



THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT  
BOARD OF REVIEW

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**ORDER TO RESCIND AND RE-ISSUE FINAL DECISION**

**CLAIMANT APPELLANT:**

Issue ID # 0046 2604 84

On November 23, 2020, the Board of Review denied the claimant's application for review in this case. This had the effect of affirming a decision by a review examiner in the Department of Unemployment Assistance (DUA) to deny benefits to the claimant. Benefits were denied pursuant to G.L. c. 151A, § 24(b), beginning with the effective date of his claim, April 19, 2020, and indefinitely thereafter.

Shortly after the Board issued its decision, the DUA announced a new temporary policy to waive the work search requirement for all claimants requesting benefits during the COVID-19 pandemic emergency. *See* DUA UI Policy and Performance Memorandum (UIPP) 2020.15 (Nov. 25, 2020). The waiver was made retroactive to March 8, 2020. *See* UIPP 2021.02 (Jan. 22, 2021). These policies apply to the claimant's circumstances and the time period covered in this case. In more recent appeals, the Board of Review has given deference to these DUA policy statements in eligibility decisions under G.L. c. 151A, § 24(b).

In light of the retroactive policy changes implemented shortly after its final decision, and because the interests of justice would be served, the Board hereby RESCINDS its Denial, dated November 23, 2020.

As the record shows that the claimant was otherwise available for full-time work after filing his claim, the Board concludes as a matter of law that the claimant is eligible for benefits under G.L. c. 151A, § 24(b).

The review examiner's decision is reversed. The claimant is entitled to receive benefits beginning April 19, 2020, and for subsequent weeks if otherwise eligible.

**BOSTON, MASSACHUSETTS**  
**DATE OF MAILING - June 2, 2021**



Charlene A. Stawicki, Esq.  
Member



Michael J. Albano  
Member

**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.

AB/jv

cc: Paul Demakis, DUA Deputy Chief Counsel  
Laura Gallant, Esq.

