

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

Issue ID: 0075 8701 59

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 unemployment benefits on the ground that the claimant was not entitled to benefits while on a medical leave of absence from work. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On April 8, 2022, the agency initially determined that the claimant was not entitled to unemployment benefits. The claimant appealed, and only he participated in the hearing. In a decision rendered on September 27, 2022, the review examiner affirmed the agency determination, concluding that the claimant was not in unemployment while on leave, and, thus, he was disqualified under G.L. c. 151A, §§ 29(a), 29(b) and 1(r). 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 to deny benefits between September 21, 2021, and the week ending February 12, 2022, is based on substantial evidence and is free from any error of law affecting substantive rights. However, we note that, due to an error, the February 12, 2022, end date was not implemented in the DUA's UI Online system and the original indefinite disqualification remained on the claim. Based on the review examiner's decision, we are implementing an end date of February 12, 2022, to the claimant's disqualification in this matter. Accordingly, the claimant is entitled to unemployment benefits as of February 13, 2022, if otherwise eligible.

**BOSTON, MASSACHUSETTS
DATE OF DECISION - November 8, 2022**



Paul T. Fitzgerald, Esq.
Chairman



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.

SVL/rh