

**Claimant who enrolled in a training program for computer skills was eligible for training benefits, where he established that he had been awarded tuition benefits under the Workforce Innovation and Opportunity Act (WIOA) through the Rhode Island Department of Labor and Training. Pursuant to 430 CMR 9.04(2)(f), a training program approved under WIOA is deemed an approved training program under G.L. c. 151A, § 30(c).**

**Board of Review  
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**Issue ID: 0083 9547 40**

### 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 reverse.

The claimant became separated from employment and filed a claim for unemployment benefits, effective August 11, 2024, which was ultimately approved by the DUA. On October 5, 2024, the claimant filed an application with the DUA for an extension of benefits to attend a training program, which the agency denied on December 14, 2024. The claimant appealed that determination to the DUA hearings department. Following a hearing on the merits attended by the claimant, the review examiner affirmed the agency's initial determination and denied training benefits in a decision rendered on February 1, 2025. We accepted the claimant's application for review.

Training benefits were denied after the review examiner concluded that the claimant's chosen program was not an approved training program and, thus, the claimant did not meet the requirements for training benefits pursuant to G.L. c. 151A, § 30(c). 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 benefits under G.L. c. 151A, § 30(c), because his chosen program was not approved for training benefits, is supported by substantial and credible evidence and is free from error of law.

### Findings of Fact

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

1. The claimant began working in IT in 1998, as a help desk associate, with no formal training. By 2000, he was working as a Systems Engineer. In 2003, he started his own IT consulting service.
2. In 2018, the claimant decided to move to the Northeast. One of his clients had a custom door manufacturing facility in MA and asked the claimant to take a temporary, 6-month, position as the Assistant Shop Manager of this facility. The claimant told this employer that he had no experience in this type of work and did not think it would work out. The employer indicated that they had been impressed with the way he worked and fixed problems and wanted to try him in the position. The claimant agreed to try the job. He was successful at it and the employer hired him to work as a permanent full-time employee.
3. In 2024, the employer for whom the claimant had been working, shut down the shop where he was employed and laid him off. At that time, the claimant had been making \$66,000 a year plus bonuses. His bonus for 2024 was \$70,000.
4. In 2024, the claimant lived in Rhode Island. He filed a claim for unemployment benefits with the Massachusetts Department of Unemployment, effective August 11, 2024, with a benefit rate of \$842.
5. The claimant sought new employment but found that similar positions to what he held paid around \$22 an hour and that employers wanted applicants to have a degree in engineering. The claimant applied for at least 3 jobs a week and received no responses.
6. The claimant believed that he would be better able to find employment, at an income similar to what he had been making, if he updated his skills with training and returned to IT work.
7. The claimant spoke to a job counselor at the Rhode Island's Workforce Development Services about training and they recommended the ONLC - CareerPath – IT Professional Program with CompTIA A+, Network+ and Security+ program, hereafter referred to as The Program.
8. ONLC has been approved by the Delaware Department of Education, to operate a private business and trade school in Delaware through June 30, 2025.
9. Successfully completing The Program qualifies graduates for employment as System Administrators, Help Desk Managers, Security Administrators, Network/cloud engineers, and Security Engineer/Analyst positions.
10. The instructor-led Training provides live interactive classes online with an instructor available to answer questions in real time.
11. Massachusetts Boston MassHire office denied The Program ITA approval for the period of June 26, 2024, to July 29, 2024. As of January 2, 2025, action

was pending on whether the program could be approved for Trade. As of January 2, 2025, Section 30 approval had not been sought by ONLC Training Centers for The Program.

12. At the time MassHire reviewed The Program, it had had 11 participants, 8 of which had completed the program and 7 of which had found employment related to the training. Three were still actively enrolled in The Program.
13. On October 1, 2024, the claimant requested that the Rhode Island Governor's Workforce Board provide funding for him to attend The Program, from October 14, 2024, to November 8, 2024.
14. On October 2, 2024, The Program informed the claimant that the Rhode Island Governor's Workforce Board had approved funding (\$5000 for tuition and \$150 for books) to him to participate in The Program October 14 to October 18; October 21 to October 25; and November 11 to November 8 [, 2024].
15. On October 5, 2024, the claimant filed a Training Opportunities Program (TOP) application requesting to receive benefits while attending The Program, for the period from October 14, 2024, to November 8, 2024.
16. The claimant enrolled in The Program, with classes starting October 14, 2024. Classes were conducted online from 10:00 a.m. to 4:45 p.m., Monday through Friday with a 30-minute lunch period. The program consisted of three classes, each leading to acquisition of a certificate.
17. The first class was for the CompTIA A+ certificate and was held from October 14, 2024, to October 18, 2024.
18. The second class was for the CompTIA Network + certificate and was held from October 21, 2024, to October 25, 2024.
19. There were no classes conducted in The Program from October 26, 2024, to November 3, 2024.
20. The third class was for CompTIA Security+ and was held from November 4, 2024, to November 8, 2024.
21. On November 8, 2024, the claimant was presented with a certificate stating that he had successfully completed The Program.
22. The claimant updated his resume to include the above credential.
23. On December 14, 2024, DUA issued a Notice of Disqualification stating that, under M.G.L. c. 151A, Section 30 the claimant was not entitled to TOP benefits.

