

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: 0060 7921 18

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 his separation from employment on May 22, 2020. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On March 9, 2021, the agency initially determined that the claimant was not entitled to unemployment benefits. The claimant appealed, and both parties attended the hearing. In a decision rendered on February 25, 2023, the review examiner reversed the agency determination, concluding that the claimant voluntarily left employment for good cause attributable to the employer and, thus, was not disqualified 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 to award benefits is supported by substantial evidence. However, we do so on different grounds.

Given that the review examiner concluded that the claimant resigned from his employment because of his need to relocate beyond commuting distance due to a domestic violence incident where he was living, the claimant is eligible for benefits pursuant to G.L. c. 151A, § 25(e), paragraph eight, subsection (2).¹

On a separate note, the Board acknowledges that the review examiner committed a scrivener's error in parts of his decision with respect to the year and incorrectly references it as 2022. The record shows that the events that led up to the claimant's separation occurred in 2020 and not in 2022.

¹ G.L. c. 151A, § 25(e), paragraph eight, states, in relevant part:

An individual shall not be disqualified from receiving benefits under this clause if the individual establishes to the satisfaction of the commissioner that the reason for the individual's leaving work was due to domestic violence, including: . . . (2) the individual's need to relocate to another geographic area in order to avoid future domestic violence

The review examiner's decision to award benefits is affirmed. The claimant is entitled to receive benefits for the week ending May 30, 2020, and for subsequent weeks if otherwise eligible.

BOSTON, MASSACHUSETTS
DATE OF DECISION - April 10, 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.

DY/rh