

**Where the claimant made numerous attempts to schedule his RESEA review with the Career Center via phone and email, but could not reach anyone, Board held his inability to meet the deadline was due to a circumstance beyond his control as meant under 430 CMR 4.01(8)(b)(9). He is eligible for benefits pursuant to G.L. c. 151A, § 25(a), as he had good cause to miss the deadline.**

**Board of Review  
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**Issue ID: 334-FHK3-D3HK**

### 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 beginning October 8, 2023. Benefits were denied on the ground that the claimant did not show good cause for his failure to complete a Reemployment Services and Eligibility Assessment review (RESEA review) by an October 6, 2023, deadline. Thus, the claimant was not eligible for benefits pursuant to G.L. c. 151A, § 25(a).

The claimant filed a claim for benefits with the DUA, effective July 2, 2023, which was denied in a determination issued on October 16, 2023. 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 March 5, 2024, concluding that the claimant did not show good cause for his failure to complete a RESEA review by the deadline. Thus, the claimant was not eligible for benefits pursuant to G.L. c. 151A, § 25(a). The claimant sought review by the Board, which denied the appeal, and the claimant appealed to the District Court pursuant to G.L. c. 151A, § 42.

On March 31, 2025, the District Court ordered the Board to obtain further evidence. Consistent with this order, we remanded the case to the review examiner to take additional evidence to consider the claimant's email communications to the Career Center. 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, despite the claimant's difficulties communicating with the Career Center, he did not meet his burden of proof to show good cause to miss the RESEA review deadline, is supported by substantial and credible evidence and is free from error of law.

After reviewing the entire record, including the recorded testimony and evidence from the hearing, the review examiner's decision, the claimant's appeal, the District Court's Order, and the consolidated findings of fact, we reverse the review examiner's decision.

## Findings of Fact

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

1. The claimant filed an unemployment claim effective the week beginning July 2, 2023 (hereinafter 2023-01 initial unemployment claim). This claim's benefit year end date is July 6, 2024.
2. On September 5, 2023, the DUA mailed the claimant a letter outlining the claimant's obligation to participate in a Career Center Seminar by September 22, 2023, and complete a Reemployment Services and Eligibility Assessment (RESEA) Review by October 6, 2023, to continue eligibility for unemployment benefits. The claimant received this letter.
3. In the September 5, 2023, letter, the DUA wrote in part:

“Attendance and completion of the Initial RESEA meeting must be completed by 9/22/2023” and “The deadline to attend the RESEA Review is 10/6/23.”
4. On September 18, 2023, the claimant completed the Career Center Seminar virtually.
5. The claimant reported to the Career Center in [City A], MA to complete the initial stages of the RESEA review program.
6. On September 29, 2023, at 12:03 p.m., the 1st worker from the Career Center sent the claimant the following e-mail: “My apologizes once again for the long wait this morning. Your patience is appreciated. I’m sending this as a reminder to make sure you get those work search logs in today, please no later than 1PM. Your current deadline is 10/6 to complete the entire RESEA Review process and you are not currently on schedule to meet this deadline. However, I can give you a 1- week extension to avoid payment interruption but can only do so once WSL are in the system to complete the initial review.”
7. On September 29, 2023, at 12:50 p.m., the claimant sent the 1st worker from the Career Center an email attaching work searches and writing: “Thank you for the reminder!! I was trying to format this correctly. Hopefully this works for you.”
8. On September 29, 2023, at 1:31 p.m., the claimant sent the 1st worker from the Career Center the following e-mail: “Can we move the final review date? I am attending a conference that day as guest speaker in [City]. Hopefully it will result in some job opportunities too!”

