

**Board of Review
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**Paul T. Fitzgerald, Esq.
Chairman
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Member
Michael J. Albano
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Issue ID: 0048 3976 68

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. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On August 28, 2020, 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 January 20, 2022, the review examiner affirmed the agency determination, concluding that the claimant had reasonable assurance of re-employment for the subsequent academic year pursuant to 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 that the claimant had reasonable assurance of re-employment for the 2020–21 school year pursuant to G.L. c. 151A, § 28A, is based on substantial evidence and is free from any error of law affecting substantive rights.

The claimant asserts in her appeal to the Board that the hours for her separate summer employment in 2020 were reduced down to 6.5 per week, rather than 16 hours as the review examiner found. Even if true, the claimant would still have insufficient non-exempt base period wages to be eligible for benefits between the academic years.

The review examiner's decision is, therefore, affirmed. The claimant is denied benefits for the period beginning June 21, 2020, through August 29, 2020.

**BOSTON, MASSACHUSETTS
DATE OF DECISION - February 17, 2022**



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.

LSW/rh