

During the week of her RESEA review deadline, the claimant had just lost her mother, and she was still recovering from an abusive relationship. Pursuant to 430 CMR 4.01(8), she established good cause for failing to attain her review and is eligible for benefits during that week. Starting the following week, she decided to focus on looking for work rather than attend a rescheduled review. This effort is expected of all claimants under a separate statutory provision. It does not, however, excuse a claimant from participating in the mandatory RESEA program. Thus, the claimant was denied benefits thereafter pursuant to G.L. c. 151A, § 25(a).

**Board of Review
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Issue ID: 334-FHJF-9N65

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 benefits, effective December 15, 2024, and was found to be eligible. However, on February 18, 2025, the agency determined that the claimant was not entitled to unemployment benefits beginning February 9, 2025. The claimant appealed and attended the hearing. In a decision rendered on August 2, 2025, the review examiner affirmed the agency's determination. The Board accepted the claimant's application for review.

Benefits were denied after the review examiner determined that the claimant did not show good cause for her failure to complete a Reemployment Services and Eligibility Assessment (RESEA) review by a February 14, 2025, deadline date. Thus, she concluded that the claimant was not eligible for benefits 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 from the Department of Career Services' Massachusetts One Stop Employment System database (MOSES).

The issue before the Board is whether the review examiner's decision, which concluded that the claimant did not have good cause to miss the RESEA review deadline even though her mother had just died and the claimant was recovering from an abusive relationship, 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 effective for the week beginning 12/15/2024. At the time she filed her claim, the claimant chose to receive her correspondence electronically.
2. On 1/13/2025, the DUA sent notification (Notification) to the claimant of the requirement that she attend a Reemployment Services Eligibility Assessment (RESEA) Review meeting and complete all the program requirements with a MassHire Center by 2/14/2025, in order to prevent the loss of her unemployment benefits.
3. The claimant read the Notification and saw the deadline for the prerequired Career Center Seminar (CCS). She did not notice the RESEA Review deadline.
4. Between 1/18/2025 and 2/14/2025, the claimant did not complete her RESEA requirements because she was trying to get back on track, having just gotten out of an 8-month abusive relationship.
5. On 2/3/2025, the claimant watched the video for the CCS.
6. Sometime during the first week of 2/2025, the claimant lost her mother and was busy making arrangements for her remains.
7. Sometime during the second week of 2/2025, the claimant interviewed for a bartending job.
8. On 2/12/2025, the claimant contacted a MassHire center to schedule the RESEA Review meeting. She scheduled the appointment for the Review on 2/19/2025.

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 failed to present good cause for missing the week of her RESEA review deadline.

We analyze the claimant's eligibility pursuant to 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(g^{1/2}); 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.

In this case, the claimant was required to attend a RESEA review by a February 14, 2025, deadline. *See* Finding of Fact # 2. However, the findings show that, just prior to that week, the claimant’s mother had died. *See* Finding of Fact # 6. During this time, the claimant was also recovering from an abusive relationship. *See* Finding of Fact # 4. In our view, these reasons for missing the deadline constitute good cause under 430 CMR 4.01(8)(b)(7) and (8). As such, she may not be denied benefits for missing her deadline during the week ending February 15, 2025.

Although it appears that the claimant intended to complete her RESEA review the following week, on February 19, 2025, the findings show that she decided instead to focus on finding a job. *See* Findings of Fact ## 8 and 10. While searching for work is a requirement for unemployment benefit eligibility under a different provision of the statute, it is not among the allowable reasons to miss her RESEA review under 430 CMR 4.01(8). *See* G.L. c. 151A, § 24(b). Therefore, it does not excuse the claimant from her separate obligation to participate in the RESEA program, and she was properly denied benefits as of the week ending February 22, 2025.

Because the MOSES database shows that the claimant has still not completed her RESEA review, she remains ineligible for benefits.

We, therefore, conclude as a matter of law that the claimant had good cause pursuant to 430 CMR 4.01(8), for her failure to comply with the registration and filing requirements of G.L. c. 151A, § 25(a), during the week ending February 15, 2025. Pursuant to 430 CMR 4.01(8)(d), she is entitled to benefits for that week.

The review examiner's decision is affirmed in part and reversed in part. The claimant is entitled to receive benefits for the week ending February 15, 2025, if otherwise eligible. She is denied benefits beginning the week ending February 22, 2025, and for subsequent weeks until such time as she meets the requirements of G.L. c. 151A.

BOSTON, MASSACHUSETTS
DATE OF DECISION - August 29, 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.

AB/rh