

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

**Issue ID: 0064 7922 50**

### 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 Massachusetts unemployment benefits on the ground that the claimant was not entitled to benefits while he had an active unemployment claim in the State of Connecticut. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On February 26, 2021, the agency initially determined that the claimant was not entitled to unemployment benefits. The claimant appealed and participated in the hearing. In a decision rendered on July 30, 2021, the review examiner affirmed the agency determination, concluding that the claimant was not eligible to open a new claim for unemployment benefits in Massachusetts while he had benefit credits remaining in Connecticut, and, thus, he was disqualified under G.L. c. 151A, § 26. 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 decision to deny benefits beginning on May 3, 2020, is based on substantial evidence and is free from any error of law affecting substantive rights.

However, information the DUA received from the State of Connecticut establishes that the claimant's indefinite disqualification is no longer warranted, as the benefit year end date of the claimant's Connecticut claim was May 1, 2021. He, therefore, does not currently have available benefit credits in that state. *See* G.L. c. 151A, § 26; 430 CMR 4.05(3)(a). Based on the above, we are implementing an end date of May 1, 2021, to the claimant's disqualification in this matter.

We further note that there is no indication in the record that the instant indefinite disqualification should end prior to May 1<sup>st</sup>, as the review examiner found that the claimant stopped requesting benefits from Connecticut without first having exhausted his benefit credits. Moreover, the State of Connecticut informed the DUA that the claimant did not have any disqualifications on his claim preventing him from continuing to request benefits prior to the expiration of his benefit year.

Accordingly, the claimant is entitled to unemployment benefits from Massachusetts as of May 2, 2021, if otherwise eligible.

**BOSTON, MASSACHUSETTS**  
**DATE OF DECISION - October 27, 2021**



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](http://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.

SVL/rh