24. The claimant was offered full-time temporary employment in IT starting December 16, 2024, at a wage of \$40 an hour. This employment could lead to permanent employment.

### 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 reject the review examiner's legal conclusion and conclude that the claimant is eligible for training benefits.

The review examiner's decision to deny the claimant's application for training benefits derives from G.L. c. 151A, § 30(c), which relieves claimants who are enrolled in approved training programs of the obligation to search for work and permits extensions of up to 26 weeks of additional benefits. The procedures and guidelines for implementation of training benefits are set forth in 430 CMR 9.00–9.08.

The regulations that govern training benefits establish both procedures and standards for approving training programs themselves, as well as the eligibility criteria for claimants seeking to participate in such programs. *See* 430 CMR 9.01. The procedures and standards for approving training programs are enumerated in 430 CMR 9.04.

One requirement that training programs must meet is to demonstrate that trainees will likely be able to quickly find employment in their new chosen field after completing the program. 430 CMR 9.04(2) states, in relevant part, as follows:

Training programs must meet certain measurable standards as set forth [below]:

- (a) Have achieved ... an average placement rate in full time or part time (20 hours per week or more) training related employment of 70% during the most recent 12 month period for which such data is available, ...

The claimant's application for training benefits was initially denied for two reasons. First, a DUA adjudicator concluded that the claimant's program was not "required to obtain suitable employment." Second, the adjudicator concluded that the claimant's program did not "meet[] the criteria of an approved training program." *See* Finding of Fact # 23 and Hearings Exhibit # 9.<sup>1</sup>

After conducting a hearing on the merits, the review examiner concluded that, while the claimant established that he is unlikely to obtain suitable employment based on his most recently utilized job skills, he remained ineligible for training benefits because his chosen training program had not

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<sup>1</sup> Hearings Exhibit # 9 is the adjudicator's Notice of Disqualification issued on December 14, 2024. While not explicitly incorporated into the review examiner's findings, it is part of the unchallenged evidence introduced at the hearing and placed in the record, and it is 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).

been approved by MassHire. While we agree with the portion of the review examiner's conclusion that the claimant established that his program was necessary for him to obtain appropriate employment, we disagree with the review examiner and conclude that the claimant has also established that his chosen program is an approvable training program pursuant to G.L. c. 151A, § 30(c).

As noted above, the regulations implementing training benefits require consideration of a program's qualifications, as well as a claimant's participation in *qualifying* programs. In order to ensure that programs adequately prepare claimants to rejoin the workforce, the programs themselves must demonstrate measurable standards. The review examiner's conclusion failed to consider 430 CMR 9.04(2)(f), which states:

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

The review examiner found that the claimant received \$5,000.00 in tuition funding through the State of Rhode Island to attend his program. *See* Finding of Fact # 14. At the hearing, the claimant provided documentation supporting this finding. He confirmed that he had sought *and received* tuition assistance from the Rhode Island Governor's Workforce Board and that state's Department of Labor and Training. One of these documents specifically identifies the claimant's request for tuition assistance as coming under the Workforce Innovation and Opportunity Act Title IB (WIOA).<sup>2</sup> Thus, even though the claimant's chosen program was not specifically approved by MassHire, he is eligible for training benefits because he was granted tuition assistance through WIOA.

The claimant began his program on October 14, 2024, and completed it on November 9, 2024.<sup>3</sup> We, therefore, conclude as a matter of law that the claimant's application for training benefits satisfied the requirements of G.L. c. 151A, § 30(c) and 430 CMR 9.04(2)(f).

He is also deemed to be available for suitable work and is not required to engage in work search activities during this 4-week period pursuant to 430 CMR 9.06(2).

The review examiner's decision is reversed. The claimant is entitled to receive an extension of up to 26 times his weekly benefit rate while he attended this training program, from October 14, 2024, through November 9, 2024, pursuant to G.L. c. 151A, § 30(c), if otherwise eligible.

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<sup>2</sup> Hearings Exhibit # 16 consisted of several documents uploaded by the claimant, including a Workforce Innovation and Opportunity Act (WIOA) Request for Individual Training Account by the Rhode Island Governor's Workforce Board, noting approval and dated October 1, 2024; email correspondence between the claimant and his training provider, dated October 2, 2024; and a Letter of Authorization for Individual Training Account from the Rhode Island Department of Labor and Training, dated October 11, 2024. These documents are also part of the unchallenged evidence introduced at the hearing and placed in the record.

<sup>3</sup> Although the claimant was not attending classes during the week of October 27, 2024, through November 2, 2024, the claimant qualified for benefits during that week as a "training break," permitted under 430 CMR 9.07.

We also note that where the claimant has already completed his training program, he is not entitled to further RED benefits on this unemployment claim.

**BOSTON, MASSACHUSETTS**  
**DATE OF DECISION - March 28, 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](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.

JPCA/rh