

**Board of Review
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**Paul T. Fitzgerald, Esq.
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Member
Michael J. Albano
Member**

Issue ID: 0035 7135 17

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 regular unemployment benefits under a claim filed with the DUA, effective March 22, 2020. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On April 21, 2020, the agency initially determined that the claimant was not entitled to regular unemployment benefits. The claimant appealed and attended the hearing. In a decision rendered on May 30, 2020, the review examiner affirmed the agency determination, concluding that because the claimant was the co-owner of a limited liability company, which is treated as a sole proprietorship for federal tax purposes, his earnings did not constitute wages that could establish a claim for regular unemployment benefits pursuant to G.L. c. 151A, §§ 1 and 24(a). 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 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 not eligible for regular unemployment benefits.

As a result of this decision, the claimant may re-open his claim for Pandemic Unemployment Assistance (PUA), or he may file an appeal with the District Court.



BOSTON, MASSACHUSETTS

DATE OF DECISION - August 12, 2020

Paul T. Fitzgerald, Esq.
Chairman



Charlene A. Stawicki, Esq.
Member

Member Michael J. Albano 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

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