

**Board of Review  
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Member  
Michael J. Albano  
Member**

**Issue ID: 0082 6109 95**

### Introduction and Procedural History of this Appeal

The claimant appeals a decision by a review examiner of the Department of Unemployment Assistance (DUA) denying an extension of the claimant's unemployment benefits while he participated in a training program. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

The claimant separated from employment and filed a claim for unemployment benefits, effective December 31, 2023, which was approved by the DUA. Subsequently, the claimant submitted an application to the DUA for an extension of benefits to attend a training program (training benefits), which the agency denied on May 11, 2024. The claimant appealed that determination to the DUA hearings department and attended a hearing. In a decision rendered on June 20, 2024, the review examiner affirmed the agency's initial determination, concluding that the claimant was ineligible for training benefits because his community college had not provided DUA with its placement rate and the claimant did not show that this program was necessary to obtain suitable employment. We accepted 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 deny training benefits is based on substantial evidence and is free from any error of law affecting substantive rights.

Upon review of the record, we agree that the claimant did not meet his burden under 430 CMR 9.03(1) and (3)(b) to show that he is unlikely to obtain suitable employment based on his recently utilized job skills. Therefore, the claimant has not met the requirements for receiving training benefit as set forth under the statute and its accompanying regulations.

However, in rendering our decision, we reject that portion of the review examiner's decision which disqualified the claimant due to the failure of his community college to provide a placement rate with his application for training benefits. In Board of Review Decision 0012 3255 24 (Sept. 10, 2014), we held that, where a claimant can complete an associate's or bachelor's degree program on a full-time basis within two years of filing a claim for benefits, the college is not required to meet the job placement rate requirement.

The review examiner's decision is affirmed. The claimant is not entitled to receive an extension of up to 26 times his weekly benefit rate while attending this training program pursuant to G.L. c. 151A, § 30(c).

**BOSTON, MASSACHUSETTS**  
**DATE OF DECISION - November 27, 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.

AB/rh