

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

Issue ID: 0031 3308 00

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), which found him to be in unemployment and not overpaid benefits for various weeks in the benefit year of an unemployment claim filed in 2016. We review, pursuant to our authority under G.L. c. 151A, § 41, and dismiss the claimant's appeal.

On June 18, 2019, the agency initially determined that the claimant was not entitled to unemployment benefits and that he was overpaid \$1,500.00. The claimant appealed, and only the claimant attended the hearing. In a decision rendered on September 28, 2019, the review examiner reversed the agency determination, concluding that the claimant was in unemployment for the weeks at issue, and, thus, he was not disqualified from receiving benefits under G.L. c. 151A, §§ 29 and 1. The decision also noted that the claimant was not overpaid any unemployment benefits. The claimant has now filed an appeal of that decision.

Ruling of the Board

After considering the recorded testimony and evidence from the hearing, the review examiner's decision, and the claimant's appeal, the Board concludes that there is no further action that can be taken, because the decision was rendered in the claimant's favor. Although an appendix to the decision noted that the claimant had been overpaid benefits, this was due to an error with the implementation of the decision by the Hearings Department. This error has been corrected. The Board has reviewed the DUA's records for the claimant's 2016 unemployment claim, and we note that the claimant has been paid benefits for all of the weeks at issue in this matter. He is not overpaid, and he is not aggrieved by the decision.

Accordingly, the claimant's appeal is dismissed.

BOSTON, MASSACHUSETTS
DATE OF DECISION - October 18, 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.

SF/rh