

**Board of Review
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Charlene A. Stawicki, Esq.
Member
Michael J. Albano
Member**

Issue ID: 0030 4803 19

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 unemployment benefits following his separation from employment on April 7, 2019. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On April 24, 2019, 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 June 14, 2019, the review examiner affirmed the agency determination, concluding that the claimant was not actively searching for work that he was physically capable of doing, given his medical condition. Thus, the claimant was disqualified under G.L. c. 151A, § 24(b). 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 disqualify the claimant pursuant to G.L. c. 151A, § 24(b), is based on substantial evidence and is free from any error of law affecting substantive rights. The evidence supports disqualification, beginning April 7, 2019.

The review examiner's decision is, therefore, affirmed. The claimant is denied benefits for the period beginning April 7, 2019, and for subsequent weeks, until such time as he is actively searching for jobs which he is physically capable of doing.

If the claimant does start looking for work that he is physically capable of performing, a completed work search log should be presented to the DUA. He may contact the DUA Customer Service Unit for assistance at (617) 626-5400.

BOSTON, MASSACHUSETTS
DATE OF DECISION - July 25, 2019



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.

AB/rh