

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

**Issue ID: 0032 3285 29**

## **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 her separation from employment. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On November 6, 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 January 18, 2020, the review examiner affirmed the agency determination, concluding that the claimant was not capable of working during the period that she sought unemployment benefits, beginning September 29, 2019, and, thus, she was disqualified under G.L. c. 151A, § 24(b). 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 contained in the record before the review examiner in the present appeal supports disqualification from September 29, 2019, through the week beginning January 12, 2020. We note that, *after* the review examiner rendered his decision, the claimant submitted an updated medical letter, dated January 21, 2020, which indicates that the claimant may have become capable of working with certain limitations as of January 16, 2020. In light of this new evidence, we are placing an end date on the disqualification before us, and have asked the DUA to open a new issue to determine the claimant's eligibility under G.L. c. 151A, § 24(b), as of the week beginning January 19, 2020.

The review examiner's decision is, therefore, affirmed. The claimant is denied benefits for the period September 29, 2019, through January 18, 2020.

**BOSTON, MASSACHUSETTS**  
**DATE OF DECISION - February 14, 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](http://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