

Board of Review
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Issue ID: 0078 1463 73

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 unemployment benefits. Benefits were denied on the ground that the claimant failed to show that she resigned her employment for good cause attributable to the employer or urgent, compelling, and necessitous reasons and, thus, she was disqualified pursuant to G.L. c. 151A, § 25(e)(1).

The claimant had filed a claim for unemployment benefits, effective August 28, 2022, which was approved in a determination issued by the agency on September 23, 2022. The employer appealed to the DUA Hearings Department. Following a hearing on the merits, attended only by the employer, the review examiner reversed the agency's initial determination in a decision rendered on June 14, 2023. The claimant sought review by the Board, which dismissed her appeal because she had filed the appeal beyond the statutory appeal deadline under G.L. c. 151A, § 40. The claimant appealed to the District Court pursuant to G.L. c. 151A, § 42.

On February 12, 2024, the District Court remanded the case to the Board for further proceedings. Although we continue to maintain that we do not have jurisdiction to review the claimant's appeal, we have complied with the District Court's order. After reviewing the entire record, including the recorded testimony and evidence from the hearing, the review examiner's decision, the claimant's appeal, and the District Court's Order, 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 denied benefits for the week beginning August 28, 2022, and for subsequent weeks, until such time as she has had at least eight weeks of work and has earned an amount equivalent to or in excess of eight times her weekly benefit amount.

N.B. – For this appeal, the Board is sending a copy of this decision to the address used in the claimant's District Court complaint. However, the claimant must contact the DUA directly to provide the agency with her most current address to ensure that she receives all DUA correspondence.

BOSTON, MASSACHUSETTS
DATE OF DECISION - April 10, 2024



Charlene A. Stawicki, Esq.
Member



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Chairman Paul T. Fitzgerald, 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.

AB/rh