

The claimant, who enrolled in a cloud computing technologies certificate program, was eligible for training benefits because he established that he needed training to become re-employed and had been granted tuition assistance through WIOA.

**Board of Review
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Issue ID: 352-MN5V-JFDJ

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 he participated in a training program. We review, pursuant to our authority under G.L. c. 151A, § 41, and reverse.

The claimant became separated from employment and filed a claim for unemployment benefits, effective February 16, 2025, which was ultimately approved by the DUA. On July 2, 2025, the claimant filed an application with the DUA for an extension of benefits to attend a training program, which the agency denied on July 14, 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 August 16, 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 necessary for the claimant to obtain suitable employment in view of his 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. Following a remand hearing, 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 gain employment in his technology field, 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 are set forth below in their entirety:

1. The claimant filed a claim with the Department of Unemployment Assistance (DUA), with an effective date of February 16, 2025.

2. The claimant most recently worked as a desktop support technician for a company from June 2024 until February 25, 2025.
3. The claimant has a vocational degree in computer networking, and obtained a bachelor's degree in computer science in November 2024.
4. The claimant received his first UI benefit payment on April 16, 2025.
5. The claimant submitted a Training Opportunities Program/Section 30 (TOP) application, that indicated he would be attending school full-time to obtain a certificate in cloud computing technologies (the program).
6. On May 16, 2025, the claimant received a letter (the acceptance letter) from [Trainer] stating he had been accepted into program number 1553324.
7. The acceptance letter indicates the program was WIOA approved.
8. The claimant's chosen program is approved by MassHire.
9. The claimant's TOP application was submitted on May 23, 2025.
10. The acceptance letter states the program is scheduled to begin on July 14, 2025.
11. The claimant could not start the program before his funding for the program was approved.
12. The claimant began the program on August 25, 2025.
13. The program requires 25 hours of classroom attendance each week.
14. The claimant's [sic] attends classes 100% virtually.
15. The placement rate for participants who complete the program is "% 80-90."
16. The claimant signed up for the program because he will receive certifications for computer programs he believes will make him more competitive in the job market for his field.
17. On October 14, 2025, the claimant received a rejection from an employer for his application to [sic] a position for desktop support.
18. The claimant has more than four responses from potential employers that rejected him for open positions.
19. Some rejections from employers state the employer hired someone else with more experience.

20. Some employers do not respond to the claimant at all following his submission of a job application.
21. One employer's rejection response mentions the employer was looking for someone with experience in "routing and switching", and if the claimant obtains his CCNA (Cisco Certified Network Associate), to let the recruiter know.
22. Between February 25, 2025, and August 12, 2025, the claimant applied for more than 3 jobs each week.
23. The claimant estimates he has applied for 150 jobs since February 25, 2025.
24. The claimant primarily applies for jobs online.
25. The claimant utilizes employment recruiters.
26. The claimant has applied for jobs as a senior analyst, IT template designer, desktop support, IT infrastructure engineer, and IT service specialist.
27. The jobs the claimant is applying for resemble the claimant's previous position as a desktop support technician, as some of the job qualifications for both are Microsoft Office, 365 Windows 10 and 11.
28. The jobs the claimant is applying for differ from the claimant's previous position as a desktop support technician, in that some have additional requirements, such as CCNA, Cloud/AWS, Microsoft Azure, CISSP (Cyber Information Security System Professional) or other certifications.
29. The claimant believes he needs additional training to become re-employed as a desktop support technician, because other applicants have more qualifications than the claimant, the field is very competitive, and many applicants have the same skillset as the claimant.
30. The claimant received rejections from employers via e-mail on July 10, 2025, July 11, 2025, July 24, 2025, and August 12, 2025.
31. The claimant most recently received rejections from employers on September 6, 2025, September 13, 2025, and October 14, 2025.
32. One of the rejections received by the claimant, on either September 6th or September 13th, mentions the employer is seeking a Microsoft Intune engineer.
33. On August 4, 2025, the claimant was approved for funding by the MassHire Workforce Development and WIOA determination services to attend the training program.

