

**Board of Review
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**Paul T. Fitzgerald, Esq.
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Member
Michael J. Albano
Member**

Issue ID: 334-FHJD-824D

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 following the beginning of her new full-time employment on January 21, 2025. We review, pursuant to our authority under G.L. c. 151A, § 41, and we affirm in part and reverse in part.

On April 25, 2025, the agency initially determined that the claimant was not entitled to unemployment benefits beginning January 19, 2025, and for an indefinite period of time thereafter. The claimant appealed, and both parties attended the hearing. In a decision rendered on June 19, 2025, the review examiner modified the agency determination, concluding that because the claimant became employed by the employer on a full-time basis *and* worked full-time hours beginning with the week ending February 1, 2025, and thereafter, she was not in unemployment and was not entitled to benefits under G.L. c. 151A, §§ 29(a) and 1(r), as of January 26, 2025.

However, the review examiner also concluded that, during the claimant's first week of employment, she was entitled to partial unemployment benefits because the employer did not hire her until Tuesday, January 21, 2025, and, thus, she was not offered full-time hours during her first week of employment. For the week ending January 25, 2025, the review examiner concluded that the claimant was in partial unemployment and was entitled to benefits pursuant to G.L. c. 151A, §§ 29(b) and 1(r). The Board accepted the claimant's application for review.

Ruling of the Board

After considering the recorded testimony and evidence from the hearing, the review examiner's decision, and the claimant'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. However, in our review of this case, we noticed that the review examiner's conclusion was not properly implemented in the DUA's record-keeping database, so the claimant's eligibility for partial unemployment benefits for the week ending January 25, 2025, had not been properly acknowledged in-system.

The review examiner's decision is affirmed. The claimant is denied benefits for the week ending February 1, 2025, and for subsequent weeks thereafter. The claimant was in partial unemployment during the week ending January 25, 2025, and is entitled to partial unemployment benefits for that week. With this decision, the Board will ensure that her entitlement to partial benefits is entered properly in the DUA's database system.

BOSTON, MASSACHUSETTS
DATE OF DECISION - July 25, 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.

JPCA/rh