The claimant admitted to engaging in the conduct that resulted in her being charged with assault and battery with a dangerous weapon. As she was aware the employer expected her to remain free from criminal charges as a prerequisite to remaining employed, her decision to engage in a criminal act constituted deliberate misconduct in wilful disregard of the employer's expectation under G.L. c. 151A, § 25(e)(2).

Board of Review
100 Cambridge Street, Suite 400
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: 0054 1981 80

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

The claimant separated from her position with the employer on August 12, 2020. She filed a claim for unemployment benefits with the DUA, effective August 23, 2020, which was approved in a determination issued on March 23, 2021. The employer appealed the determination to the DUA hearings department. Following a hearing on the merits attended only by the employer, the review examiner overturned the agency's initial determination and denied benefits in a decision rendered on December 23, 2021. We accepted the claimant's application for review.

Benefits were denied after the review examiner determined that the claimant engaged in deliberate misconduct in wilful disregard of the employer's interest and, thus, was disqualified under G.L. c. 151A, § 25(e)(2). After considering the recorded testimony and evidence from the hearing, the review examiner's decision, and the claimant's appeal, we remanded the case to the review examiner to obtain additional evidence about the circumstances surrounding the claimant's separation. Only the claimant attended the remand hearing. Thereafter, the review examiner issued her consolidated findings of fact. After considering the recorded testimony and evidence from both hearings and after reviewing the consolidated findings of fact, we remanded the case to the review examiner to obtain subsidiary findings of fact pertaining to the claimant's separation. Thereafter, the review examiner issued her consolidated findings of fact. Our decision is based upon our review of the entire record.

The issue before the Board is whether the review examiner's decision, which concluded that the claimant engaged in deliberate misconduct in wilful disregard of the employer's interest in connection with charges of assault and battery and possession of a controlled substance, is supported by substantial and credible evidence and is free from error of law.

Findings of Fact

The review examiner's consolidated findings of fact and credibility assessment are set forth below in their entirety:

1. The claimant worked as a full-time licensed practical nurse (LPN) for the employer, a temporary staffing agency, from April 1, 2019, until August 12, 2020, when she separated.

2. The claimant's most recent supervisor was the employer's Supervisor (Supervisor).

3. The employer also had a President (President) who oversaw operations at the employer.

4. The employer expects employees to remain free of any pending charges or convictions related to drugs, theft, or abuse, and to notify the employer of any pending charges regarding drugs, theft, or abuse.

5. The purpose of these expectations is to ensure safety at client workplaces and to adhere to client policies regarding convictions or pending charges related to drugs, theft, or abuse.

6. A violation of this expectation results in immediate termination.

7. The claimant was aware of this expectation from her experience as an LPN and from her having to undergo a CORI check when she was hired.

8. The employer places employees at various health care facilities, and as such, they must guarantee to their clients that any employees the employer places with them are free of recent drug, abuse, or theft charges.

9. The claimant's job as an LPN for the employer required her to have an active LPN license, a recent physical, a recent tuberculosis test, and a CORI check without any pending criminal charges or convictions related to theft, abuse, or drugs, within seven years. A CORI check pulls recent criminal record information.

10. Upon hire, the claimant filled out a CORI consent form allowing the employer to complete a CORI check on her. During her tenure with the employer, this was the only CORI form the claimant signed for the employer.

11. The claimant's CORI check came back with some charges, but because the charges were over seven years old, the employer was able to hire the claimant.

12. The employer assigned the claimant to work as a full-time LPN for the employer's client (Client A). The claimant's work with Client A required her to work in-person at a nursing home. The claimant reported to Client's A's Director of Nursing.

13. The claimant typically worked five (5) or more 8 hour shifts a week for Client A. The claimant's shifts for Client A were either 3:00 p.m. to 11:00 p.m. or 11:00 p.m. to 7:00 a.m. The claimant's assignment with Client A was ongoing.

14. In December 2019, the claimant's husband (husband) was removed from their mutual home due to a drug and alcohol problem. The claimant and her husband had mutual restraining orders against each other, and the claimant's husband was having an affair with another woman (woman).

15. In January 2020, the claimant was driving the husband's car when the police pulled her over and found cocaine in the vehicle. The claimant was arrested and charged with possession of a Class B substance after the police found the drugs in the car she was driving.

