

Claimant was not entitled to training benefits pursuant to G.L. c. 151A, § 30(c) and 430 CMR 9.06(1), because he had not begun his training program by the date in his TOP application or the date of his remand hearing.

**Board of Review
100 Cambridge Street, Suite 400
Boston, MA 02114
Phone: 617-626-6400
Fax: 617-727-5874**

**Paul T. Fitzgerald, Esq.
Chairman
Charlene A. Stawicki, Esq.
Member
Michael J. Albano
Member**

Issue ID: 334-FHJ9-6N2R

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 an extension of the claimant's unemployment benefits while he was participating in a training program. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

The claimant separated from employment and was approved for benefits on a 2024-01 claim, with an effective date of June 23, 2024. Subsequently, he filed an application for an extension of benefits to attend a training program (training benefits), which the agency denied in a determination dated November 19, 2024. The claimant appealed the 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 December 17, 2024. We accepted the claimant's application for review.

Training benefits were denied after the review examiner concluded that the claimant's program was not necessary for the claimant to obtain suitable employment in view of his education and experience, and, thus, the claimant did not meet the requirements for training benefits pursuant to G.L. c. 151A, § 30(c), and 430 CMR 9.00 *et seq.* After considering the recorded testimony and evidence from the hearing, the review examiner's decision, and the claimant's appeal, we remanded the case to the review examiner to take additional evidence. The claimant attended the remand hearing. Thereafter, the review examiner issued her consolidated findings of fact. Our decision is based upon our review of the entire record.

The issue before the Board is whether the review examiner's decision, which concluded that the claimant did not need further training to obtain suitable employment because of his level of education, is supported by substantial and credible evidence and is free from error of law.

Findings of Fact

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

1. In 2001, the claimant obtained an Associate's Degree from North Shore Community College majoring in Computer Application.

2. In 2005, the claimant obtained a Bachelor's Degree majoring in Management Information Systems and Operations Management from the University of Massachusetts.
3. In 2012, the claimant obtained a Master's Degree from North Eastern University [sic] in Information Assurance/Information Security.
4. From April 1, 2022, until June 24, 2024, the claimant worked full-time as an Information Security Compliance Officer for an unclaimed property employer. The claimant was paid an annual salary of \$140,000. The claimant has been permanently separated from his job at this employer.
5. The claimant filed an initial unemployment claim effective the week beginning June 23, 2024.
6. The claimant subsequently decided to enroll in Unique System Skills LLC's AWS Solution and DevOps program.
7. The claimant was initially planning on starting the AWS Solution and DevOps program on November 4, 2024, and completing the program on March 21, 2025. The claimant submitted a Training Opportunities (TOP) Application in connection with this initial anticipated timeline (hereinafter 1st TOP Application). The claimant's start date of the program was delayed in connection with receiving financial assistance to attend the program.).
8. In an e-mail dated October 31, 2024, [sic] Training Coordinator from Unique System Skills LLC wrote the following in part: "This is to inform you that [claimant] will not start his training with us on November 4, 2024 because his WIOA funding needs some time to process and TOP application has not been approved yet. He will be postponing the training to a later date and will be resubmitting the TOP Application with the updated information."
9. The claimant is not receiving WIOA funding. The claimant is applying for other financial assistance to attend the program.
10. The claimant did not start the training program on November 4, 2024, as initially planned.
11. On November 5, 2024, the claimant submitted another TOP Application to the DUA (hereinafter referred to as 2nd TOP Application). The claimant and Unique System Skills LLC completed their respective portions of the 2nd TOP Application.
12. On the 2nd TOP Application, the claimant wrote the following information regarding his decision to enroll in Unique System Skills LLC's AWS Solution and DevOps program: "I believe I need the AWS Solutions Architect and DevOps training to enhance my technical skill set and align myself with current

industry demands. The cloud computing and DevOps landscapes have seen rapid growth, with many organizations transitioning their operations to cloud environments to improve scalability, security, and efficiency. While I have experience in IT, I lack specific expertise in cloud solutions and DevOps methodologies which are critical in today's job market. Acquiring AWS Solutions Architect and DevOps skills will help me bridge this gap by gaining hands-on experience with cloud infrastructure, automation, and continuous integration/continuous delivery (CI/CD) pipelines. These are essential to streamline operations, reduce costs, and improve the quality of software development. Additionally, these skills are highly sought after, and obtaining this training will increase my chances of securing a role in an industry that increasingly demands cloud experience."

