

Since the claimant returned to full-time work prior to the deadline for completing her RESEA review, she had good cause for not completing the RESEA review. After separating from her new employment and reopening her claim, she was improperly disqualified under G.L. c. 151A, § 25(a), because she had not been notified that she was required to attend a rescheduled RESEA review.

Board of Review
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Issue ID: 334-FHJT-NKTF

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 reverse.

The claimant filed a claim for unemployment benefits with the DUA, effective January 19, 2025, which was approved. However, in a determination issued on April 22, 2025, the DUA disqualified the claimant from receiving benefits beginning the week of April 13, 2025, because she did not complete her RESEA review as required under G.L. c. 151A, § 25(a). 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 benefits in a decision rendered on November 15, 2025. We accepted the claimant's application for review.

Benefits were denied after the review examiner determined that the claimant did not have good cause for her failure to complete the RESEA review by the deadline, and, thus, she was disqualified under 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.

The issue before the Board is whether the review examiner's decision, which concluded the claimant did not have good cause for her failure to complete the RESEA review because she became physically capable of completing the RESEA review but failed to contact the MassHire Career Center to schedule the review, 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 for unemployment benefits effective January 19, 2025.

2. The claimant provided their correct email address and their correct mailing address when filing their claim.
3. On March 17, 2025, the Department of Unemployment Assistance (DUA) issued the claimant a notice to attend a RESEA Career Center Seminar (seminar) by April 4, 2025, in order to continue to receive unemployment benefits. The notice also identified April 18, 2025, as the date by which the claimant had to complete a follow up review (review).
4. The notice was sent electronically to the claimant's inbox.
5. The notice was also sent by mail to the claimant.
6. The claimant opened the mailed notice in approximately mid-April 2025, after the seminar deadline.
7. At the time the claimant opened the notice, the claimant was busy dealing with medical issues.
8. The claimant did not attend the seminar prior to the deadline.
9. The claimant did not attend the review prior to the deadline.
10. The claimant did not attend the review after the deadline because she did not know that she would still need to attend.
11. The claimant did not contact a career center for assistance with the RESEA requirements.
12. On April 22, 2025, the DUA sent the claimant a Determination disqualifying her for benefits for failing to attend the review by the deadline.
13. As of November 13, 2025, the hearing date, the claimant had not completed the seminar or the review.

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 reject the review examiner's legal conclusion that the claimant is not entitled to benefits.

The review examiner disqualified the claimant for failing to meet the requirements set forth under 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.

Specifically, the review examiner concluded that the claimant had not shown good cause for failing to meet the DUA’s requirement that she timely complete her RESEA review by April 18, 2025. The applicable regulations are found under 430 CMR 4.01, which provide, 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.

Additionally, 430 CMR 4.04(7)(c), instructs that the DUA shall apply the “reasonable person” test in determining whether just cause exists for failure to participate.

In this case, the review examiner disqualified the claimant because he found that she had received the initial notice of the RESEA requirements but had not contacted the career center for assistance when she became capable of completing the review. *See* Findings of Fact ## 7 and 11. However, the claimant’s uncontested testimony at the hearing was that she had not taken steps to complete her RESEA review in April, 2025, because she had returned to work in March, 2025.¹ Information in the DUA’s electronic recordkeeping system verifies the claimant’s testimony that she returned to new full-time employment on March 10, 2025. Given this information, the review examiner erred in concluding that the claimant did not have good cause for failing to complete her RESEA review by the applicable deadline.

As the express purpose of the RESEA program is to assist claimants in securing new employment, the Board has held that securing full-time employment would also excuse a claimant’s attendance at a RESEA review. Board of Review Decision 0030 9537 40 (Sept. 23, 2019). The claimant in this case began her full-time employment prior to the date the RESEA notice was issued. Therefore, she had good cause not to complete the review by the April 18, 2025, deadline and remains eligible. *See* 430 CMR 4.01(8)(a), and Board of Review Decision 0030 9537 40.

We further note that the language of 430 CMR 4.01(8)(c), states “an individual who fails to attend a RESEA review (for good cause or otherwise) shall attend a rescheduled review session as directed by the Commissioner.” In a prior case, where the claimant had good cause to miss the RESEA review deadline due to returning to work, we held that, upon re-opening his claim, he was not disqualified for his failure to complete the review immediately, as he had not received notice or direction that he must complete a rescheduled RESEA review. Board of Review Decision 0072 6293 61 (Dec. 15, 2022).

Information in the DUA’s electronic recordkeeping database shows that the claimant in the present case re-opened her claim effective August 31, 2025, after separating from her new employer on or around August 20, 2025. Nothing in the record indicates that, upon reopening her claim, the DUA directed the claimant to attend a rescheduled RESEA review. Notes in the DUA’s electronic recordkeeping system show that, when the claimant did contact the agency, she was advised only to wait for the pending issues on her claim to be resolved. In fact, the claimant’s undisputed testimony was that she did not know she had to attend the RESEA review until the review examiner advised her to do so during the hearing.² As a result, the claimant was unaware that she remained obligated to complete her RESEA review. Finding of Fact # 10. Given the absence of evidence that the claimant received notice of a rescheduled RESEA review, she may not be disqualified for her failure to complete the review immediately upon reopening her claim.

¹ Although not explicitly incorporated into the review examiner’s findings of fact, this portion of the claimant’s testimony as well as the portion cited below are part of the unchallenged evidence introduced at the hearing and placed in the record, and they are thus properly referred to in our decision today. *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).

² Notes in the agency’s Massachusetts One-Stop Employment System (MOSES) database show that the claimant then promptly contacted the MassHire Career Center, scheduled, and then completed her RESEA review on November 20, 2025.

We, therefore, conclude as a matter of law that, pursuant to 430 CMR 4.01(8)(b)(9), (c), and (d), the claimant may not be disqualified from receiving any benefits due to her failure to complete a RESEA review.

The review examiner's decision is reversed. The claimant is entitled to receive benefits for the week of April 13, 2025, and for subsequent weeks if otherwise eligible.

BOSTON, MASSACHUSETTS
DATE OF DECISION - March 9, 2026



Charlene A. Stawicki, Esq.
Member



Michael J. Albano
Member

**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.

LSW/rh