

**Board of Review
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Member**

Issue ID: 0065 8827 86

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 benefits between May 24, 2020, and March 26, 2022. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On April 27, 2021, the agency initially determined that the claimant was not entitled to unemployment benefits. The agency subsequently redetermined the issue on September 24, 2021, and again denied unemployment benefits. The claimant appealed and attended the hearing. In a decision rendered on May 4, 2024, the review examiner affirmed the agency determination, concluding that the claimant was not available for work between May 24, 2020, and March 26, 2022, and, thus, was disqualified under G.L. c. 151A, § 24(b). The Board accepts 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 disqualify the claimant pursuant to G.L. c. 151A, § 24(b), is based on substantial evidence and is free from any error of law affecting substantive rights. However, we note that the claimant was available for work during four of the seven days of the week beginning May 24, 2020, through May 27, 2020. Because the claimant was available for work during the majority of the week beginning May 24th, he met the availability requirements of G.L. c. 151A, § 24(b), in that week. *See* Board of Review Decision 0066 4492 59 (Sept. 29, 2022). Therefore, the claimant's disqualification will not commence until the following week, which begins on May 31, 2020.

The review examiner's decision is affirmed. The claimant is denied benefits between May 31, 2020, and March 26, 2022.

BOSTON, MASSACHUSETTS
DATE OF DECISION - June 12, 2024



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.

SVL/rh