

**Board of Review
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**Paul T. Fitzgerald, Esq.
Chairman
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Member
Michael J. Albano
Member**

Issue ID: 0062 9223 11

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 following her separation from employment on January 5, 2021. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On June 16, 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 March 25, 2022, the review examiner affirmed the agency determination, concluding that the claimant voluntarily left employment without good cause attributable to the employer or urgent, compelling, and necessitous reasons and, thus, was disqualified under G.L. c. 151A, § 25(e)(2). 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 findings of fact are based on substantial evidence in the record. We also conclude that the review examiner's decision is free from any error of law affecting substantive rights.

The claimant appealed to the Board arguing that the overpayment generated as a result of this decision was improper because the overpayment generated predated her separation from the instant employer. While the decision disqualified the claimant as of January 3, 2021, Appendix A to the decision indicates that the claimant was overpaid for ten weeks during the period between March 15, 2020, and May 30, 2020. We have reviewed the decision and the agency's records in the DUA's UI Online computer system. It appears that the decision was implemented incorrectly, resulting in the creation of erroneous overpayments for several weeks prior to the date the claimant was found to be ineligible for benefits. We issue this decision to correct that error.

The review examiner's decision is affirmed. The claimant is denied benefits beginning the week of January 3, 2021, 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. She is not overpaid any benefits for the weeks prior to January 3, 2021.

BOSTON, MASSACHUSETTS
DATE OF DECISION - April 21, 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.

LSW/rh