

**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 7185 03

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 separation from employment on October 24, 2019. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On March 6, 2020, 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 April 3, 2020, the review examiner affirmed the agency determination, concluding that the claimant was not able, available, and actively searching for work during the period beginning November 10, 2019, and, thus, he 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 supports disqualification through the week ending April 25, 2020.

The review examiner's decision is, therefore, affirmed. The claimant is denied benefits for the period November 10, 2019, through April 25, 2020, pursuant to G.L. c. 151A, § 24(b). The claimant is entitled to receive benefits for the period April 26, 2020, and for subsequent weeks, if otherwise eligible.

The Board notes that the claimant has presented new medical documentation, which may affect his eligibility during the period beginning April 26, 2020. Based upon this new information, the DUA will be asked to investigate and issue a new determination as to whether the claimant has met the requirements of G.L. c. 151A, § 24(b), during the period beginning April 26, 2020.

BOSTON, MASSACHUSETTS
DATE OF DECISION - May 12, 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
(See Section 42, Chapter 151A, General Laws, Enclosed)**

The last day to appeal this decision to a Massachusetts District Court is ordinarily thirty days from the mail date on the first page of this decision. However, due to the current COVID-19 (coronavirus) pandemic, the 30-day appeal period does not begin until June 1, 2020¹. If the thirtieth day falls on a Saturday, Sunday, or legal holiday, the last day to appeal this decision is the next business day 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

¹ See Supreme Judicial Court's Updated Order Regarding Court Operations Under the Exigent Circumstances Created by the COVID-19 (CORONAVIRUS) Pandemic, dated 4-27-20.