

**Board of Review**  
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**Charlene A. Stawicki, Esq.**  
**Member**  
**Michael J. Albano**  
**Member**

**Issue ID: 352-MLV7-5JR2**

### 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 the claimant benefits following his separation from employment on March 5, 2025. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On June 6, 2025, the agency initially determined that the claimant was not entitled to unemployment benefits. The claimant appealed, and both parties attended the hearing. In a decision rendered on August 18, 2025, the review examiner affirmed the agency determination. The review examiner concluded that the claimant was discharged for a knowing violation of a reasonable and uniformly enforced policy or rule and, thus, was disqualified under G.L. c. 151A, § 25(e)(2), for the week ending March 8, 2025, and thereafter. The Board accepted the claimant's application for review.

### Ruling of the Board

After considering the recorded testimony and evidence from the hearing, the review examiner's decision, and the claimant's appeal, we conclude that the review examiner's decision is based on substantial and credible evidence and is free from any error of law affecting substantive rights.

In doing so, we recognize that the review examiner appeared to have made an error in his decision. The review examiner explained that, because the discipline for a violation of the employer's policies can vary, the claimant was not discharged for a knowing violation of a reasonable and uniformly enforced policy. He then conducts an analysis showing that the claimant's behavior was deliberate misconduct in wilful disregard of the employer's interest. But, ultimately, he concludes his decision by stating that the claimant's actions amounted to a knowing violation of a reasonable and uniformly enforced policy or rule.

This contradiction is confusing, and clearly an error. However, from the record, and the review examiner's analysis, the claimant is ineligible for benefits because he engaged in deliberate misconduct in wilful disregard of the employer's interest and not because his actions amounted to a knowing violation of a reasonable and uniformly enforced rule or policy.

This error does not affect the ultimate conclusion in this case. The review examiner's decision is affirmed. The claimant is denied benefits for the week ending March 8, 2025, and for subsequent weeks, until such time as he has had at least eight weeks of work and has earned an amount equivalent to or in excess of eight times his weekly benefit amount.

**BOSTON, MASSACHUSETTS**  
**DATE OF DECISION - November 7, 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](http://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.

MM/rh