9. On September 29, 2023, at 2:21 p.m., the 1st worker from the Career Center sent the claimant the following e-mail: “The only other available appointment is on 10/6 between 8AM-12PM. Does that work?”
10. On September 29, 2023, at 2:48 p.m., the claimant sent the 1st worker from the Career Center the following e-mail: “That works for me. And it’s just a phone call? Or do I need to be on my computer for anything”
11. On September 29, 2023, at 3:20 p.m., the 1st worker from the Career Center sent the claimant the following e-mail: “Phone call, just have all the required docs completed and sent in ahead of time to assure a quick and each appointment. It won’t be myself. I only the initial reviews.”
12. On October 6, 2023, the claimant did not receive a telephone call from the Career Center for the RESEA Review.
13. On October 9, 2023, at 12:12 p.m., the claimant sent the 1st worker from the Career Center the following e-mail: “Hey there, Just wanted to let you know I never received a call. Anything I should do or anyone I should contact?” The claimant did not receive a reply from the 1st worker from the Career Center on that date.
14. On October 10, 2023, at 8:36 a.m., the 1st worker from the Career Center sent the claimant the following e-mail: “I am doing your final review today, the 10th, which is what you are scheduled for. The office was closed yesterday for Columbus Day. We can continue through email I don’t see your paperwork in the system, did you send it? It was in the email I sent you with the appointment date.”
15. On October 10, 2023, at 3:34 p.m., the 1st worker from the Career Center sent the claimant the following e-mail: “I called and emailed more than once today and have not heard back. I waited as long as I possibly could to get the review done. You will have to call and schedule a new appointment for your Final RESEA Review at 978-711-7000.”
16. On October 10, 2023, the claimant could not answer the telephone call from the 1st worker from the Career Center as he was attending a conference in [City], MA.
17. In the MOSES notes, the following information is listed from the Career Center under Service Date October 10, 2023: “RESEA Review. Did not report. Called Customer at 8:36 a.m. on 10/10/2023, left voicemail. 10/10, Virtual-AM. To provide WSL:9/24, 10/1,. Actual date: 10/10/2023” and “Called customer on 10/10/2023 at 8:36 a.m. for final RESEA Review. Customer did not answer and I left a message stating that I was calling to do a Final RESEA Review. I

provided for my direct line and let customer know that I also sent an email with links to the required paperwork for the Final RESEA Review.”

18. After receiving the October 10, 2023 e-mail from the 1st worker from the Career Center, the claimant called the telephone number of 978-711-7000 listed in the October 10, 2023, e-mail from the 1st Worker from the Career Center with the intent of scheduling the final RESEA Review meeting multiple times but the phone number was disconnected.
19. On October 16, 2023, the Department of Unemployment Assistance issued a Notice of Disqualification, Issue Identification Number 0081 2854 95, denying the claimant benefits under Section 25(a) of the Law commencing the week beginning October 8, 2023, and until he met the requirements of the RESEA review program. The claimant appealed the Notice of Disqualification late.
20. On November 11, 2023, at 8:30 a.m., the claimant sent the 1st worker from the Career Center the following e-mail: “I’m not sure how to proceed from here and I’m hoping you could at least point me in the right direction. My unemployment benefits have been stopped because the review never took place. I don’t know what to do or who to contact about it. When I call the number online I get disconnected no matter the time I call. Can you please point me in the right direction? Or Gove [sic] a phone number [sic] to someone who may be able to help?”
21. The claimant did not receive a reply in response to the November 11, 2023, e-mail that he had sent to the 1st worker from the Career Center.
22. On January 23, 2024, the claimant participated in hearing with the DUA, Issue Identification Number 0081 4927 71, regarding the late appeal request in response to the October 16, 2023, Notice of Disqualification, Issue Identification Number 0081 2854 95, denying the claimant benefits under Section 25(a) of the Law commencing the week beginning October 8, 2023, and until he met the requirements of the RESEA review program. On January 25, 2024, the claimant received the appeal results for the late appeal request, Issue Identification Number 0081 4927 71, allowing the claimant’s late appeal request under Section 39 of the Law.
23. On March 1, 2024, the claimant participated in a hearing with the DUA regarding the October 16, 2023, Notice of Disqualification, Issue Identification Number 0081 2854 95, denying the claimant benefits under Section 25(a) of the Law commencing the week beginning October 8, 2023, and until he met the requirements of the RESEA review program.
24. The DUA’s records maintained by the Career Center in the MOSES database reflected that the claimant did not complete the RESEA review program (as of the date of the initial hearing held on March 1, 2024).

