

Pursuant to G.L. c. 151A, § 31, the claimant was not monetarily eligible for benefits under her 2025-01 claim, because she did not work or earn any wages for services performed for an employer in the benefit year of her 2024-01 claim.

**Board of Review
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Issue ID: 334-FHKF-8D24

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 affirm.

The claimant separated from her position with her previous employer on March 18, 2024. She filed a claim for unemployment benefits with the DUA, which was approved and she collected benefits under this 2024-01 claim. She subsequently filed a new claim for benefits, effective March 23, 2025, her 2025-01 claim, which was denied in a determination issued on March 25, 2025. 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 July 19, 2025. We accepted the claimant's application for review.

Benefits were denied after the review examiner determined that the claimant was not paid sufficient wages in the base period to be eligible for unemployment benefits and, thus, was not monetarily eligible under G.L. c. 151A, § 24(a). 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 obtain further information about the claimant's wages and to provide the claimant with notice of other relevant sections of law. 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 not monetarily eligible for benefits, 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 worked for her most recent employer as an Executive Assistant from October 2021 until March 18, 2024. The claimant was paid an annual

salary of \$100,000 by this employer. The claimant was paid biweekly by this employer.

2. The claimant's last date of work for her most recent employer was on March 18, 2024. At this time, the claimant's most recent employer discharged the claimant for a lack of work due to the employer's establishment being dissolved.
3. On March 18, 2024, the claimant's most recent employer drafted a letter to the claimant, titled Separation Agreement, outlining that the employer was going to provide the claimant with a Cash Severance amount of \$12,540 and an Additional Severance Payment of \$2,439 for a total of \$14,979. The claimant's most recent employer required the claimant to sign a Release of Claims to receive the Severance Payment. The claimant did sign the required Release of Claims and did receive the Severance Payment sometime at the end of March 2024 from her most recent employer. The claimant does not know the exact date the claimant received the Severance Payment (as of the initial hearing session held on May 29, 2025).
4. The claimant filed an initial unemployment claim effective the week beginning March 24, 2024 (hereinafter 2024-01 initial unemployment claim). This claim's Benefit Year End Date was March 22, 2025. The claimant's former employer is the only base period employer on this claim.
5. The claimant's 2024-01 initial unemployment base period ran from the 1st Quarter 2023 through the 4th Quarter 2023.
6. On April 1, 2024, the Department of Unemployment Assistance (DUA) issued the claimant a Monetary Determination for her 2024-01 initial unemployment claim establishing the claimant's weekly benefit amount as \$1,033. This benefit amount was calculated by using the claimant's base period wages from her former employer's establishment running from the 1st Quarter 2023 through the 4th Quarter 2023. On this Monetary Determination, the DUA listed the claimant's base period wages from the claimant's former employer as follows:

1 st Quarter 2023 January-March	2 nd Quarter 2023 April-June	3 rd Quarter 2023 July-September	4 th Quarter 2023 October-December
\$34,000	\$24,068.64	\$20,398.83	25,952.50

Total Gross Wages Paid
\$104,419.97

7. The claimant has not worked for any other employers or earned any working wages with other employers since the claimant's last date of work at her former employer's establishment on March 18, 2024 (as of the date of the initial

hearings session held on May 29, 2025). The claimant also had not returned to work for her former employer since March 18, 2024.

8. The claimant has applied for over 100 jobs since being separated from her former employer's establishment effective March 18, 2024, and had been unsuccessful in finding new employment (as of the date of the initial hearing session held on May 29, 2025). This prompted the claimant to decide to file another initial unemployment claim after her 2024-01 initial unemployment claim expired on March 22, 2025.
9. The claimant filed an initial unemployment claim effective week beginning March 23, 2025 (hereinafter 2025-01 initial unemployment claim). This claim's Benefit Year End Date is March 21, 2026. The claimant's Base Period on this claim runs from the 1st Quarter 2024 through the 4th Quarter 2024. The claimant's former employer is the only base period employer on this claim.
10. On March 24, 2025, the DUA issued the claimant a Monetary Determination deeming the claimant monetarily ineligible for benefits on her 2025-01 initial unemployment claim. On this Monetary Determination, the DUA listed \$972.00 next to the Weekly Benefit Amount. On this Monetary Determination, the DUA wrote in part: "Included in this correspondence are your base period wages and employer(s) according to our records; however, you were not able to establish a new benefit claim. In order to establish a new benefit claim, you must have earned wages on new employment greater than or equal to 3 times your previous claim's Weekly Benefit Amount. You need to provide proof of earned wages in the amount of \$3,099.00 since your last claim effective date of 3/24/2024."
11. Attached with the March 24, 2025, Monetary Determination, the DUA listed the following base period wages from the claimant's former employer's establishment:

