

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

Issue ID: 0068 9017 23

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 April 24, 2021. We review, pursuant to our authority under G.L. c. 151A, § 41. We affirm the denial of benefits but end this disqualification on September 18, 2021.

On May 12, 2021, the agency initially determined that the claimant was not entitled to unemployment benefits. The claimant appealed and attended the hearing. In a decision rendered on September 18, 2021, the review examiner affirmed the agency determination, concluding that the claimant was not medically capable of working and, thus, was disqualified under G.L. c. 151A, § 24(b). 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.

However, along with her appeal to the Board, the claimant furnished a note from her physician, indicating that she was medically cleared to return to full-time work, without restrictions, on September 20, 2021. For this reason, we end the claimant's disqualification under the issue before us on September 18, 2021, and the Board will ask the DUA Adjudication Unit to open and investigate a new issue regarding the claimant's capability of working as of September 19, 2021.

The review examiner's decision is modified. The claimant is denied benefits from April 18, 2021, through September 18, 2021, pursuant to G.L. c. 151A, § 24(b).



Paul T. Fitzgerald, Esq.
Chairman

BOSTON, MASSACHUSETTS
DATE OF DECISION - October 8, 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.

JPCA/rh