

The claimant was ineligible for training benefits because she did not establish she was in need of training to become re-employed. Her enrollment in a master's degree program in project management was not necessary to obtain suitable employment, where she already has a master's degree in business administration that has enabled her to find work. The claimant is ineligible for extended benefits under G.L. c. 151A, § 30(c).

**Board of Review
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Issue ID: 334-FHMF-DDR5

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 was participating in a training program. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

The claimant separated from employment and was approved for benefits on a 2024-01 claim with an effective date of July 14, 2024. Subsequently, she filed an application for an extension of benefits to attend a training program (training benefits), which the agency denied in a determination dated January 17, 2025. 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 February 22, 2025. We accepted the claimant's application for review.

Training benefits were denied after the review examiner concluded that the claimant's program was not necessary for the claimant to obtain suitable employment in view of her education and experience, 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 concerning the claimant's work experience, work search efforts, and immigration status. 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 did not need further training to obtain suitable employment because of her level of education, 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 is from Colombia.
2. In 2013, the claimant was awarded a BA degree in Arts and Business from [University A] in Colombia.
3. Prior to 2020, the claimant worked at various jobs as a nanny and in food service.
4. In May 2020, the claimant was awarded a Master of Business Administration degree in Entrepreneurship and Non-Profit Management from [University B].
5. The claimant had an I-551 work authorization form which expired in 2024.
6. After earning her master's degree, the claimant limited her work search to business and/or administrative positions as she desired to make use of her training.
7. After graduating from [University B], while seeking employment in business development and project management, the claimant worked as an unpaid part-time administrator in her husband's wealth management business, [Business A]. She did marketing, administrative and customer service tasks.
8. The claimant and her husband are minority shareholders in another business called [Business B]. The claimant owns 2% and her husband owns 7% of this business, which to date has had no revenue. There are approximately 6 partners in the business, including the claimant and her husband. Since 2020, the claimant has provided occasional assistance to this business in the form of community service, project management for small projects, providing consulting services to start ups and helping to run events. She has not been paid for these services.
9. In February 2024, the claimant began working as Director of Special Project for a non-profit, [Business C]. She was responsible for executing and leading programs and projects with the initiatives of the employer's organization. The position paid \$80,000 a year. In July 2024, the claimant was laid off from this position, primarily because she lacked the necessary project management skills to meet the expectations the employer had for the position.
10. The claimant continued to work at [Business B] while working at [Business C], as needed. Her involvement has decreased as she has focused her attention on finding paid employment. The claimant's hours with [Business B] vary, depending on what the business needs are at any time. Recently she has been averaging around 5 hours a week.
11. Before being offered the position with [Business C], the claimant applied for hundreds of jobs and received no offers. She focused primarily on project

management roles but did apply for other opportunities that she found to be suitable, including administrative work similar to what she had done in her husband's business.

12. The claimant filed a claim for unemployment benefit effective July 14, 2024. Her effective date on this claim is July 14, 2024.
13. As part of the process of registering with MOSES the claimant was requested to provide her work history. To move forward in the process the system required her to provide information about her compensation. As she was not paid by [Business B] she researched what someone in her role would likely be paid and entered this amount. Her research indicated \$70 an hour so this is the amount she entered. She gave herself the title Project Manager, rather than Administrative Assistant because she wanted MassHire to help her find a job as a Project Manager.
14. Between July 12, 2024, and January 6, 2025, the claimant applied for hundreds of jobs as a project manager, a project assistant, a project coordinator and in business development. She has not received any job offers.
15. When interviewing for new positions, the claimant is frequently asked about her project management experience. The only experience she can offer was her 6 months with [Business B] where her skills were not sufficient for the position requirements and some limited work with [Business B]. She is also frequently asked whether she has certificates or degrees in specific types of Project Management such as Sigma, Scrum, or Agile Management. She does not have any of these.
16. The claimant believes that, based on her learning style, that she requires an in person, interactive learning experience. She does not do well with online, self-directed study programs.
17. The claimant has enrolled in the Master of Science, Project Management program, offered by [University C], with a specialization in Agile Management, hereafter referred to as "The Program". It began on January 6, 2025, and is expected to be completed on July 3, 2026.
18. The Program has a technological component that is believed to allow those who master it to lead teams efficiently in any industry that has IT software. Receiving a certification in Agile methodologies indicates that the recipient is capable of managing, conceptualizing and controlling projects which have a technological component regardless of the specific industry.
19. The claimant chose The Program for several reasons. One was that she was offered a \$26,500 scholarship which will help her to afford the additional training. Another reason was that the program offers training in specific methodologies, tools, and frameworks that are necessary for managing technical projects and

