

**Board of Review
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Member
Michael J. Albano
Member**

Issue ID: 0075 7052 81

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 an extension of the claimant's unemployment benefits while participating in an approved training program. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On March 5, 2022, the agency initially determined that the claimant was not entitled to such training benefits. The claimant appealed and subsequently attended the hearing. In a decision rendered on May 14, 2022, the review examiner affirmed the agency determination, concluding that the claimant was not currently enrolled and had never attended the certificate program for which she sought training benefits and, thus, was disqualified under G.L. c. 151A, § 30(c). 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 not entitled to training benefits pursuant to G.L. c. 151A, § 30(c), from March 15, 2022, through September 15, 2022.

N.B.: On appeal to the Board, the claimant contended that she was to begin her training program the week after she filed her appeal and attached an email purporting to be a receipt for payment of tuition for her training program. The claimant's appeal does not indicate when she expected to begin or end her training, however. If the claimant wishes to secure benefits while enrolled in and attending this program, she should promptly file a new and complete Training Opportunities Program (TOP) Application to the DUA's TOP Unit.

The Board takes administrative notice that, as of June 2, 2022, the claimant's chosen program — Professional Bookkeeping and Payroll Practice Manager with QuickBooks Online, at North Shore Community College (Course ID# 1135841) — is listed as a Section 30-approved program in the JobQuest electronic database.¹

¹ See <https://jobquest.dcs.eol.mass.gov/JobQuest/TrainingDetails.aspx?ti=1135841>.

The Board further notes that, while this program is listed as a 52-week program on the JobQuest website and on the MOSES printouts in evidence at the hearing (Exh. 2), the claimant's previous TOP application from February of 2022 indicated that her training would be completed in six months (from March 15, 2022, through September 15, 2022). *Compare* Exh. 1. If the claimant submits a new TOP application, the TOP Unit should explore this apparent discrepancy.



Paul T. Fitzgerald, Esq.
Chairman

BOSTON, MASSACHUSETTS
DATE OF DECISION - June 7, 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.