

**Board of Review
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Member
Michael J. Albano
Member**

Issue ID: 0052 0759 27

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 July 31, 2020. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On September 23, 2020, the agency initially determined that the claimant was entitled to unemployment benefits. The employer appealed, and both parties attended the hearing. In a decision rendered on April 22, 2021, the review examiner affirmed the agency determination, concluding that the claimant involuntarily left employment for urgent, compelling, and necessitous reasons and, thus, was eligible under G.L. c. 151A, § 25 (e)(1). The Board accepted the employer's application for review.

Ruling of the Board

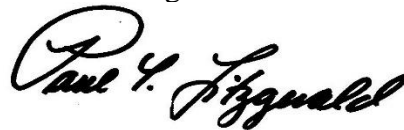
After considering the recorded testimony and evidence from the hearing, the review examiner's decision, and the employer's appeal, we conclude that the review examiner's decision is based on substantial evidence and is free from any error of law affecting substantive rights.

Under the Coronavirus Aid, Relief and Economic Security (CARES) Act¹, which was implemented in response to the COVID-19 pandemic, the federal government is paying 50% of benefits paid for reimbursable employers through the end of 2020, and is paying 100% of benefits paid through the Pandemic Emergency Unemployment Compensation (PEUC) Program.² See U.S. Department of Labor (DOL) Unemployment Insurance Program Letter (UIPL) 17-20 (Apr. 10, 2020), pp. 2–3; See DOL UIPL 09-21 (Dec. 30, 2020), pp. 12–13; 15–16; See DUA UI Policy and Performance Memorandum (UIPP) 2020.14 (Nov. 25, 2020), pp. 1–2. According to the DUA's online record-keeping system, the claimant received regular unemployment insurance payments from October 13, 2020, until February 9, 2021, but began to receive PEUC payments the following week, on February 17, 2021. Therefore, the total amount of benefit charges incurred by the employer are significantly reduced. If the employer has further questions regarding the charges on the claim, it can contact the agency's Employer Charge Unit.

¹ See CARES Act, Pub. Law 116-136 (Mar. 27, 2020).

² PEUC provides eligible claimants with additional unemployment compensation as a result of the Continued Assistance Act, which was signed into law on December 27, 2020.

The review examiner's decision is affirmed. The claimant is entitled to receive benefits for the week beginning July 26, 2020, and for subsequent weeks if otherwise eligible.



Paul T. Fitzgerald, Esq.
Chairman

BOSTON, MASSACHUSETTS
DATE OF DECISION - May 25, 2021



Charlene A. Stawicki, Esq.
Member

Member Michael J. Albano did not participate in this decision.

If this decision disqualifies the claimant from receiving regular unemployment benefits, the claimant may be eligible to apply for Pandemic Unemployment Benefits (PUA). The claimant may apply at: <https://ui-cares-act.mass.gov/PUA/>. The claimant may also call customer assistance at 877-626-6800 (select the number for your preferred language, then press # 2 for PUA).

**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/rh