

**Board of Review
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**Paul T. Fitzgerald, Esq.
Chairman
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Member
Michael J. Albano
Member**

Issue ID: 0080 5917 58

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 beginning on May 28, 2023. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On July 14, 2023, 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 September 9, 2023, the review examiner affirmed the agency determination, concluding that the claimant was not available for work as of May 28, 2023, 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 disqualify the claimant pursuant to G.L. c. 151A, § 24(b), 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, and the exhibits show that the claimant's training program, which was the only circumstance restricting the claimant's availability, ended on September 15, 2023. Accordingly, we will implement an end date of September 16, 2023, to the claimant's disqualification under G.L. c. 151A, § 24(b).

The review examiner's decision is affirmed. The claimant is denied benefits between May 28, 2023, and September 16, 2023.



Paul T. Fitzgerald, Esq.

BOSTON, MASSACHUSETTS

DATE OF DECISION - October 4, 2023

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