

Although the review examiner appropriately concluded that the claimant's depression constituted good cause to miss her RESEA Review deadline, he erroneously upheld her denial of benefits. Pursuant to G.L. c. 151A, § 25(a), and 430 CMR 4.01(8)(d), she is eligible for benefits.

**Board of Review
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Member
Michael J. Albano
Member**

Issue ID: 334-FHJ4-4H5D

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 reverse.

The claimant filed a claim for unemployment benefits with the DUA, effective December 22, 2024, which was approved. However, in a determination issued on February 18, 2025, the DUA disqualified the claimant from receiving benefits beginning the week ending February 15, 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, the review examiner affirmed the agency's initial determination and denied benefits in a decision rendered on March 14, 2025. We accepted the claimant's application for review.

Benefits were denied after the review examiner determined that although the claimant had good cause for her failure to complete the RESEA review by the deadline, she was disqualified under G.L. c. 151A, § 25(a), until attaining the review. 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 disqualified the claimant even though she established good cause to miss the RESEA 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. On 1/13/2025, the claimant received an online notification informing her of the need to attend a Career Center Seminar by 1/31/2025 and an RESEA Review by a deadline of 2/14/2025.
2. The claimant had chosen to receive her communication electronically from the DUA.

3. The claimant completed a Career Center Seminar virtually on 1/17/2025.
4. The claimant stopped paying attention to deadlines due to depression and forgot about the need to attend the RESEA Review.
5. The claimant did not attend the RESEA Review by the deadline of 2/14/2025.
6. The claimant has an appointment scheduled for 4/4/2025 to complete 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. After such review, the Board adopts the review examiner's findings of fact except to note that Finding of Fact # 6 was accurate only as of the date of the hearing, March 13, 2025. In adopting the remaining findings, we deem 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 benefits.

The review examiner disqualified the claimant for failing to meet the requirements set forth 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.

Specifically, the review examiner concluded that the claimant was disqualified for failing to meet the DUA's requirement that she complete her RESEA review by February 14, 2025. The applicable regulations are found under 430 CMR 4.01, which provide, 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.

Further, 430 CMR 4.04(7)(c) instructs that the DUA shall apply the “reasonable person” test in determining whether just cause exists for failure to participate.

In this case, the review examiner concluded that the claimant had good cause to miss the RESEA Review deadline due to her depression. *See* Finding of Fact # 4. We agree that such a condition satisfies the definition of good cause pursuant to 430 CMR 4.01(8)(b)(9). Nonetheless, the review examiner upheld the disqualification, because the claimant had not yet attained her Review. This was an error.

The DUA regulation at 430 CMR 4.04(7)(b), provides that an individual shall be eligible for benefits in any week if the individual has completed the reemployment services or if there was justifiable cause¹ for her failure to participate. Because nothing in the record indicates that the claimant's condition had lifted as of the date of the hearing, she remained eligible for benefits.

We, therefore, conclude as a matter of law that the claimant had good cause not to complete the RESEA review by the February 14, 2025, deadline and she may not be disqualified under G.L. c. 151A, § 25(a).

We note that the Department of Career Services Massachusetts One Stop Employment System (MOSES) shows that the claimant did attain her RESEA Review on March 31, 2025, and the DUA had already restored her eligibility starting March 30, 2025.

¹ “Justifiable cause” is further defined as any reason which constitutes “good cause” under 430 CMR 4.01([8])(b). 430 CMR 4.04(7)(c).

The review examiner's decision is reversed. The claimant entitled to receive benefits for the week ending February 15, 2025, and for subsequent weeks if otherwise eligible.

BOSTON, MASSACHUSETTS
DATE OF DECISION - June 10, 2025



Paul T. Fitzgerald, Esq.
Chairman



Charlene A. Stawicki, Esq.
Member

Member Michael J. Albano 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