25. At the initial hearing held on March 1, 2024, regarding the October 16, 2023, Notice of Disqualification, Issue Identification Number 0081 2854 95, the claimant intended on contacting the Career Center to complete the RESEA Review Requirements. The claimant had not physically returned to the Career Center since initially reporting to the Career Center.
26. The claimant initially did not complete the RESEA review by the deadline date as the claimant could not attend the RESEA review meeting on October 10, 2023, due to deciding to attend a video conference in [City], MA as the claimant was a speaker, the claimant was confused about what the next steps were for the claimant to complete the RESEA Review, and the claimant was awaiting the hearing process in regards to the RESEA Review denial.
27. The claimant was able and available to work.
28. On March 5, 2024, the DUA issued Hearing Appeal Results, Issue Identification Number 0081 2854 95-03, denying the claimant benefits under Section 25(a) of the Law and until he met the requirements of the RESEA Review program.
29. On March 23, 2024, the claimant called Northern Essex Community College (NECC) in an attempt to locate a new point of contact from the RESEA program since the 1st worker from the Career Center had become nonresponsive to the claimant. At this time, [sic] claimant got in touch with the 2nd worker who took down his email and said she would reach out with the information he needed to complete the class after their conversation. The 2nd worker did not reach out to the claimant.
30. On April 2, 2024, the claimant appealed to the DUA's Board of Review (hereinafter BOR) in response to the Hearing Appeal Results, Issue Identification Number 0081 2854 95.
31. April 3, 2024, the claimant called NECC again after not hearing back from the 2nd worker from the Career Center and was provided with the address to the inbox that the 2nd worker manages, (virtualccs@masshiremvcc.com) and a list of documents the claimant should submit.
32. On April 3, 2024, the claimant sent the following e-mail to virtualccs@masshiremvcc.com: "This message is for [2nd worker]. We spoke a couple weeks ago about getting you my job search logs but I hadn't yet received the proper email address to send them to. I was actually able to contact someone else from your department yesterday to get this email address, so hopefully this is the one you'd have directed me to. Attached is my job searches (Although, I've certainly applied to more than what's there), and all the documents I had originally completed for the RESEA program. I'm not sure if

they are necessary at this point but I figured it wouldn't hurt to attach them. Thank you for your help and please let me know if you need anything else from me."

33. The claimant did not receive a response to the e-mail he sent on April 3, 2024, to virtualccs@masshiremvcc.com.
34. On April 20, 2024, the claimant sent the following e-mail to virtualccs@masshiremvcc.com: "Wanted to follow up on this to see if it was received." The claimant did not receive a response to this e-mail.
35. On April 24, 2024, the claimant received an appeal acknowledgment from the DUA's BOR.
36. The last week that the claimant requested for unemployment benefit on his 2023-01 initial unemployment claim was the week ending June 29, 2024. This claim's Benefit Year End Date was July 6, 2024.
37. On July 18, 2024, the claimant filed an initial unemployment claim effective the week beginning July 7, 2024, with a benefit year end date of July 5, 2025 (hereinafter 2024-01 initial unemployment claim). The claimant's 2024-01 initial unemployment Claim Status is listed as "Ineligible."
38. On October 22, 2024, the claimant received the BOR results for Issue Identification Number 0081 2854 95 affirming [the] initial Hearings Decision.
39. Prior to receiving the October 22, 2024, BOR results for Issue Identification Number 0081 2854 95 affirming the initial Hearings Decision, the claimant made multiple telephone calls to the BOR to check on the status of the appeal. In the most recent call to the BOR enquiring about why the appeal results were taking so long, the claimant was informed by a worker at the DUA that the individual assigned to the case from the BOR had been out on vacation for the last couple of months and apologized to the claimant. Shortly after this conversation, the claimant received the October 22, 2024, results for Issue Identification Number 0081 2854 95 affirming the initial Hearings Decision.
40. On October 25, 2024, the claimant sent another e-mail to virtualccs@masshiremvcc.com writing in part: "I am literally begging you to reply. I'm hoping someone can/will help me resolve this issue. I have all the email correspondence I am referencing below should you need it, but this is what has unfolded with the department of unemployment over the last year."
41. In the MOSES notes, the following information is listed from the Career Center under Service Date October 28, 2024, regarding the claimant: "Response to email below @ 11:17: called left message in regards to schedule review appointment."

