

**The review examiner's decision denying benefits starting November 10, 2019 was correct because the claimant lacked good cause for failing to meet RESEA requirements. However, the decision was implemented incorrectly on UI Online, so the Board issues this decision to bring the claimant's receipt of benefits into line with the decision, and terminates his disqualification on the date he completed his RESEA program.**

**Board of Review  
19 Staniford St., 4<sup>th</sup> 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 4536 30**

## **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 failure without good cause to attend a Reemployment Services Eligibility Assessment Program by the required deadline. We review, pursuant to our authority under G.L. c. 151A, § 41, and we affirm in part and reverse in part.

On October 21, 2019, the DUA issued a Notice of Disqualification stating that the claimant was ineligible for benefits as of the week beginning October 13, 2019, and indefinitely thereafter, until he attended a Re-employment Services Eligibility Assessment (RESEA) review meeting. Following a hearing on the merits, the review examiner issued a decision to affirm the agency determination in part and reverse in part, concluding that the claimant established good cause for failing to attend the mandatory RESEA review meeting by the deadline for the weeks beginning October 13, 2019, through November 9, 2019, but had not established good cause for failing to complete the requirements starting the week beginning November 10, 2019. We accept 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 is based on substantial evidence and is free from any error of law affecting substantive rights. However, the decision was incorrectly implemented in the DUA's electronic record-keeping system, UI Online. Our decision implements the disqualification between October 13 and November 9, 2019.

Additionally, we note that the Department of Career Service's Massachusetts One Stop Employment System database shows that the claimant finally completed all of his RESEA

program requirements on January 30, 2020. Therefore, his disqualification pursuant to G.L. c. 151A, § 25(a) ends with the week ending January 25, 2020.

The review examiner's decision is affirmed in part and reversed in part. The claimant is entitled to benefits from the week beginning October 13, 2019, through November 9, 2019. He is denied benefits from the week beginning November 10, 2019, through January 25, 2020.

**BOSTON, MASSACHUSETTS**  
**DATE OF DECISION - February 4, 2020**



Paul T. Fitzgerald, Esq.  
Chairman



Michael J. Albano  
Member

Member Charlene A. Stawicki, 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](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.

LW/rh