- resource management which she believes, based on her job search experience, are highly desired by employers. Her prior master's degree focused on entrepreneurship, which focused on teaching students how to open and run their own businesses. It did not cover the details of project management skills that The Program covers. The claimant also believes that the program itself fits well with her strengths which include managing, strategic thinking, and problem solving.
20. The tuition for The Program is \$42,000. As of the date of the hearing on February 11, 2025, she still needed to find the funds to pay for the remaining \$16,000, plus books and living expenses. Her weekly unemployment benefit would not be sufficient to cover her remaining tuition and living expenses.
 21. The claimant's portion of the rent for her room is \$1,100 a month. Her roommate has been assisting her with paying the rent but expects the claimant to start paying her share.
 22. The claimant does not have savings or a present source of income.
 23. The claimant filed a Training Opportunities Program (TOP) application on or about December 3, 2024. This was the 6th compensable week of her claim.
 24. The claimant began attending The Program on January 6, 2025.
 25. The claimant exhausted her unemployment benefits the week ending January 25, 2025.
 26. The [University C] runs on a quarter system. Each quarter is 12 weeks, made up of two 6-week terms. For Graduate Students, the school considers 9 semester hours a quarter to be full-time. The school considers the claimant to have been full time during the winter [sic] of 2025 (10 credits) and spring 2025 (9 credits). As of May 28th, the claimant was enrolled for 9 credits for the summer of 2025, which the school will consider to be full-time.
 27. The claimant's advisor has recommended that the claimant take no more than 2 classes a term. The claimant is willing to ignore this recommendation if necessary to meet TOP full-time requirements.
 28. For the winter 2025 quarter (January 6, 2025, to March 29, 2025) the claimant is taking 3 classes. A 12-week 4 credit class and two 3 credit 6-weeks classes, for a total of 10 credits. As of February 11, 2025, she was finding the course load challenging but was still maintaining an A+ grade level.
 29. The 2025 spring semester started on April 21st.

30. On April 7, 2025, the claimant began one, 6-week, 3-credit class, Project Resource Management, which was held on Mondays from 6 p.m. to 8:45 p.m. The class ended on May 13, 2025.
31. On May 17, 2025, the claimant started two new, 3-credit classes: Project Quality Management held on Mondays from 6 p.m. to 8:45 p.m. and Leading and Managing Tech Projects held on Thursdays from 6 p.m. to 8:45 p.m. These two classes both are expected to end on June 25, 2025.
32. The claimant is enrolled to take three 3-credit classes during the summer term (July 7, 2025, to August 16, 2025): Project Scope Management; Project Scheduling; and Cost Planning and Principles of Agile Project Management. Each class will be held one day a week, from 6 p.m. to 8:45 p.m. One class is on Mondays, another is on Tuesdays, and the third is on Thursdays.
33. The claimant is expecting to take 3 classes, totaling 9 credits, during the fall 2025 quarter (September 15, 2025, to December 12, 2025). This could be 3 courses in one 6-week term or 1 course for a 6-week term and 2 courses for the other 6-week term, depending on when classes are offered.
34. The claimant is expecting to take 3 classes, totaling 9 credits, during the winter 2026 quarter, January 6, 2026, to March 29, 2026. This could be 3 courses in one 6-week term or 1 course for a 6-week term and 2 courses for the other 6-week term, depending on when classes are offered.
35. The claimant is expecting to take 1 class totaling 3 credits for the spring 2026 quarter (April 7, 2026, to June 27, 2026).
36. It is possible that some of the courses the claimant will take will be 2 credits rather than 3, but she intends to always take at least 8 credits a quarter. If she takes less than the expected number of credits in any of the first 5 quarters, she intends to take additional credits in her final spring 2026 quarter, allowing her to complete The Program on time.
37. On January 17, 2025, the Department of Unemployment Assistance (DUA) issued a Notice of Disqualification stating that, under MGL c. 151A, Section 30(c) the claimant was not entitled to TOP benefits while attending The Program.
38. The claimant did not mention her rate of pay and job title at [Business B] during the prior remand hearing, held on May 28, 2025, because she did not think or if [sic] as actual employment as the business, to date, has not generated any revenue.
39. Most of the positions the claimant applies for require project management certification. She applies for these positions because this is the career path she is seeking, and she has found it difficult to find listings for project management

type positions which don't require either a project management certificate or project management experience. When she finds positions that don't have these requirements, she does focus her attention on them.

