

The claimant limited his availability to part time work because he was in high school and participated in sports activities. This does not constitute good cause for restricting availability to part-time employment. Additionally, the claimant provided evidence showing he applied for jobs that required a driver's license, even though he did not have one, suggesting he was not making an active and realistic work search. He is disqualified pursuant to G.L. c. 151A, § 24(b).

**Board of Review
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Issue ID: 352-MLDF-63TN

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 filed a claim for unemployment benefits with the DUA, effective April 27, 2025, which was denied in a determination issued on May 21, 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 August 9, 2025. 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 December 29, 2025, the District Court ordered the Board to obtain further evidence. Pursuant with this Order, we remanded the case to the review examiner to take additional evidence concerning whether the claimant was capable of, available for, and actively seeking work in an occupation for which he is reasonably fitted. 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 benefits because he limited his availability for work and did not show he was performing the required three work search activities each week, 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 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 the review examiner's decision.

Findings of Fact

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

1. The effective date of the claim is April 27, 2025.
2. The claimant lives in [City A], Massachusetts.
3. As of April 27, 2025, the claimant was enrolled in high school.
4. The claimant is sixteen years old and currently a junior in high school.
5. The claimant does not have his driver's license. The claimant is currently in the process of getting his driver's license.
6. Prior to filing for unemployment, the claimant worked part-time, 12–15 hours per week, doing on-line orders for a store. The claimant only worked on the weekends.
7. The part-time job doing on-line orders was the claimant's first job.
8. The claimant worked part-time because he was in high school and did sports activities.
9. The claimant's parents would sometimes drive him to work, or he would take a ride share to work.
10. The claimant is physically, emotionally and psychologically able to perform full-time work.
11. The claimant is not available for full-time work because he is in high school and does sports activities.
12. The claimant was on summer break from approximately June 18, 2025, until the end of August 2025.
13. The claimant did not search for full-time work during the summer because he would be going back to school and would only be able to work on the weekends once school started again.
14. The claimant looked for jobs locally in his town so that he could walk to work.
15. The claimant applied to jobs in his town in-person. The claimant also performed work searches online with a job search computer application (Indeed).
16. The claimant only applied for part-time jobs that he could perform on the weekends.
17. The claimant did not keep a work search log where he recorded his work search activities for each week he certified for benefits.

18. The claimant certified for his weekly benefits by calling the DUA.
19. When certifying for his weekly benefits by telephone, the claimant was not given an option to put in his three job searches.
20. This is the claimant's first claim for unemployment benefits.
21. The claimant did not know he needed to keep a work search log.
22. The claimant created a spread sheet of his job search activity by reviewing his Indeed history. The claimant created the spread sheet from the jobs he applied for on-line with Indeed.
23. The claimant created the spread sheet approximately one week prior to the remand hearing.
24. The spread sheet is titled "work log".
25. The spread sheet has a column that says, "App Date" which is short for application date. The spread sheet has a column that says "Employer," a column that says "Position," a column that says "Method" and a column that says "Notes." The column that says "Notes" sets forth the location of the jobs and the rate of pay.
26. The spread sheet sets forth that the claimant applied for a job as a Delivery Driver on May 3, 2025, and May 5, 2025. The spread sheet sets forth that the claimant applied for a job as a Delivery Driver on July 19, 2025. The spread sheet sets forth that the claimant applied for a job as a Food Runner on August 8, 2025. The spread sheet sets forth that the claimant applied for a job as a Driver on August 24, 2025. The spread sheet sets forth that the claimant applied for two jobs as a Pizza Delivery Driver. The spread sheet sets forth that the claimant applied for a job as a Valet Parking Attendant and a package Delivery Driver. The spread sheet sets forth that the claimant applied for a job as a Delivery Driver on January 16, 2026, and February 14, [2026]. The spread sheet sets forth that the claimant applied for a job as a Valet Parking Attendant on February 20, 2026.
27. The spread sheet sets forth that the claimant applied for jobs in [list of cities]

Credibility Assessment:

The claimant testified in the hearing that he created the spread sheet approximately a week before the remand hearing. The claimant created the spread sheet from a review of his on-line application activity in Indeed. The timing of the creation of the spread sheet draws into question the reliability of this evidence. Additionally, the spread sheet is unreliable evidence of the claimant's work search because it is

not the actual searches in Indeed. The content of the spread sheet is further questionable. The claimant testified in the hearing that he was looking for work locally. The claimant testified that he expanded the work search when he realized he could not find anything in his town. However, applications for work in towns such as [City B], [City C] and [City D] draw into question the actual suitability of the applications. These towns are a long commute from [City A]. Furthermore, the spread sheet sets forth numerous applications for delivery driver jobs. This job would not be suitable for the claimant as he does not have his driver's license.

