

**Board of Review  
19 Staniford St.  
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 4483 05**

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 a hearing following her late appeal of a determination issued by the DUA. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On July 22, 2019, the agency initially determined that the claimant was not entitled to unemployment benefits under G.L. c. 151A, § 24(b). The claimant appealed the determination on January 3, 2020, 165 days after the determination was issued. On January 31, 2020, the agency determined that the claimant did not have a good cause for failing to file her appeal within the ten-day appeal period. The claimant appealed the second determination and attended the hearing. In a decision rendered on February 29, 2020, the review examiner affirmed the agency determination, concluding that the claimant did not have good cause for failing to appeal timely, and, thus, she was not entitled to a hearing under G.L. c. 151A § 39(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 is based on substantial evidence and is free from any error of law affecting substantive rights.

The review examiner's decision is, therefore, affirmed. The claimant's appeal of the underlying G.L. c. 151A, § 24(b), determination shall be dismissed.

However, the Board notes that the claimant has presented new medical documentation, which may affect her eligibility during the period beginning December 15, 2019. Based upon this new information, the DUA will be asked to investigate and issue a new determination as to whether the claimant met the requirements of G.L. c. 151A, § 24(b), for the period beginning December 15, 2019.

**BOSTON, MASSACHUSETTS**  
**DATE OF DECISION - March 26, 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  
(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.

LSW/rh