16. The claimant was charged with possession of a Class B substance because she was operating a vehicle with illegal drugs inside the vehicle. The claimant does not use drugs (including cocaine) and volunteered to take a drug test to show that the drugs were not in her system.

17. The claimant was released on her own recognizance and the possession charge remained pending.

18. The claimant did not tell the employer or Client A about the pending Class B substance drug charge.

19. The woman continually called the claimant's cell phone. The claimant chose to engage with the woman via telephone on multiple occasions.

20. The claimant agreed to meet up with the woman.

21. On July 25, 2020, the claimant met the woman and engaged in a verbal fight that escalated to a physical fight. The claimant and the woman both physically attacked each other. The claimant used her shoe to hit the woman. The police were called to the area where the fight occurred.

22. The claimant left the area where the fight occurred before the police arrived there. As a result of this altercation, the police issued a warrant for the claimant's arrest because she left the scene of the fight before they arrived.

23. The woman and the husband reported to the police that the claimant had physically assaulted the woman with her shoe and had violated the restraining order that the husband had against the claimant.

24. On July 26, 2020, the claimant went on vacation in New Hampshire. The claimant intended to come back from her vacation and return to work for the employer.

25. While the claimant was on vacation, the husband went to a police department in New Hampshire and told them that the claimant had taken her children across state lines to New Hampshire. The husband told the police that the claimant was unstable to the point where the police believed that the claimant needed to be held on a psychiatric hold.

26. On July 30, 2020, the claimant returned to her home from vacation, and was met with police officers. The police officers took the claimant into custody on a psychiatric hold as a result of the husband's report to the police. The claimant was held for seventy-two hours on a psychiatric hold.

27. The claimant was released from the psychiatric hold on August 3, 2020.

28. On August 3, 2020, as soon as the claimant was released from the psychiatric hold, she went home, where the local police showed up. The police told the claimant that there was a warrant out for her arrest related to the fight with the woman.

29. The police told the claimant that she had to immediately go to a courthouse related to the warrant or they would have to arrest her.

30. On August 3, 2020, the claimant appeared at the local courthouse to address the warrant issue.

31. While the claimant was at the courthouse on August 3, 2020, the court decided to detain her effective immediately until her next hearing date, given the pending drug possession charge on her record, related to the January 2020 incident.

32. The claimant was scheduled to work for Client A on August 6, 7, and 10, 2020.

33. Once the claimant was in police custody, she learned she would be held until her court appearance on August 12, 2020, related to the charges for the fight and a restraining order violation.

34. On August 6, 2020, while the claimant was in police custody, the claimant's daughter called the Supervisor to report the claimant was having car trouble and would be unable to make it in for her shift that day. The Supervisor told the daughter it was not a "big deal." The claimant's daughter did not contact the employer any other time to report her absent from work.

35. The claimant's mother did not contact the employer while the claimant was in police custody.

36. The claimant did not contact the employer or Client A herself while she was in police custody.

37. The claimant was a no call no show for her shifts with the employer on August 7, 2020, and August 10, 2020.

38. At her court appearance on August 12, 2020, the claimant was charged with a restraining order violation and assault and battery with a dangerous weapon.

39. The claimant was charged with a restraining order violation because her husband made accusations that the claimant had violated the existing retraining order by repeatedly contacting him.

40. The assault and battery with a dangerous weapon charge was related to the fight with the woman on July 25, 2020. The dangerous weapon portion of the charge was due to the claimant using her shoe to hit the woman.

41. The claimant pled guilty to the possession of a Class B substance charge and received six (6) months' administrative probation, resulting in a conviction.

42. The claimant felt that she had to plead guilty to the possession of the Class B substance charge so that she could be immediately released from police custody to take care of her children. The claimant felt that if she did not get released, her husband could take custody of her children and she feared for their safety.

43. The claimant was released from police custody on August 12, 2020.

44. The claimant did not violate the restraining order her husband had against her because he was not present at her fight with the woman. The claimant did engage in a physical fight with the woman and did use her shoe to hit the woman.

45. Between August 6, 2020, and August 10, 2020, the claimant was a no call no show for multiple shifts for the employer, with the exception of the claimant's daughter informing the employer that the claimant would be absent on August 6, 2020. The employer initially intended to discharge the claimant for being a no call no show for shifts.

