

**Board of Review
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Member
Michael J. Albano
Member**

Issue ID: 0032 1391 78

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 the effective date of her claim, September 8, 2019. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On October 4, 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 December 28, 2019, the review examiner affirmed the agency determination, concluding that the claimant was not capable of working due to ongoing mental health issues and, thus, was disqualified under G.L. c. 151A, § 24(b), during the period starting September 8, 2019, and indefinitely thereafter. 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 before the review examiner on the date of the hearing, December 27, 2019, supports a disqualification starting on September 8, 2019, and for an indefinite period of time thereafter. The Board notes, however, that the claimant has asserted on appeal that she is now able to work, and she attached two medical letters to her appeal to corroborate her assertion. Based upon this new evidence, which may affect the claimant's eligibility beginning on January 5, 2020, the Board will end the disqualification on the appeal before us as of January 4, 2020. However, 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), as of January 5th.

The review examiner's decision is affirmed. The claimant is ineligible for benefits from September 8, 2019, through January 4, 2020.

BOSTON, MASSACHUSETTS
DATE OF DECISION - March 3, 2020



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