

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

**Issue ID: 0033 8944 77**

**\* CORRECTED 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 following her separation from employment on February 14, 2020. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On March 23, 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 April 11, 2020, the review examiner affirmed the agency determination, concluding that the claimant voluntarily left employment without good cause attributable to the employer and without making reasonable attempts to preserve her employment and, thus, was disqualified under G.L. c. 151A, § 25(e)(1).

The claimant timely submitted an appeal to the Board on April 11, 2020, but then withdrew it on April 24, 2020 — before the Board had decided her appeal. On June 17, 2020, the claimant asked the DUA to reinstate her appeal, claiming she had withdrawn it in error. The claimant's request for reinstatement was misdirected internally within the DUA, finally reaching the Board on September 14, 2020. The Board accepts the claimant's application for review, following her request for reinstatement.

**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 affirmed. The claimant is denied benefits for the week ending February 15, 2020, and for subsequent weeks, until such time as she has had at least eight weeks of work and has earned an amount equivalent to or in excess of eight times her weekly benefit amount.

We note the DUA has separately determined that the claimant has earned sufficient wages to requalify for benefits since her separation from this employer, and that the agency has applied an end date of June 27, 2020, on the disqualification in this case.



**BOSTON, MASSACHUSETTS**

**DATE OF DECISION - \* October 8, 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 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.

JPCA/rh