46. The claimant's mother never contacted the employer about the claimant's absences.

47. The claimant was released from the prison on August 12, 2020, and immediately called the employer's Supervisor about what had occurred. The Supervisor indicated that the employer would get back to her about her schedule. The employer intended to allow the claimant to continue to work for them at that point.

48. The claimant never received a schedule from the employer.

49. On August 12, 2020, the woman called and told Client A about the claimant's pending charges. The woman also sent Client A a newspaper article about the claimant's arrest. The claimant never applied for a job with Client A and Client A never ran a CORI check on the claimant.

50. On August 12, 2020, Client A contacted the employer regarding the claimant's pending charges, which is when the employer first learned about the pending charges.

51. On August 12, 2020, the employer's President ran an additional CORI check for the claimant, because Client A made the employer aware of the information the woman had told them. The additional CORI check showed the claimant had three pending charges: possession of a Class B substance, abuse prevention, and assault and battery with a dangerous weapon. The employer realized that the pending charges made the claimant ineligible to continue to work for them in Client A's workplace.

52. On August 12, 2020, the employer discharged the claimant due to the pending charges related to abuse and drugs. The employer was unable to allow the claimant the ability to continue working due to the pending charges.

53. The claimant repeatedly followed up with the Supervisor about her next shifts via telephone and text message with no response.

54. The employer never notified the claimant that she was being discharged or the reason for her discharge.

55. On September 3, 2021, the claimant's restraining order violation charge was dropped, as she had never violated the restraining order. The state dropped the "dangerous weapon" part of the claimant's assault and battery with a dangerous weapon charge. The assault and battery charge resulted in a "continued without finding."

56. After her discharge, the claimant never contacted the employer about being rehired.

57. After the claimant's discharge, the employer's President ran an unauthorized additional CORI check on the claimant that showed that the claimant had been convicted of the possession of a class B substance.

[Credibility Assessment:]

The claimant's testimony regarding her husband being removed from their mutual home in December 2019, being pulled over, being arrested for drugs in her vehicle in January 2020, and being held on the psychiatric hold is accepted as credible. The claimant was direct and forthcoming discussing these deeply personal matters. Additionally, the psychiatric hold is accepted as a different period of time than the

police custody hold, after review of the entire record. The claimant was clear that the psychiatric hold occurred at the end of her vacation, she was released, and then immediately had to address the outstanding warrant. Given that the claimant testified that her first shift back from vacation was August 6, 2020, it is concluded that the claimant was held on the psychiatric hold from July 30, 2020, until August 3, 2020. As such, it is concluded that the claimant's husband was removed from their mutual home in December 2019, the claimant was held on a psychiatric hold that ended on August 3, 2020, and the claimant was arrested after being pulled over in January 2020.

There is not substantial or credible evidence in the entire record to support a conclusion that the claimant's mother contacted the employer while the claimant was held on the psychiatric hold (from July 20, 2020, to August 3, 2020) or police custody (from August 3, 2020, to August 12, 2020). The employer, at the first hearing, provided testimony that the claimant's daughter contacted them indicating that the claimant was having car trouble on August 6, 2020, which would have been the claimant's first shift back from vacation. This corroborated the claimant's testimony. The claimant expressed that she knew her daughter told the employer she was having car trouble and was mad that her daughter had lied to the employer. Although the claimant testified that she asked her daughter to contact the employer during the psychiatric hold, this is not found to be credible. The claimant testified that her first shift back from vacation was August 6, 2020, which coincides with the time the claimant was in police custody. There would have been no need for anyone to contact the employer prior to August 6, 2020. However, the employer then indicated that the claimant was a no call no show for multiple shifts after August 6, 2020, indicating that the employer had not heard from the claimant, her daughter, or her mother after the initial call out on August 6, 2020. The claimant could not provide dates of when her mother called the employer, who the mother spoke to, or what was said. The claimant was not a direct witness to her mother calling the employer, as she was in custody. As such, the claimant's testimony regarding her mother calling the employer is found to be not credible. As such, it is concluded that the claimant's daughter contacted the employer once on August 6, 2020, while she was in prison, not held on the psychiatric hold, and said that the claimant was having car trouble. It cannot be concluded that the claimant's mother called the employer while the claimant was in police custody.

