

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

Issue ID: 0061 6974 97

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 April 10, 2020. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On February 5, 2021, the agency initially determined that the claimant was entitled to unemployment benefits. The employer appealed and attended the hearing. In a decision rendered on April 8, 2022, the review examiner affirmed the agency determination, concluding that the claimant was discharged due to a lack of work and, thus, was not disqualified under G.L. c. 151A, § 25(e)(2). 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.

The review examiner's decision is affirmed. The claimant is entitled to receive benefits for the week beginning April 12, 2020, and for subsequent weeks if otherwise eligible.

The employer contends on appeal that it should not be charged for the claimant's benefit payments. The UI Online record-keeping system indicates that, although the employer had been charged in May and June 2020, the employer was reimbursed for benefit charges relating to the claimant in July, 2020, and has not been charged for the claimant's benefits since. Subsequent benefit payments have been issued through the DUA's solvency account in accordance with G.L. c. 151A, § 14(d)(3).

BOSTON, MASSACHUSETTS
DATE OF DECISION - May 25, 2022



Paul T. Fitzgerald, Esq.
Chairman



Charlene A. Stawicki, Esq.
Member

Member Michael J. Albano 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.

JMO/th