

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

Issue ID: 0035 5841 69

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 while she was on a leave of absence during the weeks ending March 21, 2020, March 28, 2020, and April 4, 2020. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On June 24, 2020, the agency initially determined that the claimant was not entitled to unemployment benefits. The claimant appealed and participated in the hearing. Although notified of the hearing, the employer did not participate. In a decision rendered on September 23, 2020, the review examiner affirmed the agency determination, concluding that the claimant was not in unemployment while out on a leave of absence and, thus, was disqualified under G.L. c. 151A, § 29(a), 29(b), and 1(r). 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. Therefore, the review examiner's decision to deny benefits to the claimant for the weeks ending March 21, 2020, March 28, 2020, and April 4, 2020, is affirmed. However, because the decision was incorrectly implemented in the UI Online System as an indefinite disqualification, we are implementing an end date of April 4, 2020, to the claimant's period of disqualification. As a result of this correction, the claimant will be entitled to receive benefits as of the week ending April 11, 2020, if otherwise eligible.



BOSTON, MASSACHUSETTS

DATE OF DECISION - October 23, 2020

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 contact the PUA call center at (877) 626-6800 and ask to speak to a Tier 2 PUA Supervisor.

**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.