For the remand hearing, the parties were asked to provide copies of the CORI form signed by the claimant. In addition, the employer was asked to submit a copy of its "CORI Check" policy and relevant documentation regarding the employer's expectation that employees remain free of any pending charges or convictions related to theft, abuse, or drugs. The employer failed to supply these documents for the remand hearing. While the claimant did not dispute that she completed a CORI consent form upon hire, she directly and credibly maintained she did not have a copy of it and did not believe she was authorizing the employer to run periodic CORI checks on her. As such, the contents of the CORI form the claimant signed cannot be concluded. As such, it cannot be concluded that the claimant authorized the employer to run periodic CORI checks on the claimant. Furthermore, the

employer's policies regarding the ability of the employer to run multiple CORI checks on employees and laws that the employer must follow are also unknown. The employer's testimony from the original hearing date is credited regarding the employer's expectations. Although the claimant testified that she was not aware of this expectation, this is not credible. It is not reasonable that the claimant, who is an experienced LPN, would not know that she needed to remain free of certain charges and notify the employer of any pending charges, given the fact that she underwent a CORI check prior to working for the employer. As such, it is concluded that the claimant was aware she needed to remain free of charges with drugs, abuse, and theft, and needed to notify the employer about any pending charges involving the same. The employer's President was steadfast at the original hearing date that employees have to remain free of pending charges or convictions related to drugs, abuse, and theft. It is logical that employees in the healthcare industry at nursing homes should be free of pending charges or convictions related to drugs, theft, and abuse, given the nature and responsibility of employees at such facilities. As such, the claimant's testimony that the supervisor knew of the claimant's pending charge of possession of a Class B substance in July 2020 and allowed the claimant to continue working is not credible and has no indica of reliability. As such, it is concluded that the employer first learned of the claimant's pending charges, including possession of a Class B substance, on August 12, 2020, after Client A called them.

The Board of Review asked whether or not any or all charges against the claimant were removed at any time and requested the claimant submit documentation or evidence showing she was cleared. The claimant testified the restraining order violation charge was dropped, as was the "dangerous weapon" part of the assault and battery charge. Additionally, the claimant was not cleared of any wrongdoing in the assault and battery charge as she admittedly engaged in a physical fight with the woman and this charge was Continued Without a Finding (CWOF) by the court. The claimant admittedly was driving in a car that contained cocaine and pled guilty to the Possession of a Class B Substance drug charge. The claimant was direct and credible in her testimony that the drugs belonged to her husband, and she was not aware they were in the car. She further asserted she only pled guilty to the charge so she could be released from prison sooner to care for her children. The claimant was cleared of wrongdoing regarding the restraining order violations. The claimant was not cleared of any wrongdoing, ultimately resulting in a conviction on her record with regard to the possession of a Class B substance.

Regarding the claimant's discharge date, the employer initially testified that the claimant was discharged on August 12, 2020. The claimant could not provide a specific date for her discharge; therefore, the employer's testimony is unrefuted and is accepted as credible. As such, it is concluded that the claimant's testimony regarding her discharge date is not credible and that the claimant was discharged on August 12, 2020. Initially the employer testified that the claimant was going to be discharged due to cancelling a shift on August 6, 2020, and for being a no call no show on August 7, 2020, and August 10, 2020. The employer intended to allow the claimant to come back to work regarding the missed shifts after the claimant

contacted [sic] employer, until the employer learned about the pending charges. As such, it is concluded that the claimant was discharged for the pending charges.

The claimant and the President's testimony differed about whether the employer ever told the claimant that she was being discharged and whether the employer told the claimant the reason she was being discharged. The President testified that she had a conversation with the claimant about the discharge. This was directly and credibly refuted by the claimant who testified that the employer never told the claimant she was being discharged and never gave the claimant a reason for her discharge. The claimant testified that throughout her employment, she had little contact with the President and mainly dealt with the supervisor. The claimant provided details that the supervisor told the claimant that she was going to put the claimant back on the schedule, but then never scheduled the claimant and the claimant repeatedly followed up with the supervisor but received no response. Given the claimant's direct and forthcoming testimony about the occurrence of the discharge itself, it is concluded that the employer discharged the claimant on August 12, 2020, without telling the claimant about the discharge, and without giving her the reason for the discharge.

