

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

**Issue ID: 0052 2105 29**

### 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 we affirm in part and reverse in part.

On March 23, 2021, the agency initially determined that the claimant was entitled to unemployment benefits beginning August 23, 2020. The employer appealed, and only the employer attended the hearing. In a decision rendered on September 16, 2022, the review examiner reversed the agency determination, concluding that the claimant was not in unemployment as of March 22, 2020, because he chose to decline full-time hours offered by the employer and, thus, was disqualified under G.L. c. 151A, §§ 29 and 1(r). The Board accepted 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 as to the claimant's unemployment status is based on substantial evidence and is free from any error of law affecting substantive rights.

However, there appears to have been an error regarding the effective date of the disqualification. Both the initial determination issued by the DUA and the subsequent hearing were limited to assessing the claimant's unemployment status as of August 23, 2020. Accordingly, the review examiner's decision should only pertain to the claimant's eligibility for benefits as of that date.

The review examiner's decision is affirmed in part and reversed in part. The claimant is denied benefits for the week beginning August 23, 2020, and for subsequent weeks, until such time as he meets the requirements of the law.

**BOSTON, MASSACHUSETTS**  
**DATE OF DECISION - October 27, 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](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.

LSW/rh