

Although the claimant established that the eight graduate credits she enrolled in per semester were the equivalent to the 12-credit minimum required by 430 CMR 9.04(2)(b)(1), she was nevertheless ineligible for training benefits because she failed to timely apply before the end of her 20th compensable week, as required by 430 CMR 9.03(10)(b).

**Board of Review
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Issue ID: 334-FHJN-4RDP

Introduction and Procedural History of this Appeal

The claimant appeals a decision by a review examiner of the Department of Unemployment Assistance (DUA) denying an extension of the claimant's unemployment benefits while she participated in a training program. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

The claimant became separated from employment and filed a claim for unemployment benefits with the DUA, effective June 16, 2024, which was ultimately approved by the DUA. On February 4, 2025, the claimant submitted an application to the DUA for an extension of benefits to attend a training program, which the agency denied in a determination issued on March 25, 2025. The claimant appealed that 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 April 17, 2025. We accepted the claimant's application for review.

Training benefits were denied after the review examiner concluded that the claimant was not taking enough credits to be considered attending her program on a full-time basis, 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 pertaining to the claimant's eligibility for training benefits. 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 was ineligible for training benefits because she was not taking a sufficient number of credits to be considered attending her program on a full-time basis, 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 and credibility assessment are set forth below in their entirety:

1. The claimant filed a claim for unemployment benefits with an effective date of June 16, 2024, with a benefit year end of June 28, 2025.
2. The claimant received her first unemployment benefit payment during the week ending July [20], 2024.
3. The claimant was not invited to participate in the RESEA program.
4. The claimant was not sent information on the Section 30 or TOP program by the Department of Unemployment Assistance (DUA). The claimant heard about the TOP program from a friend and obtained the application from the DUA portal.
5. The claimant earned a bachelor's degree in business administration from UMass Amherst in 2016. The claimant's degree prepared her for work in project management, information, and as a data or business analyst.
6. From March to June 2018, the claimant worked as a full time accountant, performing general accounting duties.
7. From March to November 2019, the claimant worked as a full time cash application specialist for a temporary employment agency performing accounting duties and analyzing data regarding accounts, and identifying errors.
8. From November 2019 to March 2020, the claimant worked as a full time international advancement associate for a private university. The claimant supported advancement staff, solved technical issues in the customer relations management system, conducted research and made presentations, and analysis of gifts and gift impacts.
9. From August 2021, until she was laid off in June 2024, the claimant was a full time SAP S/4HANA Finance Consultant for an accounting and professional services business. The claimant's job duties primarily involved project management. The claimant was responsible for implementing new systems for clients, analyzing data relative to employees' time worked per clients, and working on fine-tuning an existing employer system. The claimant's position was entry level, in that she did not have training or certifications in project management, and the employer did not offer same.
10. Prior to applying for Section 30 benefits, the claimant was seeking work related to her past work experience and education. The claimant sought work in analytics and project management, as well as a finance consultant.
11. The claimant determined that the skills she obtained through her undergraduate degree were now outdated due to current technology.

12. The claimant began the application process to enroll in [College] on December 10, 2024. The claimant applied to [College]’s graduate program for a Master’s degree in business analytics on January 6, 2025. The claimant was accepted into the program on January 13, 2025.
13. The claimant is in need of the Master’s degree to update her skills to the most recent technology, to enable her to work at a higher level in project management, and provide skills in analytics. The claimant was unable to move beyond a first interview for project management positions, and received no interviews for finance consultant positions.
14. The claimant submitted her TOP application to the DUA on February 4, 2025, by uploading it to the DUA portal.
15. The [sic] did not submit her TOP application until February 4, 2025, because she was waiting for the school to complete the documentation.
16. [College] has graduate catalog containing Academic Requirements and Policies. Under the Section headed, “Academic Standards,” “Full-time Academic Status,” the policy provides: A graduate student is considered a full-time student when enrolled in eight or more credits at [College] in a single semester.
17. The claimant earned 8 credits in the spring semester of the 2024-2025 academic year. From January 15, 2025, to March 7, 2025, the claimant attended Frameworks for Business Analytics and earned 4.0 credits. From March 17, 2025, to May 9, 2025, the claimant attended R and Python Programming and earned 4.0 credits.
18. In the summer semester of the 2024-2025 academic year, the claimant attended Strategic Decision Making Using BUA, from May 12, 2025, to July 3, 2025, and earned 4.0 credits. Since July 7, 2025, the claimant has attended Leveraging Competitive Advantage with Business Intelligence. The course ends on August 28, 2025, and the claimant expects to earn 4.0 credits for a total of 8.0 credits for the summer semester.
19. The claimant is enrolled in the fall semester of the 2025-2026 academic year. The claimant is scheduled to attend Data Governance, Compliance and Ethics from September 2, 2025, through October 24, 2025. The claimant expects to earn 4.0 credits. The claimant is scheduled to attend Data Visualization and Storytelling from October 27, 2025, through October 19, 2025. The claimant expects to earn 4.0 credits for a total of 8.0 credits for the fall semester.
20. The claimant is not yet enrolled in the spring semester for the 2025-2026 academic year as it is not yet available. During the spring semester, the claimant expects to attend two classes of 4.0 credits each for a total of 8.0 credits. The claimant expects to attend Introduction to Data Science and Statistics from

January 14, 2026, through March 6, 2026, and Predictive Modeling from March 16, 2026, through May 8, 2026.