The question was addressed at the remand hearing how the employer came to know about the pending charges against the claimant, if the claimant did not sign a CORI form allowing the employer to continually run checks and the claimant did not initially tell the employer about the charges. The claimant provided detailed testimony that she had never applied for a job with Client A, so client A would have no reason to run a CORI check on her, and she believed that the woman informed Client A about the pending charges. It is reasonable that the woman would send the information to where the claimant worked, given that she was having an affair with the claimant's husband, the hostility of the claimant's divorce, the fight with the woman, and the willingness of the husband to interfere with the claimant's life to the point where the claimant was held on a psychiatric hold. As such, it is concluded that the claimant never applied for a job with Client A to have the CORI check run, and the woman told Client A about the charges, who then relayed that information to the employer, resulting in the additional CORI check.

At the original hearing date, the employer contended that, after her discharge, the claimant contacted the employer about returning to work after she was discharged. The claimant was direct and credible in her testimony that after her discharge by the employer, she never contacted the employer about returning to work for the employer. As such, the employer's testimony is found to be not credible regarding the claimant trying to return to work for the employer after the discharge. As such, it is concluded that the claimant never authorized further CORI checks to be run by the employer and the employer was running unauthorized CORI checks on the claimant after the claimant separated from her employment with the employer.

Ruling of the Board

In accordance with our statutory obligation, we review the record and the decision made by the review examiner to determine: (1) whether the consolidated findings are supported by substantial and credible evidence; and (2) whether the review examiner's conclusion is free from error of law. Upon such review, the Board adopts the review examiner's consolidated findings of fact and deems them to be supported by substantial and credible evidence. We further believe that the review examiner's credibility assessment is reasonable in relation to the evidence presented. As discussed more fully below, we agree with the review examiner's legal conclusion that the claimant is not entitled to benefits.

The claimant had not been convicted of any charges at the time of her separation. *See* Consolidated Findings ## 15, 38, and 51. Thus, G.L. c. 151A, § 25(e)(3), which addresses a claimant's eligibility for benefits when she separates from work as a result of a criminal conviction, does not apply to this case.

Because the claimant was discharged from her employment, her eligibility for benefits is governed by G.L. c. 151A, § 25(e)(2), which provides, in pertinent part, as follows:

> [No waiting period shall be allowed and no benefits shall be paid to an individual under this chapter] . . . (e) For the period of unemployment next ensuing . . . after the individual has left work . . . (2) by discharge shown to the satisfaction of the commissioner by substantial and credible evidence to be attributable to deliberate misconduct in wilful disregard of the employing unit's interest, or to a knowing violation of a reasonable and uniformly enforced rule or policy of the employer, provided that such violation is not shown to be as a result of the employee's incompetence. . . .

"[T]he grounds for disqualification in § 25(e)(2) are considered to be exceptions or defenses to an eligible employee's right to benefits, and the burdens of production and persuasion rest with the employer." Still v. Comm'r of Department of Employment and Training, 423 Mass. 805, 809 (1996) (citations omitted).

While the employer maintains a policy requiring employees to remain free of pending criminal charges or convictions, it did not provide any evidence showing that it discharged all other employees who were charged with a crime. *See* Consolidated Finding # 4. Absent such evidence, the employer has not met its burden to show a knowing violation of a reasonable and *uniformly enforced* policy.

We next consider whether the employer has met its burden to show that the claimant engaged in deliberate misconduct in wilful disregard of the employer's interest. To meet its burden, the employer must first show that the claimant engaged in the misconduct for which she was discharged.

The employer discharged the claimant because it discovered the claimant had pending charges for possession of a controlled substance, violating a restraining order, and assault and battery with a dangerous weapon. Consolidated Findings ## 15, 38–40, 51, and 52. The pending criminal charges do not, by themselves, constitute misconduct. However, the claimant's decision to engage in the criminal acts that resulted in said charge could, under certain circumstances, rise to the level

of deliberate misconduct in wilful disregard of the employer's expectations. *See* Board of Review Decision 0032 6619 01 (May 29, 2020) (a criminal charge does not constitute misconduct unto itself, but the underlying criminal act may constitute misconduct.)

