

Following the District Court remand, the claimant showed that she had revised her enrollment in an associates degree program in computer science such that the record now shows that she will complete the program within two years and will be enrolled full-time during a portion of the training period. She is eligible for an extension of benefits and a waiver of the work search requirement during that time period pursuant to G.L. c. 151A, § 30(c).

**Board of Review
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Issue ID: 334-FHK5-2PLR

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 an extension of the claimant's unemployment benefits while she participated in a training program (training benefits). Training benefits were denied on the ground that the claimant was not enrolled in the program full-time, as required pursuant to G.L. c. 151A, § 30(c).

The claimant had filed a claim for unemployment benefits, effective July 14, 2024, which was approved. She subsequently applied for training benefits, which were denied in a determination issued by the agency on January 30, 2025. The claimant appealed to the DUA Hearings Department. Following a hearing on the merits, the review examiner affirmed the agency's initial determination in a decision rendered on March 1, 2025. The claimant sought review by the Board, which affirmed the denial in a decision rendered on September 2, 2025, and the claimant appealed to the District Court pursuant to G.L. c. 151A, § 42.

On November 3, 2025, the District Court granted a Joint Motion for Remand to obtain further evidence as to whether the program was full-time and could be completed within two years. Consistent with this order, we remanded the case to the review examiner for an additional hearing. The claimant attended the remand hearing. Thereafter, the review examiner issued her consolidated findings of fact.

The issue before the Board is whether the review examiner's decision, which concluded that the claimant was not eligible for training benefits pursuant to G.L. c. 151A, § 30(c), is supported by substantial and credible evidence and is free from error of law, where the record after remand shows that she could complete her training program within two years and was enrolled full-time for a portion of her program.

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

Findings of Fact

The review examiner's consolidated findings of fact, which were issued following the District Court remand, are set forth below in their entirety:

1. The claimant graduated from high school in 2000. She took English Composition at Quincy College in the fall of 2002.
2. The claimant was not enrolled in any training programs in 2020.
3. In January 2012, the claimant started working for a bank as a financial examiner. On July 24, 2024, she was laid off from this job. Through this employment, she gained years of experience in cyber security but no credential.
4. After July 24, 2024, the claimant applied for similar positions to what she had been doing but found that most employers required applicants to have a credential in cyber security.
5. The claimant filed an unemployment claim, effective July 14, 2024.
6. On October 10, 2024, as part of her participation [sic] in the RESEA program, the claimant acknowledged that she was made aware of the Training Opportunities Program (TOP), including the 20 compensable week deadline for filing an application.
7. On October 29, 2024, during the 9th week of her claim, the claimant filed a TOP application requesting to receive training benefits while attending an associate's degree program in computer science, Networking and Security offered at Northern Essex Community College (NECC) with a major in Cyber security/Computer Information Sciences. This program is hereafter referred to as "The Program".
8. The Program requires 63 credits. NECC allowed the claimant to transfer the 3 credits she had from Quincy College so that she only needs to complete 60 credits to finish The Program.
9. NECC's Fall 2024, Full Semester (15 weeks) and Session 1 (7 weeks) courses began on September 4, 2024. The Fall 2024 Session I courses ended on October 21, 2024. The Fall 2024 Session II (7 weeks) classes began on October 29, 2024. The Fall 2024 Full semester and Session II classes ended on December 16, 2024.
10. The claimant began attending NECC classes on October 29, 2024, the start of Fall 2024 Session 2. She finished the semester on December 16, 2024. She took three 3-credit classes for a total of 9 credits. These courses were intensive

courses, covering 15-weeks of material over the course of 7-weeks. NECC considered the claimant to be a half-time student for this semester.

11. The claimant took one accelerated 3-credit class during the 2025 winter intersession, January 2, 2025, to January 24, 2025. This course is included by NECC, as part of the claimant's spring 2025 schedule.
12. NECC's Spring 2025 Full Semester (15 weeks) and Session I (7 weeks) courses began on January 22, 2025. The Spring Session I courses ended on March 8, 2025. The Spring 2025 Session II (7 weeks) classes began on March 24, 2025. The Spring 2025 Full semester and Session II classes ended on May 10, 2025.
13. During the spring 2025 semester, the claimant was enrolled in three, 4-credit classes and one 1-credit class, for a total of 13 credits. These were all full-term courses. With the addition of her 3-credit winter intersession course, she has 16 credits for the spring 2025 semester. ECC considered her to be a full-time student during this semester.
14. Summer 2025 Session I started on May 19, 2025, and ended on June 27, 2025 (12 weeks).
15. Summer 2025 Session II started on June 30, 2025, and ended on August 8, 2025 (6 weeks).
16. The claimant took three 4-credit classes and one three-credit class during the summer 2025 term for a total of 15-credits. One of the 4-credit classes was a full-term credit class meeting for 12 weeks, the other two were 8-week courses meeting on Mondays and Wednesdays. The 3-credit course was an 8-week course meeting on Tuesdays and Thursdays.
17. As of the date of the present hearing, December 9, 2025, the claimant has successfully completed all courses she has taken, with a GPA of 3.68, making dean's list each semester. She expects to have no difficulty in successfully completing her course for the present fall 2025 semester or the upcoming spring 2026 semester.
18. The claimant has been taking four 4-credit classes during the fall of 2025 term (September 3, 2025, to December 16, 2025) for a total of 16-credits in progress.
19. The 2026 Spring Full semester and Session 1 will start on January 21, 2026. The 2025 Spring Session 1 will end on March 7, 2026. The 2025 Spring Session II will start on March 23, 2026. The 2025 Spring Full semester and Session 2 will end on May 12, 2026.
20. The claimant has enrolled in three classes for the spring 2026 semester. Two 4-credit classes, which are expected to start on January 21, 2026, and end on May 12, 2026, and one 3-credit class, which is expected to start on January 21,

