

**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 7546 57

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 an extension of the claimant's unemployment benefits pursuant to G.L. c. 151A, § 30(c), while he participated in a training program (section 30 benefits). We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On February 20, 2020, the agency initially determined that the claimant was not entitled to section 30 benefits. The claimant appealed and participated in the hearing along with a representative from the DUA TRA Unit. In a decision rendered on April 22, 2020, the review examiner affirmed the agency determination, concluding that the claimant had failed to submit his section 30 application to the DUA's Training Opportunities Program within the 20-week application period, and, thus, he was not eligible for extended benefits under G.L. c. 151A, § 30(c). 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 is based on substantial evidence and is free from any error of law affecting substantive rights. In doing so, we note that there is evidence in the record to suggest that the claimant may have qualified for a waiver of the 20-week application period for good cause under 430 CMR 9.05(7), because he underwent surgery during the fall of 2019. *See Exhibits 7–9.* However, even if the 20-week application period were waived, he is still not eligible for benefits, because he never enrolled in the requested training program.¹ *See* 430 CMR 9.03(10).

¹ *See* Finding of Fact # 11, which states that the claimant chose not to attend the Dental Assisting program beginning on March 9, 2020, because he did not have funding to attend.

The review examiner's decision is affirmed. The claimant is not entitled to receive an extension of up to 26 times his weekly benefit rate under G.L. c. 151A, § 30(c).



BOSTON, MASSACHUSETTS

DATE OF DECISION - June 29, 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 July 1, 2020². 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

² See Supreme Judicial Court's Second Updated Order Regarding Court Operations Under the Exigent Circumstances Created by the COVID-19 (coronavirus) Pandemic, dated 5-26-20.