

**Board of Review
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Chairman
Charlene A. Stawicki, Esq.
Member
Michael J. Albano
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Issue ID: 0031 3932 36

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 June 23, 2019, because his work authorization expired on July 19, 2019. We review, pursuant to our authority under G.L. c. 151A, § 41, and we affirm in part and reverse in part.

On July 27, 2019, the agency initially determined that the claimant was not entitled to unemployment benefits beginning on July 14, 2019, because he was not legally permitted to work in the United States. The claimant appealed and attended the hearing. In a decision rendered on September 6, 2019, the review examiner modified the agency's determination, concluding that the claimant was not authorized to work in the United States, as required under G.L. c. 151A, § 24(b), beginning June 23, 2019. 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 deny benefits to the claimant after his work authorization expired, 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 June 23, 2019. The review examiner found that the claimant's employment authorization expired on Friday, July 19, 2019, and, therefore, we conclude that he is not entitled to benefits beginning on July 21, 2019.

The review examiner's decision is affirmed in part and reversed in part. The claimant is denied benefits beginning on July 21, 2019, and indefinitely thereafter, until his authorization to work in the United States is reinstated, and he is otherwise eligible.

BOSTON, MASSACHUSETTS
DATE OF DECISION – November 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.

SVL/rh