2026, and end on March 12, 2026, for a total of 11-credits. The 3-credit course, like the ones taken during the fall 2025, are intensive courses covering the material for a 15-week course over a 7-week period.

21. If the claimant successfully completed all her courses, she is expected to complete the requirements for her associate's degree program in computer science by May 12, 2026, with the completion of her spring 2026 semester course work and finals. This will be less than 2 years after the start of The Program and the filing of her TOP application, which both occurred on October 29, 2024.

[Review Examiner Note:]

This was remanded from the District Court for the purpose of taking additional evidence on whether or not the claimant can complete her training program within two years and whether she is a full-time student. Testimony was therefore taken, and findings made regarding the claimant's schedule of classes, number of credits, and the dates that these classes start and end.

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 original 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. Given the record after remand, however, we disagree with the review examiner's legal conclusion that the claimant is not entitled to any training benefits, as outlined below.

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. The regulations that govern training benefits establish both procedures and standards for approving the training programs, as well as the eligibility criteria for claimants seeking to participate in such programs. *See* 430 CMR 9.01–9.08.

One of the criteria for approving a training program is that it must be completed within two years of the date the DUA approved the training program or the date the claimant commenced her training. 430 CMR 9.04(2)(c). Since the DUA did not approve the claimant's requested training program, the operative date is October 29, 2024, when the claimant began her NECC associates degree program in computer science. *See* Consolidated Finding # 7. Since the consolidated findings now show that she will complete the program requirements on or about May 12, 2026, the claimant has demonstrated that she will complete the requested training program within two years.¹ *See* Consolidated Finding # 21.

¹ Because the Board's September 2, 2025, decision ruled that the claimant was not eligible due to not completing the program within two years, we declined to address the additional issue of whether the training program was necessary for her to obtain appropriate employment. Inasmuch as neither the Joint Motion for Remand allowed by the District

Another requirement is that the training program be full-time. 430 CMR 9.04(2)(b). In this case, the claimant's requested training program is an associate's degree program at a community college. As such, the regulations provide that the full-time training requirement is met if the program provides a minimum of 12-credits each semester or the equivalent. 430 CMR 9.04(2)(b)(1). Pursuant to the District Court remand, the claimant was afforded an opportunity to present additional, updated evidence showing that she was enrolled full-time in the NECC program.

The record now shows that, in the fall of 2024, the claimant completed nine credits from October 29, 2024, to December 16, 2024. Consolidated Finding # 10. Although the claimant argued that the condensed 7-week period rendered these nine credit hours the equivalent of full-time, we are unpersuaded, particularly where the community college considered her to be a half-time student for the semester. *See* Consolidated Finding # 10.

However, allowing for the scheduled breaks between semesters of up to three weeks, the record does show that the claimant was enrolled full-time from January 22 to December 16, 2025. *See* 430 CMR 9.07. Specifically, she was enrolled in 13 credits during the spring semester (Sessions I and II) from January 22 to May 10, 2025. *See* Consolidated Findings ## 12 and 13. During the summer, she was enrolled in 15 credits (Sessions I and II), which ran from May 19 to August 8, 2025. *See* Consolidated Findings ## 14–16. In the fall semester, she took 16 credits from September 3 to December 16, 2025. *See* Consolidated Finding # 18.

Because the claimant was enrolled in only 11 credits during her final term, the spring 2026 semester, her participation falls short of the 12-credit threshold for full-time enrollment in a community college program under 430 CMR 9.04(2)(b)(1). *See* Consolidated Finding # 20.²

We, therefore, conclude as a matter of law that the claimant is eligible for training benefits pursuant to G.L. c. 151A, § 30(c), and 430 CMR 9.04(2)(b) and (c).

The review examiner's decision is affirmed in part and reversed in part. The claimant is entitled to a waiver of the work search requirement and an extension of up to 26 times her weekly benefit rate while attending this training program during the period between the week ending January 15, 2025, and December 10, 2025, if otherwise eligible.

Court nor the review examiner addressed the latter issue, we simply note that the record does indicate that the claimant needed the training program to become re-employed in her previous occupation. Her work was in the highly specialized, technical field of cyber security, and, while applying for similar jobs, she learned that most employers were demanding a credential in cyber security. *See* Consolidated Finding # 4. The claimant had only a high school diploma and no such credential. *See* Consolidated Findings ## 1 and 3.

² Even though the claimant is not eligible for training benefits during the fall 2024 or spring 2026 school terms, she will be able to collect the full 26 weeks of extended benefits over the course of her full-time enrollment in 2025.

BOSTON, MASSACHUSETTS
DATE OF DECISION - January 14, 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.

AB/rh