

**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: 0033 1378 43

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 afforded under the Federal Trade Adjustment Assistance (TAA) program.¹ We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

Following the claimant's separation from employment, she filed an unemployment claim, effective October 20, 2019, and was determined to be eligible for regular unemployment benefits. She subsequently submitted an application for trade adjustment assistance benefits (TAA benefits). On December 12, 2019, the agency initially determined that the claimant was not entitled to TAA benefits. The claimant appealed and participated in a hearing with a representative from the DUA TRA Unit. In a decision rendered on January 23, 2020, the review examiner affirmed the agency determination, concluding that, because the claimant had not worked at the employer location named in the U.S. Department of Labor (DOL) certified petition TA-W-93,566, she was not eligible for TAA benefits.

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 accept the claimant's application for review and conclude that the review examiner's decision is based on substantial evidence and is free from any error of law affecting substantive rights.

The review examiner's decision is affirmed. The claimant is not eligible for TAA benefits pursuant to the DOL certified petition TA-W-93,566.

¹ The TAA benefits at issue are available pursuant to the Trade Act of 1974, as amended. 19 U.S.C. §§ 2271 *et seq.*

The claimant may contact the MassHire Department of Career Services to explore filing a new TAA petition with DOL for adversely affected workers who worked at the employer's [Town A] location.

BOSTON, MASSACHUSETTS
DATE OF DECISION – February 14, 2020



Charlene A. Stawicki, Esq.
Member



Michael J. Albano
Member

Chairman Paul T. Fitzgerald, 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

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