

**Board of Review
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**Paul T. Fitzgerald, Esq.
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Michael J. Albano
Member**

Issue ID: 0083 3823 21

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 benefits to the claimant following his separation from employment on May 1, 2024. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On September 4, 2024, the agency initially determined that the claimant was not entitled to unemployment benefits. The claimant appealed, and only the claimant attended the hearing. In a decision rendered on October 4, 2024, the review examiner reversed the agency determination, concluding that the claimant had sustained his burden to show both that he voluntarily left employment for good cause attributable to the employer, and that he involuntarily left employment for urgent, compelling, and necessitous reasons. Thus, the review examiner concluded that the claimant was not disqualified under G.L. c. 151A, § 25(e)(1). 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 to award benefits due to good cause attributable to the employer is based on substantial evidence and is free from any error of law affecting substantive rights.

However, we disagree that the claimant presented substantial and credible evidence to show that he had urgent, compelling, and necessitous reasons for leaving his employment due to his mental health. The claimant asserted that, at the time he separated from the employer, he was too mentally unstable to continue working in his position. However, he did not present any medical documentation to support this assertion, or even specific testimony regarding any symptoms, diagnosis, or treatment.

The review examiner's decision is affirmed. The claimant is entitled to receive benefits for the week beginning April 28, 2024, and for subsequent weeks, if otherwise eligible.

Because this separation is deemed to be voluntary under G.L. c. 151A, § 25(e), charges for this claim will be made to the employer's account, not to the solvency account, pursuant to G.L. c. 151A, § 14(d)(3).

BOSTON, MASSACHUSETTS
DATE OF DECISION - February 24, 2025



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.

REB/rh