

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

**Issue ID: 0032 8806 53**

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 while she is on a leave of absence from the employer. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On January 1, 2020, the agency initially determined that the claimant was not entitled to unemployment benefits. The claimant appealed, and both parties attended the hearing. In a decision rendered on February 1, 2020, the review examiner affirmed the agency determination, concluding that the claimant was not in unemployment while on a leave of absence and, thus, was disqualified under G.L. c. 151A, §§ 29 and 1(r). 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 beginning on November 24, 2019, is based on substantial evidence and is free from any error of law affecting substantive rights. However, information contained in the DUA's UI Online system shows that the claimant's indefinite disqualification is no longer warranted, as she earned sufficient wages in 2020 to monetarily requalify her for benefits when she reopened her 2019 claim effective September 20, 2020. Based on the above, we are implementing an end date of September 19, 2020, to the claimant's disqualification in this matter.

**BOSTON, MASSACHUSETTS**  
**DATE OF DECISION - March 19, 2021**



Paul T. Fitzgerald, Esq.  
Chairman



Michael J. Albano  
Member

Member Charlene A. Stawicki, Esq. did not participate in this decision.

If this decision disqualifies the claimant from receiving regular unemployment benefits, the claimant may be eligible to apply for Pandemic Unemployment Benefits (PUA). The claimant may contact the PUA call center at (877) 626-6800 and ask to speak to a Tier 2 PUA Supervisor.

**ANY FURTHER APPEAL WOULD BE TO A MASSACHUSETTS  
STATE DISTRICT 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.

SVL/rh