

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

Issue ID: 0072 1943 30

Introduction and Procedural History of this Appeal

The claimant appeals a decision by a review examiner of the Department of Unemployment Assistance (DUA) to disqualify the claimant for the benefits that he received for the two weeks that he continued to certify for benefits after resuming full-time employment. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On August 17, 2021, the agency initially determined that the claimant was not entitled to two weeks of unemployment benefits after he apparently returned to work. The claimant appealed and attended the hearing. In a decision rendered on December 10, 2021, the review examiner affirmed the agency determination, concluding that the claimant had been overpaid for two weeks of benefits because he gave information he knew or reasonably should have known was inaccurate and, thus, was disqualified for those two weeks under G.L. c. 151A, §§ 69(a) and 25(j). 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 considered overpaid and at fault for his receipt of benefits for the weeks ending July 10 and July 17, 2021, pursuant to G.L. c. 151A, § 69(a). He is ineligible for the benefits he received for those two weeks, which he must repay with interest, and he is subject to a two-week compensable week disqualification pursuant to G.L. c. 151A, § 25(j).

We note that the claimant's appeal to the Board questions why his UI Online account reflects an overpayment for the four weeks ending June 12 through July 3, 2021. The case before the Board only addresses the two weeks at issue here, the weeks ending July 10 and July 17, 2021. It appears that the claimant has not yet appealed an earnings determination that was also issued on August 17, 2021 (Issue ID# 0071 5530 03), disqualifying him under G.L. c. 151A, §§ 29(a) and 1(r)(2), for the period from June 6 through July 3, 2021. The claimant must appeal that disqualification to address the four weeks prior to the two weeks at issue here.

BOSTON, MASSACHUSETTS
DATE OF DECISION - January 5, 2022



Paul T. Fitzgerald, Esq.
Chairman



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