

**Board of Review
19 Staniford St., 4th Floor
Boston, MA 02114
Phone: 617-626-6400
Fax: 617-727-5874**

**Paul T. Fitzgerald, Esq.
Chairman
Charlene A. Stawicki, Esq.
Member
Michael J. Albano
Member**

Issue ID: 0067 5256 54

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 2, 2021. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On August 6, 2021, the agency initially determined that the claimant was not entitled to unemployment benefits. The claimant appealed, and only the claimant attended the hearing. In a decision rendered on December 9, 2021, the review examiner reversed the agency determination, concluding that the claimant involuntarily left employment for urgent, compelling, and necessitous reasons and, thus, she was not disqualified under G.L. c. 151A, § 25(e)(1). 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 4, 2021, and for subsequent weeks if otherwise eligible.¹

Because the claimant has been determined to have separated involuntarily due to urgent, compelling, and necessitous circumstances, the employer's account should not be charged for these benefits pursuant to G.L. c. 151A, § 14(d)(3).

**BOSTON, MASSACHUSETTS
DATE OF DECISION - April 28, 2022**



Paul T. Fitzgerald, Esq.
Chairman



¹ Although the review examiner's decision states that the claimant is eligible for benefits beginning March 28, 2021, this date appears to be a typographical error. The DUA's electronic record-keeping system, UI Online, shows that the review examiner implemented an eligibility start date of April 4, 2021, for this issue. Moreover, the record shows that the claimant had continued working for the employer through the end of the week beginning March 28, 2021.

Michael J. Albano
Member

Member Charlene A. Stawicki, 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

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.

AB/rh