

**[Board of Review
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Issue ID: 0037 5001 04

Introduction and Procedural History of this Appeal

The employer appeals a decision by a review examiner of the Department of Unemployment Assistance (DUA) to award the claimant benefits following her separation from employment on March 15, 2020. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On March 10, 2021, the agency initially determined that the claimant was not entitled to unemployment benefits. The claimant appealed and attended the hearing. In a decision rendered on December 31, 2021, the review examiner reversed the agency determination, concluding that the claimant voluntarily left employment for good cause attributable to the employer due to a lack of COVID-19 health and safety protocols and, thus, was not disqualified under G.L. c. 151A, § 25(e)(1). The Board accepted the employer'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 employer'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 entitled to receive benefits for the week beginning March 15, 2020, and for subsequent weeks if otherwise eligible.

Although the review examiner concluded that the claimant separated for good cause attributable to the employer and did not separate for urgent, compelling, and necessitous reasons, we note that the UI Online record-keeping system indicates that the employer was reimbursed for benefit charges relating to the claimant in July, 2020, and has not been charged for the claimant's benefits since. Beginning in August, 2020, the claimant's benefit payments have been issued through the DUA's solvency account in accordance with G.L. c. 151A, §14(d)(3).



Paul T. Fitzgerald, Esq.
Chairman

BOSTON, MASSACHUSETTS
DATE OF DECISION - May 6, 2022



Charlene A. Stawicki, Esq.
Member

Member Paul T. Fitzgerald, 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

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.

JMO/th