13. On the 2nd TOP Application, Unique System Skills LLC listed the following information: Name of Training Program: AWS Solution DevOps

Training PRO/MOSES Course ID#:	1119438
Classes/Training starts on:	12/16/2024
Classes/Training end on:	05/02/2025
Number of hours per week:	20
Number of days per week:	5
Has the school secured funding from the student, financial aid, MassHire, or WIOA funding:	No

14. The AWS Solution and DevOps Program through Unique Systems Skills LLC is an approved program under the Massachusetts One-Stop Employment System (MOSES).

15. On November 19, 2024, the DUA mailed the claimant a Notice of Disqualification denying the claimant benefits under Section 30 of the Law for Unique System Skills LLC's AWS Solution and DevOps of the Law program from December 16, 2024, through May 2, 2025. On the Notice of Disqualification, the DUA wrote: "It has not been established that the training program listed in your Training Opportunities Program application is required to obtain suitable employment." In response to the Notice of Disqualification, the claimant appealed.

16. In an e-mail dated December 12, 2024, addressed to the claimant, a Career Coaching Advisor from Mass Hire Wrote:

"I am part of a work team to serve a community and as such we meet (Program Manager and Lead Career Center Coach Advisors) to share the available

alternatives to put on the table to the workforce Board deciding and approving funds for the customer's educational project once it is aligned with the rules established in the Career Center. Per our conversation, MassHire is unable to approve a package of a customer that cannot demonstrate their ability to support themselves financially while attending training. Keep us updated on the development of your appeal to receive the benefits of the TOP Program. We look forward to working with you to enhance your marketability.”

17. The claimant subsequently did not start the Unique System Skills LLC’s AWS Solution and DevOps program on December 16, 2024, as secondly planned. The claimant did not start the program due to waiting for funding approval.
18. On December 16, 2024, the claimant submitted a 3rd TOP Application to the DUA regarding the Unique System Skills LLC’s AWS Solution and DevOps program. This application is dated December 11, 2024. On the 3rd TOP Application, the Unique System Skills LLC’s listed an updated anticipated start date of January 20, 2025, and an updated anticipated end date of June 6, 2025.
19. The claimant planed [sic] on participating in the Unique System Skills LLC’s AWS Solution and DevOps program beginning January 20, 2025, even if he is not granted funding to attend the program. The claimant is anticipating on paying out of pocket if necessary for the training program. The cost to participate in the program is approximately \$7,000.
20. The claimant still had not started the program (as of the date of the initial hearing session held on December 16, 2024).
21. The claimant has enrolled in the program regarding the present appeal seeking Section 30 benefits to participate in the Unique System Skills LLC’s AWS Solution and DevOps training program, which runs from January 20 – June 6, 2025.
22. The claimant has not started the program yet (as of the date of the Remand Hering held on February 27, 2025).
23. The claimant still has not started the program due to financial constraints including not being approved for funding to attend the program by MassHire, and being informed by MassHire that the claimant’s TOP Application would have to be approved in order for Mass Hire to Pay for the Program on behalf of the claimant as MassHire needs to ensure that the claimant can financially support himself while in the program. The claimant financially can’t afford to pay for the program himself currently.
24. The claimant is anticipating on starting the program on March 17, 2025 (as of the date of the Remand Hearing held on February 27, 2025).

25. On February 20, 2025, the claimant submitted a 4th TOP Application to the DUA by U.S. Mail. This TOP Application was completed by Unique Systems Skills LLC on February 14, 2025, and has an updated start date of March 17, 2025, and an updated completion date of August 1, 2025.
26. The claimant's work search efforts since filing his unemployment claim effective June 23, 2024, include looking for the following type of work: technical roles in information security, Information Technology, Development Operations, and Cloud Computing. The claimant has been looking for jobs with the following titles: Cloud Security Engineer, AWS Solution Architect, Development Operations Engineer, Information Security Officer, Cloud and Infrastructure Engineer.
27. The claimant has applied for approximately 120 jobs.
28. In the past, the claimant worked as a Compliance Officer. The claimant has looked for 5-6 jobs as a Compliance Officer. The claimant is focusing on technical jobs instead [sic] compliance jobs for his work search.
29. The claimant has not received any job offers.
30. While searching for work, the claimant has received feedback from employers. The feedback that the claimant has received from employers included comments from two headhunters that the claimant has been communicating with that the claimant's resume was strong but that if the claimant had cloud computing experience that it would make the claimant a more competitive candidate. During a phone interview that the claimant had last year, an employer commented that the employer was impressed with the claimant's skills, but the employer wanted hands on experience in cloud computing.
31. The claimant is a non-native English speaker. The claimant's primary language is Lingala. The claimant learned English as an adult.
32. The claimant being a non-native English speaker has limited the type of work that the claimant is suitable for.
33. The claimant being a non-native English speaker has had an impact on job roles for the claimant that are policy driven, compliance driven, and regulation driven as these roles require strong English communication skills. In the past, the claimant worked as a Compliance Officer which required the claimant to write extensive policies and regulations. Working as a Compliance Officer was challenging and time consuming for the claimant as a non-native English speaker. The claimant has strong technical problem-solving skills which do not require extensive English writing skills.

