

The claimant's software developer training program, which was approved for WIOA funding, was automatically approvable for extended benefits pursuant to G.L. c. 151A, § 30(c) and 430 CMR 9.04(2)(f), but it was the second training program in one benefit year. Because her first training provider unilaterally terminated her enrollment, making her continued participation impossible, she was entitled to section 30 benefits for the new software developer program pursuant to 430 CMR 9.05(8).

**Board of Review**  
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**Issue ID: 0083 4406 30**

### 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 extended unemployment benefits under G.L. c. 151A, § 30(c), while attending a training program (section 30 benefits). We review, pursuant to our authority under G.L. c. 151A, § 41, and reverse.

The claimant separated from employment and filed a claim for unemployment benefits with the DUA, effective December 3, 2023, which was approved. Subsequently, she was approved for section 30 benefits, but, in a determination issued on September 24, 2024, the DUA denied the claimant's request for section 30 benefits for a new training program. The claimant appealed the determination to the DUA hearings department. Following a hearing on the merits, the review examiner affirmed the agency's initial determination and denied benefits in a decision rendered on November 2, 2024. We accepted the claimant's application for review.

The section 30 training benefits were denied after the review examiner determined that pursuant to 430 CMR 9.05(8), the claimant could not participate in more than one training program during a benefit year. Our decision is based upon our review of the entire record, including the recorded testimony and evidence from the hearing, the review examiner's decision, and the claimant's appeal.

The issue before the Board is whether the review examiner's decision, which concluded that the claimant was ineligible for section 30 benefits to attend the new training program, is supported by substantial and credible evidence and is free from error of law, where she enrolled in this new program after the original training provider abruptly terminated her enrollment.

### Findings of Fact

The review examiner's findings of fact are set forth below in their entirety:

1. The effective date of the claimant's [2023]-01 claim is December [3], 2023, with a benefit year end date of November 30, 2024.

2. The claimant was approved for the Training Opportunities Program (Section 30) to attend [sic] School: Visible Edge. Program: Data Science & Machine Learning Technologies. Training Pro ID: 1141743. Class/Training Program Start Date: 7/22/24. Class/Training Program End Date: 11/1/24.
3. On August 6, 2024, the school terminated the claimant's enrollment. The school determined that they were not a "good fit" for the claimant.
4. On August 16, 2024, the Department of Unemployment Assistance (DUA) received the claimant's TOP application to attend [sic] School: North Shore Community College. Program: Full Stack Software Developer. Major: Business. Training Pro ID: 1135191. Class/Training Start Date: 9/10/2024. Class/Training End Date: 6/10/2025.
5. On September 24, 2024, the Department of Unemployment Assistance (DUA) sent a Notice of Disqualification to the claimant. The Notice states the application was denied because the training program is self-paced.

### Ruling of the Board

In accordance with our statutory obligation, we review the record and the decision made by the review examiner to determine: (1) whether the findings are supported by substantial and credible evidence; and (2) whether the review examiner's conclusion is free from error of law. Upon such review, the Board adopts the review examiner's findings of fact and deems them to be supported by substantial and credible evidence. However, as discussed more fully below, we disagree with the review examiner's legal conclusion that the claimant is ineligible for section 30 benefits.

G.L. c. 151A, § 30(c), provides in pertinent part, as follows:

If in the opinion of the commissioner, it is necessary for an unemployed individual to obtain further industrial or vocational training to realize appropriate employment, the total benefits which such individual may receive shall be extended . . . if such individual is attending an industrial or vocational retraining course approved by the commissioner; provided, that such additional benefits shall be paid to the individual only when attending such course and only if such individual has exhausted all rights to . . . benefits or compensation under this chapter . . .

DUA has promulgated regulations which further define eligibility criteria for section 30 benefits. Relevant to this case is 430 CMR 9.04, which provides, in pertinent part, as follows:

(2) Training providers, and in particular, the training they offer must meet the following measurable standards: . . .

(f) Any training program approved under WIOA shall be deemed an approved training program under 430 CMR 9.00.

Additionally, 430 CMR 9.05(8), states, in relevant part:

Claimants may participate in only one training program in a benefit year, unless circumstances beyond their control make participation, or continued participation, in the original program impossible. If such circumstances cause a claimant to seek approval to participate in a different training program, the new application shall be deemed to have been filed on the date the completed application for the originally approved program was filed. . . .

In this case, the record shows that the claimant's new training program at North Shore Community College (NSCC) has Department of Career Services approval for WIOA funding. *See* Exhibits 6 and 17.<sup>1</sup> In this regard, there is no question that the training program itself qualifies for section 30 benefits pursuant to 430 CMR 9.04(2)(f), as is an approved WIOA program. The question is whether the separate regulatory provision under 430 CMR 9.05(8), disqualifies the claimant from receiving section 30 benefits while enrolled in the NSCC training.

It is true that this NSCC software developer program is the second training program in which the claimant participated during the single benefit year under her 2023-01 claim. However, the review examiner failed to consider 430 CMR 9.05(8), in its entirety. Specifically, the regulation expressly permits a claimant to participate in a second training program if she could not continue in the first training program for reasons beyond her control.

In this case, the claimant's first training provider, Visible Edge, terminated her enrollment two weeks after it began. *See* Findings of Fact ## 2 and 3. As the claimant explained during the hearing, she was abruptly locked out of the program while working on coursework on August 6, 2024. Although the claimant testified that she was not very satisfied with the quality of the instruction, nothing in the record suggests that the school ended her training at her request.<sup>2</sup> This evidence indicates that the school's decision was unilateral and beyond the claimant's control, and it rendered her continued participation impossible. Under these circumstances, 430 CMR 9.05(8), permits the claimant to seek approval to participate in a second training program during her benefit year.

We, therefore, conclude as a matter of law that the claimant's application to participate in the Full Stack Software Developer training program at NSCC meets the eligibility requirement under G.L. c. 151A, § 30(c), pursuant to 430 CMR 9.04(2)(f) and 430 CMR 9.05(8).

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<sup>1</sup> Exhibit 6 is a WIOA Program Training Determination Notice from the MassHire Department of Career Services, dated August 14, 2024. Exhibit 17 includes a screenshot from the Massachusetts One Stop Employment System database, which shows the claimant is enrolled in the WIOA Title I - Dislocated Workers program. While not explicitly incorporated into the review examiner's findings, these exhibits are part of the unchallenged evidence introduced at the hearing and placed in the record, and they are thus properly referred to in our decision today. *See* Bleich v. Maimonides School, 447 Mass. 38, 40 (2006); Allen of Michigan, Inc. v. Deputy Dir. of Department of Employment and Training, 64 Mass. App. Ct. 370, 371 (2005).

<sup>2</sup> This portion of the claimant's testimony is also part of the unchallenged evidence in the record.

The review examiner's decision is reversed. The claimant is entitled to receive section 30 benefits for the week beginning September 8, 2024, through June 14, 2025, if otherwise eligible.

**BOSTON, MASSACHUSETTS**  
**DATE OF DECISION - February 4, 2025**



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](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