

Obtaining a part-time job does not constitute good cause to miss a RESEA review deadline within the meaning of 430 CMR 4.01(8). Held the claimant was ineligible for benefits pursuant to G.L. c. 151A, § 25(a), until she finally attained her RESEA review.

**Board of Review
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Issue ID: 334-FHHT-KLD8

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 unemployment benefits. We review, pursuant to our authority under G.L. c. 151A, § 41, and we affirm in part and reverse in part.

The claimant filed a claim for unemployment benefits with the DUA, effective December 8, 2024, which was approved. However, in a determination issued on March 10, 2025, the DUA disqualified the claimant from receiving benefits beginning March 2, 2025, because she did not complete her RESEA review as required under G.L. c. 151A, § 25(a). The claimant appealed the determination to the DUA hearings department. Following a hearing on the merits attended by the claimant, the review examiner modified the agency's initial determination in a decision rendered on May 9, 2025, denying benefits beginning May 11, 2025. We accepted the claimant's application for review.

Benefits were denied after the review examiner determined that the claimant had good cause for her failure to complete the RESEA review by the deadline but did not have good cause for her continued failure to complete the review as of the date of the hearing. Thus, she was disqualified thereafter 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 contained in the Department of Career Services Massachusetts One Stop Employment System (MOSES).

The issue before the Board is whether the review examiner's decision, which concluded that obtaining a part-time job was good cause to miss a 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 claim with the Department of Unemployment Assistance (DUA), which was determined to be effective December 8, 2024.

2. The claimant elected to receive electronic correspondence from the DUA.
3. In early January, 2025, the claimant was offered and accepted an offer of part-time employment as a server with a restaurant.
4. On January 6, 2025, the claimant began her new part-time employment as a server with a restaurant.
5. On February 3, 2025, the DUA issued the claimant a notice to attend a Reemployment Services and Eligibility Assessment (RESEA) letter [sic] by electronic correspondence placing the letter in the claimant's DUA inbox, indicating the RESEA Review needed to be completed by March 7, 2025, to continue to receive unemployment benefits.
6. On approximately February 9, 2025, the claimant read the RESEA letter.
7. After reading the RESEA letter, the claimant called the Masshire Career Center to report she returned to employment.
8. The claimant discontinued filing for unemployment benefits the week beginning February 16, 2025, as she was scared upon receiving a notice of overpayment from the DUA.
9. The claimant did not complete the RESEA Review by the deadline of March 7, 2025, because she began new part-time employment.
10. On March 10, 2025, the DUA issued the claimant a Notice of Disqualification from the week beginning March 2, 2025, and indefinitely thereafter, for failing to attend and complete the RESEA Review as required.
11. As of the date of the hearing (May 7, 2025), the claimant has not completed the RESEA Review.

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 presented good cause to miss her RESEA review deadline.

We analyze the claimant's eligibility under 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(g½); 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.

(Emphasis added.)

In this case, the agency notified the claimant on February 3, 2025, that she had to complete her RESEA review by March 7, 2025. *See* Finding of Fact # 5. She did not meet the deadline because she had obtained a part-time job. *See* Finding of Fact # 9.

In Board of Review Decision 0030 9537 40 (Sept. 23, 2019), we observed that the purpose of the RESEA program is to provide additional job search assistance services to unemployed individuals whom the agency identifies as likely to need assistance to find a new employment. 430 CMR 4.01(8)(a). We stated that, since attendance at a job interview is listed as one of the circumstances which constitutes good cause, it stands to reason that securing a full-time job also constitutes good cause. This is because the claimant no longer needs job search assistance from the RESEA program. However, in this case, the claimant had merely obtained a part-time job.

Other provisions of the Massachusetts Unemployment Statute show that unemployment benefits are intended to assist claimants seek and return to *full-time* work. *See, e.g.*, G.L. c. 151A, §§ 29 and 1(r), which provide for the payment of benefits only to those who are unable to secure a full-time weekly schedule of work. Until claimants obtain full-time work, they must continue to actively meet their job search obligations. Among those obligations is participation in the RESEA program. In short, the claimant's part-time job did not excuse her from completing her RESEA review by the deadline. Inasmuch as the claimant's deadline was March 7, 2025, she was not eligible for benefits, beginning that week.

We, therefore, conclude as a matter of law that the claimant's part-time job did not constitute good cause under 430 CMR 4.01(8), for her failure to comply with the registration and filing requirements of G.L. c. 151A, § 25(a).

However, because agency records in the MOSES system show that the claimant finally completed her RESEA review on May 30, 2025, we have placed an end date of May 24, 2025, on the disqualification.

The review examiner's decision is affirmed in part and reversed in part. The claimant is denied benefits for the period March 2, 2025, until May 24, 2025. The claimant is entitled to receive benefits beginning May 25, 2025, and for subsequent weeks if otherwise eligible.

BOSTON, MASSACHUSETTS
DATE OF DECISION - June 30, 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.

AB/rh