1 st Quarter 2024	2 nd Quarter 2024	3 rd Quarter 2024	4 th Quarter 2024
\$25,266.25	\$14,979.00	\$0.00	\$0.00

Total Gross Paid Wages: \$40,245.25

12. The claimant's gross paid wages listed in the DUA records for the 1st Quarter 2024 in the amount of \$25,266.25 are for the wages the claimant was paid by her former employer for the work she performed from January 2024 until her separation date on March 18, 2024.
13. The claimant's gross paid wages listed in the DUA records for the 2nd Quarter 2024 in the amount of \$14,979 is the amount the claimant was paid by her former employer for the severance payment.

14. In response to the Monetary Determination issued on March 24, 2025, deeming the claimant monetarily ineligible for benefits for her 2025-01 initial unemployment claim, the claimant appealed.
15. The claimant is requesting for the DUA to allow her to use her paid wages for the 1st Quarter 2024 and 2nd Quarter 2024 from her former employer's establishment to be monetarily eligible for her 2025-01 initial unemployment claim.
16. The claimant did not perform any wage-earning services for any other employer(s) during the period between March 24, 2024, and March 22, 2025. The claimant did not have any gross wages from other employer(s) during the period between March 24, 2024, and March 22, 2025.
17. The claimant did not work for another employer until June 2025 when the claimant worked as a server for a grill establishment located in Maine. At this employer's establishment, the claimant was paid as a W-2 Worker. The claimant worked for this employer from June 2025 until July 2025. This job was seasonal in nature.
18. After July 2025, the claimant next started working for a school employer two weeks prior to October 8, 2025, as a full-time office manager.

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. As discussed more fully below, we agree with the review examiner's conclusion that the claimant is not eligible for benefits.

Because the claimant filed the instant claim for unemployment benefits immediately after the expiration of his prior claim, he must satisfy the requirements of G.L. c. 151A, § 31, in order to be eligible to apply for benefits under the new claim. G.L. c. 151A, § 31, provides as follows:

No individual may receive benefits in a subsequent benefit year unless, since the beginning of the previous benefit year during which he received benefits, he performed service for an employer subject to this chapter and has been paid wages for such service of not less than three times his weekly benefit rate for said previous benefit year.

For the claimant's first claim (2024-01), the benefit year ran from March 24, 2024, to March 22, 2025. Consolidated Finding # 3. In order to satisfy the requirements of G.L. c. 151A, § 31, and be eligible to apply for benefits in a subsequent benefit year (the 2025-01 claim), the claimant must

have performed services for an employer and been paid wages for such services in an amount not less than three times her weekly benefit rate on or after March 24, 2024. She has not.

The claimant last worked for her previous employer on March 28, 2024, and has not performed any wage-earning services for any employer since that date. Consolidated Findings ## 1 and 7. Although the claimant may have received severance payments in the amount of \$14,979 after March 28, 2024, these payments were not for any services the claimant performed on or after March 24, 2024. Consolidated Findings ## 2, 3, and 7. As the language of G.L. c. 151A, § 31, requires the DUA to consider only wages paid to the claimant for services performed to the employer after the start of the prior benefit year, the severance payments may not be counted.

We, therefore, conclude as a matter of law that claimant is not entitled to benefits because she has not performed wage-earning services since the beginning of his previous benefit year, as required under G.L. c. 151A, § 31.

The review examiner's decision is affirmed. The claimant is not eligible for benefits under her 2025-01 claim.

BOSTON, MASSACHUSETTS
DATE OF DECISION - October 30, 2025



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