42. On October 29, 2024, the claimant received a telephone call from the 3<sup>rd</sup> Worker from the Career Center in response to the claimant's October 25, 2024, e-mail regarding the RESEA Review.
43. On October 29, 2024, the 3<sup>rd</sup> Worker from the Career Center sent the claimant the following e-mail: "Attached are the forms that will need to be submitted prior to your virtual RESEA Review on Thursday November 7, 2024, between 8:15AM-11:00am. Please send all the documents and current work search documents to [virtualccs@masshiremvcc.com](mailto:virtualccs@masshiremvcc.com) prior to your scheduled appointment. The following must be brought to your RESEA Review.
- RESEA Assessment/Career Action Plan (A/CAP)
  - Additional Work Search logs (if you enter work search on your UI Online portal, attached are instructions to download the searches.)
  - Individual Needs Assessment (INA)
  - Complete and sign the attached Unemployment Eligibility Assessment P2"
44. In the MOSES notes, the following information is listed from the Career Center under Service Date October 29, 2024, regarding the claimant: "Customer informed me that he lost his RESEA appeal and now has to file with MA District Court. He stated at the time of scheduling his final review there was a mix up with scheduled date between him and staff. He wishes to complete the program. He is scheduled for 11/7 am virtual RESEA Review. I informed him that I spoke with DUA and the rep suggested that he upload his ID docs. I walked customer through process. Sent customer email with documents needed for RESEA program."
45. On November 4, 2024, the claimant sent the 3<sup>rd</sup> Worker from the Career Center the following e-mail: "Thank you for the call [3<sup>rd</sup> Worker from the Career Center]! I have actually already completed and submitted all the documents you requested in your other email. I have included that email chain below for your reference with attachments."
46. In the MOSES notes, the following information is listed from the Career Center under Service Date November 7, 2024, regarding the claimant:
- "(Research LMI), (Attained) Customer Explored LMI and completed form. Data shows a salary range of 79000 to 95000 a year from marketing Managr[sic] in MA. The market projections are +9% and about 5000 annual job openings. Actual Date: 11/07/2024."
- "(Review Work Search Activity), (Attained) WSA has been reviewed and approved. Review included beginning week of 7/2/24 through endding [sic] week of 10/2/24 for a total of 12 weeks. Customer has been informed to keep WSA for a year for a potential DUA audit...Actual Date: 11/07/2024"

“(RESEA Review), (Attained) Verified customer’s ID via Zoom. RESEA UI Eligibility Assessment questions was reviewed for any changes or potential issues. Verified participation/attendance of reemployment service that was made at Initial RESEA, Actual Date: 11/07/2024”

