

Where the claimant made several attempts to schedule his RESEA review with the Career Center via phone and email, but could not reach anyone, Board held his inability to meet the deadline was due to a circumstance beyond his control as meant under 430 CMR 4.01(8)(b)(9). He is eligible for benefits pursuant to G.L. c. 151A, § 25(a), as he had good cause to miss the deadline.

Board of Review
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Issue ID: 334-FH47-6MPP

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 beginning March 30, 2025. We review, pursuant to our authority under G.L. c. 151A, § 41, and reverse.

The claimant filed a claim for benefits, effective January 19, 2025, and was found to be eligible. However, on April 7, 2025, the agency determined that the claimant was not entitled to unemployment benefits beginning March 30, 2025. The claimant appealed and attended the hearing. In a decision rendered on May 9, 2025, the review examiner affirmed the agency's determination. The Board accepted the claimant's application for review.

Benefits were denied after the review examiner determined that the claimant did not show good cause for his failure to complete a Reemployment Services and Eligibility Assessment (RESEA) review (RESEA review) by an April 4, 2025, deadline date. Thus, she concluded that the claimant was not eligible for benefits pursuant to G.L. c. 151A, § 25(a). 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, as well as information from the Department of Career Services Massachusetts One Stop Employment System database (MOSES).

The issue before the Board is whether the review examiner's decision, which concluded that despite the claimant's efforts to contact the Career Center, he did not meet his burden of proof to show good cause to miss the RESEA review deadline, 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 filed an unemployment insurance claim on 1/22/25.

2. On 3/3/25, DUA sent a RESEA program letter to the claimant's UI Online inbox informing him he was required to complete a Career Center Seminar on or before 3/21/25 and a RESEA Review on or before 4/4/25.
3. On page 2 of the letter, under "Step 3", is the following information, "After the Career Center Seminar, you are strongly encouraged to watch the on-demand video, "Preparing for your Initial RESEA". A MassHire Career Center staff person will reach out to schedule you for an initial RESEA meeting; you may also reach out and establish a meeting to complete your requirements."
4. The claimant received and read the above letter.
5. The claimant completed the Career Center Seminar virtually on 3/3/25.
6. The claimant made no record of receiving a call from a MassHire Career Center staff person about completing his initial and follow-up RESEA Review.
7. On 3/18/25, the claimant left a voicemail at his local MassHire Career Center about making an appointment to complete his initial and follow-up RESEA Review. He has not received a call back.
8. On 4/7/25, DUA sent a Notice of Disqualification to the claimant because he did not complete his initial and follow-up RESEA Review by the 4/4/25 deadline.
9. The claimant appealed the above Notice of Disqualification on 4/7/25.
10. The claimant has not completed his initial and follow-up RESEA Review as of 5/8/25. He must do so as soon as possible.

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 that the claimant is ineligible for benefits.

We analyze the claimant's eligibility pursuant to G.L. c. 151A, § 25(a), which provides, in relevant part, as follows:

No waiting period shall be allowed and no benefits shall be paid to an individual under this chapter for—(a) Any week in which he fails without good cause to comply with the registration and filing requirements of the commissioner. The commissioner shall furnish copies of such requirements to each employer, who shall notify his employees of the terms thereof when they become unemployed.

Also relevant is the following DUA regulation, which pertains to participation in RESEA services. 430 CMR 4.01 provides, in pertinent part:

(8) Profiling.

(a) Any individual who has been identified pursuant to a profiling system established by the Commissioner as likely to exhaust regular benefits and in need of job search assistance services to make a successful transition to new employment shall not be eligible for benefits for any week such individual fails without good cause to attend and participate in a reemployment services seminar or such follow-up review sessions as directed by the Commissioner.

(b) For the purposes of 430 CMR 4.01(8)(a), the term “good cause” shall mean:

1. attendance at a job interview;
2. claimant, household member or immediate family member illness;
3. emergency family care issue, provided, that attempts to secure family care for the scheduled activity have been made;
4. unexpected transportation problems;
5. previously scheduled health-related appointments;
6. jury duty;
7. death of a household member or immediate family member (including a spouse, child, parent, brother, sister, grandparent, stepchild, or parent of a spouse);
8. the individual’s need to address the physical, psychological and legal effects of domestic violence as defined in M.G.L. c. 151A, § 1(g^{1/2}); and
9. other circumstances which the Commissioner determines are beyond the individual’s control; and

(c) An individual who fails to attend a reemployment services seminar or review session (either for good cause or otherwise) shall attend a rescheduled seminar or review session as directed by the Commissioner.

(d) A claimant who has been determined to have good cause for failing to attend a reemployment services seminar or review session shall be eligible for benefits, provided, that the claimant is otherwise eligible for benefits under the other provisions of M.G.L. c. 151A.

During the hearing, the claimant explained his efforts to comply with the April 4, 2025, RESEA review deadline. On March 18, 2025, he called the MassHire Career Center and left a voicemail message to make an appointment for the review. Finding of Fact # 7. When he did not get a call back, he followed this up the same day with an email to them. *See* Finding of Fact # 7. He further testified that, on April 1, 2025, he re-sent his original email because he knew that the deadline was

looming but did not hear back. *See* Exhibit 2.¹ Without explanation, the review examiner concluded that the information he provided did not satisfy the claimant's burden to show good cause to miss the deadline. We disagree.

Specifically, the record shows that the claimant tried several times via phone and email to schedule his RESEA review by contacting the Career Center between March 18 and April 1, 2025, without success. Inasmuch as he could not attend a RESEA review without getting someone at the Career Center to schedule it, we are satisfied that his failure to meet the deadline was due to a circumstance beyond his control. He has shown good cause pursuant to 430 CMR 4.01(8)(a) and (b)(9).²

We, therefore, conclude as a matter of law that the claimant had good cause pursuant to 430 CMR 4.01(8), for his failure to comply with the registration and filing requirements of G.L. c. 151A, § 25(a). Pursuant to 430 CMR 4.01(8)(d), he is entitled to benefits.

The review examiner's decision is reversed. The claimant is entitled to receive benefits for the week ending April 5, 2025, and for subsequent weeks if otherwise eligible.

BOSTON, MASSACHUSETTS
DATE OF DECISION - June 30, 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

¹ Exhibit 2 is the claimant's hearing request. While not explicitly incorporated into the review examiner's findings, the claimant's statements in this exhibit and his testimony reiterating the same statements 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).

² We note that the MOSES database shows that he was finally able to attain his RESEA Review on May 22, 2025.

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