

**Board of Review  
19 Staniford St., 4<sup>th</sup> 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: 0078 4252 07**

### 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. We review, pursuant to our authority under G.L. c. 151A, § 41, and we affirm in part and reverse in part.

On October 17, 2022, 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 December 31, 2022, the review examiner affirmed the agency determination, concluding that the claimant did not have good cause for his failure to complete the Reemployment Services and Eligibility Assessment (“RESEA”) review by the October 14, 2022, deadline and, thus, he was disqualified under G.L. c. 151A, § 25(a), as of October 9, 2022. 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 as to the claimant’s failure to demonstrate good cause for timely completing his RESEA review is based on substantial evidence and is free from any error of law affecting substantive rights.

However, it appears that the review examiner did not fully consider the claimant’s testimony that he completed his RESEA review on November 14, 2022, or the evidence that he submitted in support of his contention. Specifically, the claimant provided an email he received from a Mass Hire North Shore Career Center specialist, in which she confirmed “I had checked the RESEA review profile and it shows that it was attained on 11/14/2022.” The review examiner had entered this document into the record as evidence.<sup>1</sup> In light of this evidence, which demonstrates that the claimant completed his RESEA obligations, we have placed an end date on the disqualification as of the week ending November 19, 2022.

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<sup>1</sup> Exhibit 8 is the letter from Career Center agent. While not explicitly incorporated into the review examiner’s findings, it is part of the unchallenged evidence introduced at the hearing and placed in the record, and it is thus properly referred to in our decision today. See Bleich v. Maimonides School, 447 Mass. 38, 40 (2006); Allen of Michigan, Inc. v. Deputy Dir. of Department of Employment and Training, 64 Mass. App. Ct. 370, 371 (2005).

The review examiner's decision is affirmed in part and reversed in part. The claimant is denied benefits for the period October 9, 2022, through November 19, 2022. The claimant is entitled to receive benefits beginning November 20, 2022, and for subsequent weeks, if otherwise eligible.



Paul T. Fitzgerald, Esq.  
Chairman

**BOSTON, MASSACHUSETTS**  
**DATE OF DECISION - January 23, 2023**



Charlene A. Stawicki, Esq.  
Member

Member Michael J. Albano 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](http://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.

JMO/jv