34. The claimant's prior work occupation was as a Compliance Officer. This role was focused on policy enforcement and regulatory compliance and only required some limited cloud understanding to make policies.
35. The claimant currently does not have the education, skills, or experience to meet the technological changes in cloud computer technology.
36. The claimant decided to enroll in Unique System Skills LLC's AWS Solution and DevOps training program because of the program they are offering to maximize his chances of gaining experience in cloud computing technology and AWS is a large cloud computing provider.
37. This training program does provide cloud computer technology skills.
38. The claimant can obtain the following jobs after the training program: Cloud Security Engineer, AWS Solutions Architect, Development Operations Engineer, Cloud Engineer, Information Security Manager, Cyber Security Manager, and Information Security Officer.
39. This training is required for the claimant to become re-employed in his usual occupation.
40. The market data that the claimant has researched on the internet and listed in his Argument for Appeal to the Board of Review that illustrates that the skills in this training program are important for becoming re-employed include the following information: "Buring Glass Institute: Their 2023 report found that cloud computing is one of the fastest-growing and most in-demand skills set across various industries, not just tech." "Robert Half: Their research shows that cloud projects are a top priority for tech leaders, and over 50% of them cite a lack of cloud skills as a major hiring challenge" and "LinkedIn: Cloud computing consistently ranks among the top skills sought by employers on LinkedIn."
41. In a correspondence dated February 27, 2025, drafted by the claimant, regarding market data and attaching market articles, the claimant also writes: "These articles collectively demonstrate the increasing demand for professionals with expertise in these areas." In this correspondence, the claimant lists information from Brokee, titled "Essential DevOps Statistics and Trends for Hiring in 2025," Amazon Web Services, titled "AWS Certified DevOps Engineer job outlook (2024): Your complete preparation guide," Revolent, titled "5 reasons why AWS DevOps Engineers earn so much," and Imarc Group, titled "Global DevOps Market Size to Reach USD 81.1 Billion by 2033, Projected to Grow at 19.95% CAGR from 2025 to 2033."

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 consolidated 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 consolidated findings of fact and deems them to be supported by substantial and credible evidence. As discussed more fully below, we affirm the review examiner's decision that the claimant was not entitled to training benefits but for different reasons.

The review examiner initially concluded that the claimant was not entitled to training benefits because he has multiple degrees and therefore, he did not need training to become re-employed. We remanded the case to the same review examiner to take additional evidence about the claimant's current skills and whether he began the training program.

The DUA regulation at 430 CMR 9.03, provides in relevant part as follows:

(10) A claimant who applies ... for training [shall be eligible for training benefits] if

(d) the claimant begins training in the first available appropriate program, which is affordable for the claimant or for which funding is available, for which he or she has been approved which is located within a reasonable distance from the claimant's residence.

Additionally, the regulation at 430 CMR 9.06, provides in relevant part:

(1) Benefits provided under [Section 30(c)] are payable only while the claimant is in attendance at the training course....

In this case, the claimant never enrolled in the training program. *See Consolidated Findings ## 10, and 17–25.* Because of this, he may not be awarded training benefits. 430 CMR 9.06(1).

After permanently separating from his previous employer, the claimant submitted his first training benefits application for the AWS Solutions and DevOps program. *See Consolidated Findings ## 4 and 7.* The claimant continued to submit additional training benefits applications to the DUA (four applications in total) between November, 2024, and February, 2025, for the same program. *See Consolidated Findings ## 7, 11–13, 18, and 25.* However, the findings indicate that he never started the program because he did not receive funding and because he could not afford the program. *See Consolidated Findings # 19–25.* At the remand hearing, the review examiner asked about the claimant's specific financial issues, but the claimant did not elaborate.¹ The inability to pay tuition is not a basis to award training benefits, as the regulations expect claimants to choose programs which they can afford. *See 430 CMR 9.03(1)(d).*

We, therefore, conclude as a matter of law that the claimant was not eligible for training benefits pursuant to G.L. c. 151A, § 30(c), and 430 CMR 9.06(1).

¹ We have supplemented the findings of fact, as necessary, with the unchallenged evidence before the review examiner. *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).

The review examiner's decision is affirmed. The claimant is not entitled to receive an extension of up to 26 times his weekly benefit rate under G.L. 151A, § 30(c).

BOSTON, MASSACHUSETTS
DATE OF DECISION - May 19, 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

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.

MR/rh