACHUSETTS
DATE OF DECISION - October 30, 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