

**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: 0032 0074 33

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 following his separation from employment on August 11, 2019. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On October 9, 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 November 15, 2019, the review examiner affirmed the agency determination, concluding that the claimant was not able, available, and actively searching for work and, thus, was disqualified under G.L. c. 151A, § 24(b), during the period starting August 11, 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 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 through the date of the hearing decision, the week beginning November 10, 2019.

The review examiner's decision is, therefore, affirmed. The claimant is denied benefits for the period from August 11, 2019, to November 16, 2019.

The Board notes that the claimant has asserted on appeal that he is now available for work because he has begun receiving assistance with family care, which may affect his eligibility beginning the week of November 17, 2019. Based upon this new information, the DUA will be asked to investigate and issue a new determination as to whether the claimant meets the requirements of G.L. c. 151A, § 24(b), beginning November 17, 2019.

BOSTON, MASSACHUSETTS
DATE OF DECISION - December 10, 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.

LW/rh