

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

Issue ID: 0083 0586 51

Introduction and Procedural History of this Appeal

The claimant appeals a decision by a review examiner of the Department of Unemployment Assistance (DUA) to award the claimant partial unemployment benefits. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On August 9, 2024, the agency initially determined that the claimant was not entitled to unemployment benefits during the period between October 18, 2020, and February 20, 2021. The claimant appealed, and both parties attended the hearing. In a decision rendered on October 31, 2024, the review examiner affirmed in part and reversed in part the agency determination, concluding that the claimant was in partial unemployment during several of the weeks at issue and, thus, was not disqualified under G.L. c. 151A, G.L. c. 151A, §§ 29 and 1(r), during those weeks.

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 is based on substantial evidence and is free from any error of law affecting substantive rights.

The claimant appealed to the Board, arguing that the overpayment generated as a result of this decision was improper because it did not reflect the review examiner's conclusion that the claimant was eligible for partial benefits during eleven of the sixteen weeks at issue. We have reviewed the decision and the agency's records in the DUA's UI Online computer system. It appears that the decision was implemented incorrectly, resulting in an inaccurate overpayment. We issue this decision to correct that error.

The review examiner's decision is affirmed. The claimant is denied benefits for the weeks of October 18, 2020; November 1, 2020, through November 14, 2020; and December 27, 2020, through January 9, 2021. The claimant is entitled to receive partial benefits for the weeks of October 25, 2020; November 15, 2020, through December 26, 2020; and January 10, 2021, through February 6, 2021, if otherwise eligible.

BOSTON, MASSACHUSETTS
DATE OF DECISION - November 22, 2024



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.

LW/rh