40. The claimant has also been applying for jobs that require an MBA.
41. The claimant has applied for positions as: a manager, a project manager, a program manager, a meetings and events manager, a sales manager, an office manager, a general manager, a creative project manager, a program coordinator, a project coordinator, a project management analyst, a director, an assistant director, a conference coordinator, a conference producer, an executive personal assistance, an event planner, an organizational strategist, a development representative, a head of operations, an intern, an entry level supply chain management professional, a management trainee, an enterprise strategy associate and an investor. This list is not necessarily all inclusive of all the types of positions for which the claimant has applied. These are the ones applied for between July 9, 2024, and January 22, 2025, and between September 11, 2025, and October 2, 2025.
42. The claimant has found that the employers interested in her entrepreneurial education also want to see experience managing a start up which she does not have. She has therefore focused her job search on the project management type positions discussed above. Her degree also provided training in non-profit management, which should qualify her for work in this field as well. [Business C] is a non-profit and the claimant worked for it or an associated business as a volunteer prior to being hired as the Director of Special Project. She therefore also has at least limited experience with non-profit management.
43. The claimant's Form I-551, permanent resident card, issued on July 29, 2022 and expired on July 29, 2024, was extended through a form I-797 Notice of Action, for 48 months after its expiration date. She is authorized to work during the extension, if she presents both her expired permanent resident card and the form I-797.

Credibility Assessment:

In reference to above finding of fact 38:

The claimant testified that the reason she did not mention her 4-years of work experience at [Business B] during the prior remand hearing, held on May 28, 2025, was that she was not asked about this. This testimony is not found to be credible, as the claimant was asked at that hearing what her prior employment experience was, including job titles, job duties, rate of pay, and duration of employment. In addition, that fact that she was not paid by her 4 years of work experience at [Business B] was not found to be the reason why she did not discuss this employment, as she was also not paid by her husband's business, [Business A], and did discuss this employment at the prior hearing. Finding of fact number 38 was

made based on the claimant's testimony taken as a whole. While it is possible that the claimant intentionally did not mention her work with [Business B], it is equal [sic] possible that she did not mention it because in her mind it is more like volunteer work or a hobby until such time as it actually generates income and/or she works at it for a signification [sic] time period weekly. It therefore did not come to her mind when she was asked the question. The review examiner has therefore chosen to give the claimant the benefit of the doubt that she did not intentionally omit this information on May 28, 2025, and that in answering the question on December 1, 2025, made her best guess as to why she did not provide the information.

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 except as follows. We clarify the portion of Consolidated Finding # 15 that states that the claimant had 6 months of work experience with [Business B], where it should state [Business C], given Consolidated Finding # 9 and the claimant's testimony. In adopting the remaining findings, we deem them to be supported by substantial and credible evidence. We further believe that the review examiner's credibility assessment is reasonable in relation to the evidence presented. As discussed more fully below, we affirm the review examiner's decision that the claimant was not entitled to training benefits.

The review examiner initially concluded that the claimant was not entitled to training benefits because she has multiple degrees, and, therefore, she did not need training to become re-employed. We remanded the case to the same review examiner to take additional evidence about the claimant's skills and work history.

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 procedures and guidelines for approving training benefits are set forth in 430 CMR 9.00–9.08. 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 main issues before us are: (1) whether the claimant is unlikely to obtain suitable employment based on her most recently utilized job skills and (2) whether she needs training to become re-employed. The requirements are found under 430 CMR 9.03, which state in relevant part:

(1) Claimants may be eligible for approved training if it is determined that they are permanently separated from work, unlikely to obtain suitable employment based on their most recently utilized job skills, the requested training is for a demand occupation and:

(a) They are in need of training to become re-employed; . . .

