

**Board of Review
100 Cambridge Street, Suite 400
Boston, MA 02114
Phone: 617-626-6400
Fax: 617-727-5874**

**Paul T. Fitzgerald, Esq.
Chairman
Charlene A. Stawicki, Esq.
Member
Michael J. Albano
Member**

Issue ID: 0080 6949 99

Introduction and Procedural History of this Appeal

The employer appeals a decision by a review examiner of the Department of Unemployment Assistance (DUA) concluding that the claimant was entitled to benefits even though the employer had provided the claimant with reasonable assurance of reemployment for the subsequent academic year. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On July 15, 2023, the agency initially determined that the claimant was entitled to unemployment benefits. The employer appealed, and only the employer attended the hearing. In a decision rendered on August 16, 2023, the review examiner affirmed the agency determination, concluding that the instant employer had provided the claimant with reasonable assurance of reemployment for the subsequent academic year under G.L. c. 151A, § 28A, but further explaining that the wages this employer paid to the claimant were not used in determining her weekly benefit amount for her 2022-01 claim, as the claimant did not work for this employer during her base period.

Ruling of the Board

After considering the recorded testimony and evidence from the hearing, the review examiner's decision, and the employer'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. We further reiterate that, inasmuch as the instant employer is not a base period employer, the wages paid by this employer are not used in calculating the claimant's weekly benefit amount and this employer is not being charged under her 2022-01 claim for benefits.

The review examiner's decision is affirmed. The claimant received reasonable assurance of reemployment from the instant employer. For the weeks between June 18, 2023, and August 26, 2023, the claimant is entitled to a weekly benefit amount based upon her base period wages, if she is otherwise eligible.

**BOSTON, MASSACHUSETTS
DATE OF DECISION - September 12, 2023**



Paul T. Fitzgerald, Esq.
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.

LSW/rh