

**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: 0074 3351 45

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 beginning December 5, 2021. We review, pursuant to our authority under G.L. c. 151A, § 41, and we affirm in part and reverse in part.

On December 13, 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 June 1, 2022, the review examiner affirmed the agency determination, concluding that the claimant did not have good cause for her failure to complete the RESEA review by the December 10, 2021, deadline and, thus, she was disqualified under G.L. c. 151A, § 25(a), as of December 5, 2021. 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 her RESEA review is based on substantial evidence and is free from any error of law affecting substantive rights.

However, it appears that, at the time of the hearing, the review examiner did not have access to the most updated information in the Department of Career Services' Massachusetts One Stop Employment System (MOSES). We note that current information in MOSES shows that the claimant completed her RESEA review on May 18, 2022. Having thus completed her RESEA obligations, we have placed an end date on the disqualification as of the week ending May 22, 2022.

The review examiner's decision is affirmed in part and reversed in part. The claimant is denied benefits for the period December 5, 2021, through May 22, 2022. The claimant is entitled to receive benefits beginning May 23, 2022, and for subsequent weeks, if otherwise eligible.



Paul T. Fitzgerald, Esq.
Chairman

BOSTON, MASSACHUSETTS
DATE OF DECISION - September 26, 2022



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

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