Further, 430 CMR 9.03(3)(b), states, in relevant part, that, in order to establish that she is “unlikely to obtain suitable employment,” a claimant must show that she:

requires training to become re-employed in [her] . . . current occupation, because [her] . . . present skills in that occupation are insufficient or are technologically out of date; provided, however, that a claimant possessing sufficient skills in [her] . . . current occupation to obtain suitable employment in that occupation shall not be determined to be in need of training, unless the claimant has separated from a declining occupation or is unemployed as a result of a permanent reduction of operations and the claimant is training for a demand occupation.

The review examiner found that the claimant has a master’s degree and some work experience in non-profit management. *See Consolidated Findings ## 7 and 42.* In February, 2024, she worked for a non-profit organization as a director of special projects and her salary was \$80,000 per year. However, she was laid off in July, 2024, because she did not meet the employer’s expectations. *See Consolidated Finding # 9.* We remanded the case to obtain more information about the claimant’s skills and work history, taking into account the records from the Massachusetts One Stop Employment System (MOSES), which showed that she worked for four years as a project manager earning \$70 per hour.¹

After remand, the review examiner found that, after the claimant earned her master’s degree in May, 2020, she worked as an unpaid part-time administrator in her husband’s wealth management business, [Business A]. She did marketing, administrative, and customer service tasks. *See Consolidated Finding # 7.* The review examiner also found that, in addition to the unpaid work she did for her husband’s company, she is a minority shareholder in a company called [Business B]. *See Consolidated Finding # 8.* The claimant did not earn wages from [Business B]. When the review examiner asked the claimant why she did not talk about the project management experience at [Business B] during the initial hearing, the claimant explained that she was not paid for her work with [Business B], but she had to enter a dollar amount into MOSES in order to move forward with creating a profile. The claimant researched what a typical salary would be for this role, and she entered that amount into MOSES. *See Consolidated Findings ## 13 and 38, and Exhibits ## 15 and 16.*² The review examiner found that the claimant’s overall testimony that she did not work and earn wages for either of these companies to be credible, and such assessments are within the scope of the fact finder’s role, and, unless they are unreasonable in relation to the evidence presented, they will not be disturbed on appeal. *See School Committee of Brockton v. Massachusetts Commission Against Discrimination, 423 Mass. 7, 15 (1996).* Based on the record before us, we conclude that the review examiner’s credibility assessment was reasonable and based on the evidence presented.

However, the record does not support a conclusion that the claimant requires a second master’s degree in order to become re-employed. The claimant already holds a Master of Business Administration in Entrepreneurship and Non-Profit Management and has used that degree to

¹ Remand Exhibit # 13 is the document from MOSES.

² Remand Exhibits ## 15 and 16 are the claimant’s wages for her 2024-01 claim.

obtain professional-level employment, including her role as Director of Special Projects for a non-profit organization with an annual salary of \$80,000. *See Consolidated Findings ## 4 and 9.* In addition, since earning her MBA, the claimant has performed administrative, marketing, customer service, and project-related functions for both her husband's business and [Business B] over a period of several years. *See Consolidated Findings ## 7 and 8.* These findings demonstrate that the claimant has already been able to perform work in business administration and project-related roles without the need for additional graduate-level education.

Moreover, the record indicates that the claimant's unemployment is not attributable to a lack of educational qualifications, but rather to her decision to focus her job search on project management roles that often require specific certifications or experience that she does not yet possess. *See Consolidated Findings ## 14, 15, and 39.* Although the claimant asserts that employers seek credentials in methodologies such as Agile, Scrum, or Sigma, the record indicates that such discrete, industry-recognized certifications are not necessary for a wide range of positions for which the claimant is presently qualified. *See Consolidated Finding # 41.*

The claimant has chosen to pursue a particular career path within project management that may benefit from additional credentials, but this preference does not establish necessity under the statute. Where the claimant already has the education and transferable skills to obtain suitable employment in business, administrative, or non-profit roles, an additional master's degree is not required to render her employable. Accordingly, the claimant has not met her burden to show that she is in need of training as meant under 430 CMR 9.03.

We, therefore, conclude as a matter of law that, because this program is not necessary for the claimant to realize appropriate employment, the claimant is ineligible for training benefits pursuant to G.L. c. 151A, § 30(c).

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 under G.L. 151A, § 30(c).

BOSTON, MASSACHUSETTS
DATE OF DECISION - March 18, 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.

MR/rh