

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

Issue ID: 0033 9459 83

Introduction and Procedural History of this Appeal

On May 6, 2020, the Department of Unemployment Assistance (DUA) initially determined that the claimant was not entitled to unemployment benefits after her separation from the employer on February 27, 2020. The claimant appealed and both parties attended the hearing. In a decision rendered on October 14, 2020, a review examiner affirmed the agency determination, concluding that the claimant was discharged for deliberate misconduct in wilful disregard of the employer's interest, and, thus, she was disqualified under G.L. c. 151A, § 25(e)(2). The claimant now appeals to the Board of Review.

The last day for the claimant to file an appeal of the review examiner decision was November 14, 2020. The claimant's appeal to the Board, however, was filed on May 25, 2021, more than seven months after November 14, 2020.

Ruling of the Board

The claimant failed to timely file her appeal to the Board within thirty days, as required under G.L. 151A, § 40. Therefore, the Board lacks jurisdiction to consider the appeal and the claimant's appeal is dismissed. Accordingly, the review examiner's decision to deny benefits is a final decision.

We note, however, that information contained in the DUA's UI Online system shows that the claimant's indefinite disqualification is no longer warranted, as she earned sufficient wages in 2020 to monetarily requalify for benefits under a new claim effective February 21, 2021.

The claimant's appeal to the Board is dismissed. However, an end date of February 20, 2021, is placed on the claimant's disqualification under G.L. c. 151A, § 25(e)(2), so that she may be eligible to collect benefits under her new claim.

BOSTON, MASSACHUSETTS
DATE OF DECISION - June 14, 2021



Paul T. Fitzgerald, Esq.
Chairman



Michael J. Albano
Member

Member Charlene A. Stawicki, Esq. did not participate in this decision.

If this decision disqualifies the claimant from receiving regular unemployment benefits, the claimant may be eligible to apply for Pandemic Unemployment Benefits (PUA). The claimant may apply at: <https://ui-cares-act.mass.gov/PUA/>. The claimant may also call customer assistance at 877-626-6800 (select the number for your preferred language, then press # 2 for PUA).

**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

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.

SVL/rh