21. The claimant anticipates completing the program and earning her degree on May 8, 2026.

Credibility Assessment:

The claimant's testimony was detailed and credible and consistent with her testimony from the original hearing.

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. After remand, we agree with the review examiner's conclusion that the claimant is not entitled to training benefits, although our conclusion is based on a different provision of the regulations governing eligibility for training benefits.

The review examiner's decision to deny the claimant's application for training benefits derives from G.L. c. 151A, § 30(c), which relieves claimants who are enrolled in approved training programs of the obligation to search for work and permits extensions of up to 26 weeks of additional benefits. Under G.L. c. 151A, § 30(c), it is the claimant's burden to prove that she fulfills all of the requirements to receive a training extension. The procedures and guidelines for these training benefits are set forth in 430 CMR 9.00–9.08.

One of the requirements for approval is that the student be enrolled full-time. Specifically, 430 CMR 9.04 provides, in relevant part, as follows:

(2) Training providers, and in particular, the training they offer must meet the following measurable standards: . . .

(b) Be a full-time course, providing a minimum of at least 20 hours of supervised classroom training per week; provided, however, that:

1. if the program is offered by a community college, college, or university, this requirement shall be met if the program provides a minimum of 12 credits each semester *or the equivalent*; . . .

(Emphasis added.)

The claimant's Section 30 application shows that she will be enrolled in eight credits for each of the terms she will be attending her program, from the spring semester of 2025, which began in January of 2025, through the end of her program in the spring semester of 2026, which she anticipates will finish on May 8, 2026. *See Consolidated Findings 17–21.* Because the claimant

would not be taking 12 credits in any of these terms, the review examiner concluded that the claimant did not meet the full-time enrollment requirement under 430 CMR 9.04(2)(b)(1).

The review examiner, however, failed to consider whether this training program was *the equivalent* of a full-time course within the meaning of 430 CMR 9.04(2)(b)(1). In Figueroa v. Dir. of Department of Labor and Workforce Development, the Massachusetts Appeals Court observed, “[t]he credit-hour proviso thus provides for an alternative, not an exclusive, basis for approval of courses provided by colleges, universities, or community colleges.” 54 Mass. App. Ct. 64, 68 n. 7 (2002). The court inferred that the DUA inserted the “or the equivalent” clause to add a measure of elasticity to the regulation due to the agency’s conclusion that many college or university programs that are likely to assist unemployed people with acquiring new skills could not be identified simply by the credit hours assigned. *Id.* at 71–72. Where the claimant’s training provider has issued a catalog stating that graduate students are considered to be full-time students when they enroll in eight or more credits in a single semester, we conclude that the claimant here met the full-time requirement of 430 CMR 9.04(2)(b)(1). *See* Consolidated Finding # 16.

However, we agree with the review examiner’s initial conclusion that the claimant is ineligible for training benefits. Another requirement for a claimant to qualify for training benefits is that she must submit a completed training opportunity program (TOP) application before the end of her 20th compensable week of benefits. *See* 430 CMR 9.03(10)(b).

The claimant received her first disbursement of regular unemployment benefits during the week ending July 20, 2024, so her 20th compensable week was the week ending November 30, 2024. *See* Consolidated Finding # 2. However, the review examiner found that the claimant did not submit her TOP application until February 4, 2025, well after her 20th compensable week.¹ *See* Consolidated Finding # 14.

While the review examiner credited the claimant’s testimony that she had not filed her TOP application prior to February 4, 2025, because it took time for her training provider to complete its part of the documentation, we also note that the claimant had not even begun the application process to enroll in her training program until December 10, 2024, which was already after her 20th compensable week had ended. *See* Consolidated Findings ## 12 and 15.

Because the claimant did not timely file her application for training benefits, we need not address the issues of whether the program is necessary for the claimant to obtain suitable employment.

We, therefore, conclude as a matter of law that the claimant’s participation in her training program does not meet the requirements for training benefits under G.L. c. 151A, § 30(c), and 430 CMR 9.03(10)(b).

¹ Although the review examiner found in Consolidated Finding # 4 that the claimant heard about the TOP program from a friend, we note that information from the DUA’s UI Online and Massachusetts One-Stop Employment System computer databases shows that the claimant was chosen for and completed required Reemployment Services and Eligibility Assessment (RESEA) training programs twice, on August 8, 2018, and on August 13, 2024, where she separately acknowledged being informed of the Training Opportunities Program (TOP) and the requirement that applications be submitted within the first 20 weeks of receiving unemployment benefits.

The review examiner's decision is affirmed. The claimant is not entitled to receive an extension of up to 26 times her weekly benefit rate while attending this training program.

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.

JPCA/rh