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. We further believe that the review examiner's credibility assessment is reasonable in relation to the evidence presented. As discussed more fully below, we agree with the review examiner's legal conclusion that the claimant is ineligible for benefits.

At issue in this case is the claimant's eligibility pursuant to G.L. c. 151A, § 24(b), which provides, in pertinent part, as follows:

[An individual, in order to be eligible for benefits under this chapter, shall] . . . (b)
Be capable of, available, and actively seeking work in his usual occupation or any other occupation for which he is reasonably fitted. . . .

Under G.L. c. 151A, § 24(b), claimants are expected to be capable of, available for, and actively search for full-time work.¹

There are a limited number of circumstances, set forth under 430 CMR 4.45, when claimants are permitted to restrict their availability to part-time work. In relevant part, these regulations state as follows:

(1) An individual otherwise eligible for benefits may limit his/her availability for work during the benefit year to part-time employment provided, that the individual: . . .

(a) has a prior work history of part-time employment; establishes to the satisfaction of the commissioner good cause for restricting availability during the benefit year to part-time employment and that such good cause reason is the same as, or is related to that which existed during the prior work history of part-time employment; and is available during the benefit year for at least as many

¹ Although not specifically stated in G.L. c. 151A, § 24(b), other provisions of the Massachusetts Unemployment Statute show that unemployment benefits are intended to assist claimants seek and return to *full-time* work. See, e.g., G.L. c. 151A, §§ 29 and 1(r), which provide for the payment of benefits only to those who are unable to secure a full-time weekly schedule of work.

hours of work per week as used to establish the prior work history of part-time employment; or

(b) establishes to the satisfaction of the commissioner that the reasons for leaving his or her employment were for such an urgent, compelling, and necessitous nature as to make his or her separation involuntary; and establishes to the satisfaction of the commissioner that the same or related urgent, compelling, and necessitous reasons require the individual to limit availability for work during the benefit year to part-time employment; and such limitation does not effectively remove the individual from the labor force. . . .

The claimant limited his availability to part-time work, primarily during the weekends, because he is enrolled in high school and participates in sports activities. Consolidated Findings ## 11, 13, and 16. Although the claimant does have a history of part-time employment, his attendance at school and participation in extracurricular sports activities do not constitute good cause for limiting his availability to part-time work. *See Conlon v. Director of the Div. of Employment Security*, 382 Mass. 19, 22–24 (1980), *see also* Board of Review Decision (0046 8182 58 (May 21, 2025)). Therefore, the claimant failed to establish good cause for restricting his availability to part-time work within the meaning of 430 CMR 4.45(1).

In addition to demonstrating that he is capable of and available for full-time work, an individual seeking unemployment benefits must also show that he has made a reasonable, good faith effort to find new employment. *Evancho v. Dir. of the Division of Employment Security*, 375 Mass. 280, 282–283 (1978). Accordingly, the DUA requires that, during every week in which he certifies for benefits, the claimant makes an active and realistic work search by utilizing a variety of methods and contacting a variety of employers. *See e.g.*, Board of Review Decision 0018 3385 28 (Mar. 30, 2018).

In this case, the evidence indicates that the claimant was not making a reasonable, good-faith effort to find new employment. Although the claimant’s witness testified the claimant was seeking to obtain his driver’s license as of February 24, 2026, the date of the hearing, the claimant did not have his license prior to that date. Nonetheless, as the review examiner noted in her credibility assessment, the work search log presented by the claimant indicates he had applied to at least ten different positions since April 27, 2025, which would have required him to have a valid driver’s license. Consolidated Finding # 26. Inasmuch as the claimant continued to apply to positions that required a driver’s license even though he did not have a valid license, he was not performing a realistic search for work in each week that he was certifying for benefits.

We, therefore, conclude as a matter of law that the claimant has failed to meet his burden to show that, in each week of his claim, he met the requirements of G.L. c. 151A, § 24(b), to be capable of, available for, and actively seeking full-time work.

The review examiner’s decision is affirmed. The claimant is denied benefits for the week ending May 3, 2025, and for subsequent weeks until he meets the requirements of G.L. c. 151A.

BOSTON, MASSACHUSETTS
DATE OF DECISION - March 18, 2026



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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