

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: 0082 9040 53

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 the claimant benefits. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On June 29, 2024, 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 July 18, 2024, the review examiner affirmed the agency determination, concluding that the claimant was not able, available, and actively searching for full-time employment beginning the week ending June 8, 2024, 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 to deny benefits, 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.

That being said, the Board acknowledges that the review examiner committed a scrivener's error in parts of her decision. The review examiner stated in Finding of Fact # 6 that, as of the week ending August 4, 2024, the claimant limited her availability to part-time work because she intended to attend school part-time. However, the record shows that that claimant limited her availability to part-time work beginning week ending June 8, 2024, and that she did so because she intended to go to school full-time.

We also note that the disqualification period begins on June 2, 2024, and not on November 21, 2020, as provided in Part IV of the review examiner's decision.

The review examiner's decision to deny benefits is affirmed. The claimant is denied benefits beginning week ending June 8, 2024, and for subsequent weeks, until such time as she meets the requirement of G.L. c. 151A, § 24(b).

BOSTON, MASSACHUSETTS
DATE OF DECISION - October 2, 2024



Charlene A. Stawicki, Esq.
Member



Michael J. Albano
Member

Chairman Paul T. Fitzgerald, 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.

DY/rh