

**Board affirmed decision that the claimant's theft of money from a client was deliberate misconduct in wilful disregard of the employer's interest. The claimant is ineligible for benefits pursuant to G.L. c 151A, § 25(e)(2).**

**Board of Review  
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**Paul T. Fitzgerald, Esq.  
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Charlene A. Stawicki, Esq.  
Member  
Michael J. Albano  
Member**

**Issue ID: 0079 7179 62**

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 benefits. Benefits were denied on the ground that the claimant engaged in deliberate misconduct in wilful disregard of the employer's interest, and thus, she was disqualified pursuant to G.L. c. 151A, § 25(e)(2).

The claimant had filed a claim for unemployment benefits, which was denied in a determination issued by the agency on May 17, 2023. The claimant appealed to the DUA Hearings Department. Following a hearing on the merits, attended by the claimant and the employer, the review examiner affirmed the agency's initial determination in a decision rendered on July 25, 2023. The claimant sought review by the Board, which dismissed her appeal because it was filed after the 30-day statutory deadline set forth under G.L. c. 151A § 40, and the claimant appealed to the District Court pursuant to G.L. c. 151A, § 42.

On December 20, 2023, the District Court ordered the Board to review the case on the merits. Although we continue to maintain we do not have jurisdiction to review this case, we have complied with the District Court's order.

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 denied benefits for the week beginning April 2, 2023, 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.

**BOSTON, MASSACHUSETTS  
DATE OF DECISION - January 24, 2024**



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](http://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.

MR/rh