

**Board of Review**  
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**Charlene A. Stawicki, Esq.**  
**Member**  
**Michael J. Albano**  
**Member**

**Issue ID: 334-FHJ5-N54P**

### Introduction and Procedural History of this Appeal

The employer appeals a decision by a review examiner of the Department of Unemployment Assistance (DUA) to award the claimant benefits following his separation from employment on December 27, 2024. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On January 5, 2025, the agency initially determined that the claimant was not entitled to unemployment benefits. The claimant appealed, and only the claimant attended the hearing. In a decision rendered on September 19, 2025, the review examiner reversed the agency determination, concluding that the claimant left his job with this employer in good faith to take a permanent full-time job with a new employer and became separated from such new employment for good cause attributable to that employing unit. Thus, he was not disqualified under G.L. c. 151A, § 25(e)(1). The Board accepted the employer's application for review.

### Ruling of the Board

After considering the recorded testimony and evidence from the hearing, the review examiner's decision, and employer's appeal, we conclude that the review examiner's decision is based on substantial evidence and is free from any error of law affecting substantive rights. We also agree with his ultimate conclusion that the claimant's separation from this employer is non-disqualifying and that, pursuant to 430 CMR 5.05(4), benefits paid as a result of this separation will not be charged to the employer's account but will be charged to the solvency account.

The review examiner's decision is affirmed. The claimant is entitled to receive benefits for the week ending December 28, 2024, and for subsequent weeks, if otherwise eligible.

**N.B.:** Although the review examiner noted in his decision that benefit charges shall not be charged to the employer's account but shall be charged to the solvency account, it appears this portion of his decision was not implemented. For this reason, we are asking the agency to address how the charges are to be implemented under the provisions of 430 CMR 5.05(4). If the employer has further questions regarding the charges on the claim, it can contact the agency's Employer Charge Unit.

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



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Member



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**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.

DY/rh