

**Board of Review
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Member
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Issue ID: 0075 3565 25

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 March 8, 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 June 2, 2022, the review examiner affirmed the agency determination, concluding that the claimant was not able, available, and actively searching for work beginning on February 6, 2022, and, thus, was disqualified under G.L. c. 151A, § 24(b). The Board accepts 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 to deny benefits pursuant to G.L. c. 151A, § 24(b), beginning on February 6, 2022, is based on substantial evidence and is free from any error of law affecting substantive rights. However, the information contained in the DUA's electronic record-keeping system, UI Online, shows that the claimant's indefinite disqualification is no longer warranted.

The UI Online system shows that the claimant was approved for unemployment training benefits under G.L. c. 151A, § 30(c) (training benefits), between May 24, 2022, and October 21, 2022. Approval for benefits under G.L. c. 151A, § 30(c), results in a waiver of the availability requirement of G.L. c. 151A, § 24(b). 430 CMR 9.01.

In light of the approval of the claimant's G.L. c. 151A, § 30, benefits, we conclude as a matter of law that the claimant cannot be disqualified from receiving benefits under G.L. c. 151A, § 24(b), during the period for which she has been approved under G.L. c. 151A, § 30(c), the weeks ending May 28, 2022, through October 22, 2022. However, the claimant remains ineligible for benefits between the weeks ending February 12, 2022, and May 21, 2022, because she was not approved for training benefits during those weeks, and she was limiting her availability for full-time work primarily due to her enrollment in school.

The review examiner's decision is, therefore, affirmed in part and reversed in part. The claimant is denied benefits between the weeks ending February 12, 2022, and May 21, 2022. However, the

claimant is entitled to receive benefits for the weeks ending May 28, 2022, through October 22, 2022, if otherwise eligible.

BOSTON, MASSACHUSETTS
DATE OF DECISION - June 27, 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.

SVL/rh