As the review examiner found that the claimant does not use illegal narcotics and was unaware that her husband had left a controlled substance in his car, she did not engage in the conduct that led her to be charged with possession of a Class B substance. Consolidated Findings ## 15 and 16. Similarly, as the claimant's husband was not present when the claimant fought with the woman, the claimant did not engage in the conduct that led her to be charged with violation of a restraining order. Consolidated Findings ## 39 and 44. Therefore, the employer has not shown the circumstances underlying these charges constituted misconduct.

However, the claimant conceded that she did engage in the physical altercation that resulted in her being charged with assault and battery with a dangerous weapon. Consolidated Findings ## 21 and 40. This confirms that she engaged in the misconduct that ultimately resulted in her discharge. Because there is no indication that the claimant had no choice but to engage in the physical altercation with the woman, we can infer that she acted deliberately.

However, the Supreme Judicial Court (SJC) has stated, "Deliberate misconduct alone is not enough. Such misconduct must also be in 'wilful disregard' of the employer's interest. In order to determine whether an employee's actions were in wilful disregard of the employer's interest, the proper factual inquiry is to ascertain the employee's state of mind at the time of the behavior." Grise v. Dir. of Division of Employment Security, 393 Mass. 271, 275 (1984). To evaluate the claimant's state of mind, we must "take into account the worker's knowledge of the employer's expectation, the reasonableness of that expectation and the presence of any mitigating factors." Garfield v. Dir. of Division of Employment Security, 377 Mass. 94, 97 (1979).

The review examiner rejected as not credible the claimant's contention that she was unaware that the employer expected her to remain free of criminal charges. Consolidated Finding # 7. Such assessments are within the scope of the fact finder's role, and, unless they are unreasonable in relation to the evidence presented, they will not be disturbed on appeal. *See* School Committee of Brockton v. Massachusetts Commission Against Discrimination, 423 Mass. 7, 15 (1996). The review examiner rejected the claimant's testimony in this regard, because she was an experienced LPN and understood that her jobs required her to undergo a CORI background check. Further, while the review examiner rejected this testimony as not credible, the claimant contended that she had informed the employer that she had been charged with possession of a Class B substance. If the claimant was unaware of the employer's expectation, she would not have had reason to report this charge to the employer. Therefore, her assertion that she did report this charge to the employer further detracts from the claimant's contention that she was unaware of the employer's expectation. Under such circumstances, we have accepted the review examiner's credibility assessment as being supported by a reasonable view of the evidence.

We make no conclusions about whether or not the employer appropriately discharged the claimant, only whether the claimant is entitled to unemployment insurance benefits pursuant to the provisions of G.L. c. 151A, § 25(e)(2). As the claimant knew the employer expected her to remain free from criminal charges, we conclude that the claimant understood her decision to engage in the criminal act that resulted in her being charged with assault and battery was contrary to the

employer's expectation. *See* Consolidated Finding # 7. Further, because the purpose of this expectation was to comply with clients' safety requirements and to ensure patient safety at clients' workplaces, we believe that the employer's expectation was reasonable. *See* Consolidated Findings ## 4, 5, and 8.

Finally, we consider whether the claimant has shown mitigating circumstances for her misconduct.

Mitigating circumstances include factors that cause the misconduct and over which a claimant may have little or no control. *See* Shepherd v. Dir. of Division of Employment Security, 399 Mass. 737, 740 (1987). Consolidated finding # 20 provides that the claimant agreed to meet the woman. In other words, this was a volitional choice to engage with a person with whom she had a contentious relationship, and we see no evidence indicating that the fight or the charges ensuing from that fight were a result of circumstances beyond her control. *See* Consolidated Findings ## 14, and 18–20.

We, therefore, conclude as a matter of law that the claimant was discharged for deliberate misconduct in wilful disregard of the employer's interests under G.L. c. 151A, § 25(e)(2).

The review examiner's decision is affirmed. The claimant is denied benefits for the week of August 23, 2020, and for subsequent weeks, until such time as she has had at least eight weeks of work and has earned an amount equivalent to or in excess of eight times her weekly benefit amount.



BOSTON, MASSACHUSETTS
DATE OF DECISION - August 26, 2024

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