

Board of Review
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Issue ID: 0081 0483 67

Introduction and Procedural History of this Appeal

The employer appeals a decision by a review examiner of the Department of Unemployment Assistance (DUA) to award the claimant benefits following her separation from employment on July 17, 2023. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On September 27, 2023, the agency initially determined that the claimant was not entitled to unemployment benefits.¹ The claimant appealed, and both parties attended the hearing. In a decision rendered on November 4, 2023, the review examiner reversed the agency determination, concluding that the claimant was discharged and that she did not engage in deliberate misconduct in wilful disregard of the employer's interest or knowingly violate a reasonable and uniformly enforced rule or policy of the employer. Thus, she was not disqualified under G.L. c. 151A, § 25(e)(2). The Board accepted the employer's application for review.

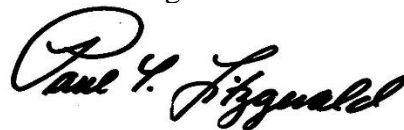
Ruling of the Board

After considering the recorded testimony and evidence from the hearing, the review examiner's decision, and the 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 note that the DUA's electronic record-keeping system, UI Online, shows that the employer is not being charged in connection with this unemployment claim.

The review examiner's decision is affirmed. The claimant is entitled to receive benefits for the week beginning July 16, 2023, and for subsequent weeks if otherwise eligible.

BOSTON, MASSACHUSETTS
DATE OF DECISION - October 28, 2024



Paul T. Fitzgerald, Esq.
Chairman



Michael J. Albano
Member

¹ Although the determination disqualified the claimant pursuant to G.L. c. 151A, § 25(e)(1), the disqualification included only a constructive deduction, which was not large enough to reduce the claimant's weekly benefit amount.

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.

AB/rh