

**Board of Review
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**Paul T. Fitzgerald, Esq.
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Issue ID: 0052 7165 04

ORDER TO RESCIND AND RE-ISSUE FINAL DECISION

On March 11, 2021, the Board of Review denied the claimant's application for review of a decision by a review examiner in the Department of Unemployment Assistance (DUA) to deny unemployment benefits. Just prior to mailing its Dismissal of Application for Review, the claimant's attorney filed another appeal on the claimant's behalf. Given the timing of the attorney's filing, the Board accepted it as a motion to reconsider its denial of the claimant's application for review. In order to provide the claimant a full and fair opportunity to be heard, the Board hereby RESCINDS its Final Decision, dated March 12, 2021.

The review examiner denied benefits on the ground that the claimant voluntarily chose to reduce her hours of work while suitable work remained available, and, thus, she was not in unemployment within the meaning of G.L. c. 151A, §§ 29 and 1(r).

The Board, having reconsidered the testimony and evidence presented at the hearing, the review examiner's decision, the claimant's appeal, and the motion submitted by the claimant's attorney, concludes that the review examiner's decision is based on substantial evidence and is free from any error of law affecting substantive rights.

The review examiner's decision is affirmed. The claimant is denied benefits for the week beginning June 28, 2020, and for subsequent weeks until, she meets the requirements of G.L. c. 151A.

BOSTON, MASSACHUSETTS
DATE OF DECISION - April 29, 2021



Paul T. Fitzgerald, Esq.
Chairman



Charlene A. Stawicki, Esq.
Member



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Member

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 (press #1 for English, 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.

AB/rh