

**Board of Review
19 Staniford St.
Boston, MA 02114
Phone: 617-626-6400
Fax: 617-727-5874**

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

Issue ID: 0048 1751 48

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 following her separation from employment at the end of the 2019–2020 academic year. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On July 14, 2020, the agency initially determined that the claimant was not entitled to unemployment benefits. The claimant appealed, and both parties attended the hearing. In a decision rendered on November 17, 2020, the review examiner affirmed the agency determination, concluding that the claimant had been given reasonable assurance of re-employment for her regular full-time job in the next academic term, and, thus, she was disqualified under G.L. c. 151A, § 28A. 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. *See* Board of Review Decision 0048 9472 75 (October 8, 2020) (paraprofessional, who received reasonable assurance to return to her regular full-time, 10-month position in the fall, was not eligible for regular unemployment benefits over the summer after the employer rescinded its summer school job offer due to COVID-19, because the summer program was not a mandatory part of her regular job).

The review examiner’s decision is affirmed. The claimant is denied regular unemployment benefits for the weeks beginning June 14, 2020, through August 29, 2020.

Because the amount of summer school employment offered to the claimant in 2020 may have been reduced due to COVID-19, she 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.

BOSTON, MASSACHUSETTS
DATE OF DECISION - December 23, 2020



Charlene A. Stawicki, Esq.
Member



Michael J. Albano
Member

Chairman 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.

AB/rh