

The review examiner improperly denied training benefits because the claimant's barbering certificate program was not approved for Section 30 benefits as of the date she began her training. However, the claimant was nevertheless ineligible for training benefits because she did not establish that her chosen training program was necessary to obtain suitable employment, where the review examiner found she sought training to become self-employed. The claimant is ineligible for extended benefits under G.L. c. 151A, § 30(c), and 430 CMR 9.03.

**Board of Review
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Issue ID: 352-ML35-FN2V

Introduction and Procedural History of this Appeal

The claimant appeals a decision by a review examiner of the Department of Unemployment Assistance (DUA) denying an extension of the claimant's unemployment benefits while she participated in a training program. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

The claimant became separated from employment and filed a claim for unemployment benefits with the DUA, effective October 27, 2024, which was ultimately approved by the DUA. On April 19, 2025, the claimant submitted an application to the DUA for an extension of benefits to attend a training program (training benefits), which the agency subsequently denied on May 12, 2025. The claimant appealed that 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 training benefits in a decision rendered on September 10, 2025. We accepted the claimant's application for review.

Training benefits were denied after the review examiner concluded that the claimant's chosen program was not an approved program at the time she began attending the program on February 3, 2025, 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.* 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 that the claimant was ineligible for training benefits because her chosen program was not an approved program at the time she began attending the program, 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 an unemployment claim which was established with an effective date of 10/27/2024.
2. On 4/19/2025, the claimant filed submitted [sic] “Training Opportunities Program” application to attend a Barber Certificate and License [program] through [Institution].
3. The training program is a full-time in-person training program operating from 2/3/2025 through 10/2/2025.
4. The claimant will obtain a Barber certificate and license upon completion of the training program.
5. The [Institution] was [not] an approved program for Section 30 from 7/1/2024 through 12/29/2024 according to the Massachusetts One Stop Employment System.
6. The [Institution] was not an approved program for Section 30 from 12/30/2024 through 6/30/2024.
7. The [Institution] is an approved program for Section 30 from 7/1/2025 through 6/30/2026 according to the Massachusetts One Stop Employment System.
8. The claimant found the [Institution] program online receiving information that it was an approved training program.
9. The claimant started the training program on 2/3/2025 before submitting her TOP application on 4/19/2025.
10. The claimant last worked in October 2024 as a Clerical Clerk.
11. The claimant has 10-15 years of experience in customer service.
12. The claimant decided to attend the [Institution] program so she can be self-employed and earn more wages compared to a customer service position.

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. After such review, the Board adopts the review examiner’s findings of fact except as follows:

In Finding of Fact # 5, the review examiner found that according to the Massachusetts One Stop Employment System (MOSES), the claimant’s program was approved for Section 30 training from July 1, 2024, through December 29, 2024. However, the two MOSES screens in evidence clearly

show that the training program was denied approval during that time period. *Compare* Finding of Fact # 5 and Hearings Exhibits # 5, p. 1; and # 6, p. 2.¹ Where the review examiner's finding is contradicted by the documentary evidence in the record, we reject that finding accordingly. The program was not approved for training benefits during that period.

In adopting the remaining findings, we deem them to be supported by substantial and credible evidence. However, while we believe that the review examiner's findings of fact support the conclusion that the claimant is not entitled to training benefits, we reach this conclusion for a different reason, 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. 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 regulations that govern training benefits establish both procedures and standards for approving training programs, as well as the eligibility criteria for claimants seeking to participate in such programs. *See* 430 CMR 9.01–9.08.

The review examiner initially concluded that, because the claimant's training program was not an approved program in MOSES as of the date she began attending classes on February 3, 2025, she was not entitled to training benefits. *See* Findings of Fact ## 6 and 9. However, the review examiner also found that the training program was subsequently approved for Section 30 benefits as of July 1, 2025. *See* Finding of Fact # 7. We have previously concluded that, where a program secures approval for training benefits after a claimant has begun attending the program, the claimant is entitled to training benefits (and the corresponding waiver of the availability and work search requirements of G.L. c. 151A, 24(b)) as of the date the program becomes approved under Section 30, so long as the claimant satisfies all of the requirements to receive such a training extension. *See* Board of Review Decision 0032 2245 11 (Dec. 17, 2019). Thus, the basis of the review examiner's decision to deny training benefits — that the program was not approved at the time the claimant began attending it — was incorrect as a matter of law.

However, in order to qualify for training benefits, a claimant must also establish that she is “unlikely to obtain suitable employment based on their most recently utilized job skills, the requested training is for a demand occupation and ... [t]hey are in need of training to become re-employed.” 430 CMR 9.03(1). 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

¹ Exhibits ## 5 and 6, respectively, are printouts from the Massachusetts One Stop Employment System (MOSES). While not explicitly incorporated into the review examiner's findings, these 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).

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.

In the case before us, the review examiner found that the claimant “decided to enter [her chosen barbering] program so she can be self-employed and earn more wages compared to a customer service position,” notwithstanding that she “has 10–15 years of experience in customer service.” See Findings of Fact ## 11 and 12.

While the claimant may prefer to pursue self-employment as a barber, rather than search for suitable employment in customer service or other fields in which she may have relevant experience, this preference does not establish that this program is necessary for her to obtain suitable employment. Thus, we conclude, as a matter of law, that the claimant’s training program does not meet the requirements of 430 CMR 9.03.

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 while attending this training program pursuant to G.L. c. 151A, § 30(c).

BOSTON, MASSACHUSETTS
DATE OF DECISION - October 20, 2025



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**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.

JPCA/rh