47. On November 7, 2024, the claimant completed the RESEA Review.
48. From after the initial hearing session held on March 1, 2024, until October, 2024, the claimant did not go to a Career Center in-person to attempt to complete the RESEA Review. The Career Center in Lawrence, MA was approximately a 25-minute commute to/from the claimant’s home address one-way. The claimant did not attempt to go to a Career Center in person due to a combination of having gone to the Career Center in-person in the past and having to wait, not sure what the claimant should do to complete the RESEA Review, having already sent e-mails to the Career Center requesting assistance, and having made phone calls to the DUA for assistance. The claimant made approximately 60 phone calls to the DUA for assistance with the DUA prior to completing the RESEA Review in November 2024 which were not answered due to high call volume. The claimant does not know the exact dates he made the phone calls.
49. The claimant subsequently appealed the Notice of Disqualification, Issue Identification Number 0081 2854 95 to the [City B], MA District Court (2422CV000275). On March 28, 2025, the [City B], MA District Court Associate Justice remanded the case to the DUA for a new hearing in response to the claimant’s Motion for Reconsideration.
50. The claimant is currently back to work (as of the date of Remand Hearing Session) in self-employment. The claimant started his own company in January 2025 focusing on video work.

### 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. After such review, the Board adopts the review examiner’s consolidated findings of fact except as follows. The portion of Consolidated Finding # 26, which attributes the claimant missing the October RESEA review deadline date to awaiting the hearing process is unsupported by the record. In adopting the remaining findings, we deem 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 ineligible for benefits.

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<sup>1/2</sup>); 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.

During the remand hearing, the claimant explained his efforts to comply with the RESEA review deadline.<sup>1</sup> Initially, the RESEA review meeting was scheduled for October 10, 2023. On September 29, 2023, at 1:31 p.m., the claimant requested a different date, as he was a guest speaker at a video conference in [City C] and therefore unavailable on October 10, 2023. Shortly thereafter, a Career Center worker advised claimant that the “only other available appointment is on 10/6 between 8 a.m.-12 p.m.” and asked if that worked for the claimant. The claimant quickly responded: “that works for me, and it’s just a phone call?”, and the Career Center worker replied that yes it was just a phone call. *See Consolidated Findings ## 8, 9, 10, and 11.* On October 6, 2023, the claimant did not receive a telephone call from the Career Center for the RESEA review, and, on October 9, 2023, the claimant advised the Career Center that he didn’t receive a phone call on October 6, 2023, and asked what he should do. *See Consolidated Findings ## 12 and 13.* The claimant didn’t receive a response to his query, but, instead, on October 10, 2023, the Career Center emailed and called the claimant advising him that he missed the RESEA review call that day and that he would have to call (979) 711-7000 to re-schedule the review. The claimant could not answer the October 10, 2023, calls and emails because he was attending the conference. *See Consolidated Findings of Fact ## 14, 15 and 16.* On October 10, 2023, the claimant called the telephone number (978) 711-7000 multiple times to re-schedule the review, but the number was disconnected. *See Consolidated Finding # 18.*

These “miscommunications” were just the first set of several between the claimant and the Career Center. The claimant would often call or email the Career Center and not receive a response. *See Consolidated Findings ## 20, 21, 29, 32, 33, and 34.* Specifically, the record shows that the claimant agreed to the offered date of October 6, 2023, to complete the RESEA review by telephone, but the Career Center did not call him on that date. Instead, a Career Center agent called him on October 10, 2023, even though the claimant had advised the Career Center that he would not be available on that date. The record also shows that the claimant made multiple attempts to re-schedule the RESEA review to no avail. Inasmuch as he could not attend a RESEA review without getting someone at the Career Center to respond and schedule it, we are satisfied that his failure to meet the deadline was due to a circumstance beyond his control. He has shown good cause pursuant to 430 CMR 4.01(8)(a) and (b)(9).

We, therefore, conclude as a matter of law that the claimant had good cause for his failure to timely comply with the registration and filing requirements of G.L. c. 151A, § 25(a). Pursuant to 430 CMR 4.01(8)(d), he is entitled to benefits.

The review examiner’s decision is reversed. The claimant is entitled to receive benefits for the week beginning October 8, 2023, and for subsequent weeks if otherwise eligible.

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<sup>1</sup> We have supplemented the consolidated 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).

**BOSTON, MASSACHUSETTS**  
**DATE OF DECISION - August 20, 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](http://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.

PS/rh