

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

Issue ID: 0066 7580 17

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 unemployment benefits for the claim she filed on March 23, 2020. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

After initially awarding unemployment benefits, the agency subsequently determined on April 28, 2021, that the claimant was not entitled to unemployment benefits beginning on August 23, 2020, and indefinitely thereafter. The claimant appealed and only the claimant attended the hearing. In a decision rendered on July 31, 2021, the review examiner affirmed the agency determination, concluding that the claimant was not in unemployment, and, thus, was disqualified under G.L. c. 151A, §§ 29 and 1(r). 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 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 denied benefits for the week ending August 29, 2020, and indefinitely thereafter, until she meets the requirements of the law.

N.B.: (1) In view of the review examiner's findings that the claimant has been medically unable to perform any work since she began her leave of absence because of COVID-19 on or about August 25, 2020, the Board notes that the claimant may be eligible for federal Social Security disability benefits until she is medically capable of returning to work.

(2) Where the claimant has been overpaid unemployment benefits, apparently through no fault of her own, she may be eligible for a waiver of overpayment pursuant to G.L. c. 151A, § 69(c). The claimant may obtain a waiver application through her UI Online portal (Manage Debt/Request Debt Waiver).

BOSTON, MASSACHUSETTS
DATE OF DECISION - September 15, 2021



Paul T. Fitzgerald, Esq.
Chairman



Michael J. Albano
Member

Member Charlene A. Stawicki, Esq. did not participate in this decision.

If this decision disqualifies the claimant from receiving regular unemployment benefits, the claimant may be eligible to apply for Pandemic Unemployment Benefits (PUA). The claimant may apply at: <https://ui-cares-act.mass.gov/PUA/>. The claimant may also call customer assistance at 877-626-6800 (select the number for your preferred language, then press # 2 for PUA).

**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.