

**Board of Review
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Member**

Issue ID: 0071 9288 39

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

On June 14, 2022, the agency initially determined that the claimant was entitled to unemployment benefits. The employer appealed, and only the employer attended the hearing. In a decision rendered on January 13, 2023, the review examiner affirmed the agency determination, concluding that the claimant was entitled to benefits even though the instant employer had provided her with reasonable assurance of re-employment for the subsequent academic year, and, thus, she was not disqualified under G.L. c. 151A, § 28A.

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. However, as the claimant began working for the instant employer during her benefit year, the employer is not subject to being charged for her 2021-01 claim for benefits.

The review examiner's decision is affirmed. The claimant is entitled to receive benefits for the period between June 20, 2021, and August 28, 2021, if otherwise eligible.

**BOSTON, MASSACHUSETTS
DATE OF DECISION - February 22, 2023**



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

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.

LSW/rh