34. The amount of financial assistance received for the program was \$10,000.00, which covers the entire cost of the program.
35. The claimant has not received financial assistance from any other program.
36. On May 21, 2025, the claimant received an e-mail from a career center representative that reads, “Sorry, we don’t write professional letters here. You will need to submit your ITA packet with your justification proving that you have a barrier to employment and need training. If the training board approves your training you will receive an approval notification from me. Once you are approved, it means that you in fact do need additional certification. You can use that approval to show TOP that you were approved the funding for training.”
37. The claimant worked with the career center representative throughout July 2025.
38. The claimant received an e-mail from the career center representative on July 22, 2025, about an upcoming resume workshop.
39. The claimant attended the resume workshop.
40. The claimant will complete the program on January 9, 2026, ahead of schedule.

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. However, we disagree with the review examiner’s legal conclusion that the claimant is ineligible for training benefits.

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 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. To qualify for training benefits, claimants must be “unlikely to obtain suitable employment based on their most recently utilized job skills.” 430 CMR 9.03(1). Further, 430 CMR 9.03 states, in relevant part:

- (3) For purposes of 430 CMR 9.00, a claimant will be deemed unlikely to obtain suitable employment based on the claimant’s most recently utilized job skills and in need of training to become re-employed, if any of the following apply:

(a) The claimant has applied for or is participating in a course or training program authorized by WIOA . . .

The record establishes that the claimant has a vocational degree in computer networking and a bachelor's degree in computer science, which he obtained in November, 2024. *See Consolidated Finding # 3.* The record also shows that the claimant was most recently employed as a desktop support technician, within the field of information technology services. *See Consolidated Finding # 2.* The issue is whether the claimant needs to complete a certificate program to become re-employed in this occupation.

The review examiner denied training benefits for the claimant because the claimant had “very recently” acquired a bachelor's degree in computer science, which “tends to imply that the education he obtained is current and relevant in his field.” *See Remand Exhibit 2.*¹ We disagree. While the claimant does possess some education credentials and experience in his field, the record shows that he has been unable to become re-employed as a desktop support technician.

The review examiner failed to give due weight to several aspects of the claimant's undisputed testimony. For instance, in the eight months since losing his position as a desktop support technician, the claimant applied for approximately 150 jobs, many of which resemble his most recent position. *See Consolidated Findings ## 22–23, and 27.* During the initial and remand hearing sessions, the claimant testified that he believed that the certification program to which he applied would help him become employed, because his field was very competitive, and job applicants have similar skill sets. As of the remand hearing date, the claimant was “not getting job offers” and had “not gotten interviewed.”² *See Consolidated Findings ## 16 and 29.* The claimant elaborated, providing insight into the recent trends in his field of work. As he explained, a bachelor's degree in computer science is insufficient and does not “do a lot for getting jobs. . . it's experience and a combination of everything.” The emergence of artificial intelligence (AI), Microsoft Azure, and cloud computing technology means that more jobs in cybersecurity are “opening up” at a faster rate, compared to other positions that do not utilize these programs. While applying for jobs, the claimant received feedback from some employers that suggest only those candidates who have such experience with these programs are being hired. *See Consolidated Findings ## 17–19, 21, and 32.*

The claimant further testified that, upon completion of the cloud computing technologies training program, he will receive four separate certifications, including in AI, Microsoft Azure, and various cloud computing applications, which are considered to be “really big in the technology industry,” and “are the missing pieces” for his skill set. *See Remand Exhibit 3.*³ Thus, the weight of the evidence shows that the claimant's existing credentials, including his bachelor's degree in

¹ Remand Exhibit 2 is the review examiner's hearing decision, dated August 16, 2025.

² While not explicitly incorporated into the review examiner's consolidated findings, his testimony, as well as the further testimony quoted below, is part of the unchallenged evidence introduced at the hearing and placed in the record, and it is 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).

³ Both Remand Exhibit 3, which includes a “[Trainer] Training Plan” that confirms the claimant would receive the four certifications he described during the hearing upon successful completion of the certificate program, and Exhibit 3 referenced below, are also part of the unchallenged evidence in the record.

computer science, have not enabled him to find work in his field, despite his consistent work search efforts.

Additionally, the claimant's chosen training program has been authorized by WIOA. *See Consolidated Findings ## 7, 33–34; Exhibit 3.*⁴ Under these circumstances, the claimant meets the criteria under 430 CMR 9.03. He is unlikely to obtain suitable employment based on his most recently utilized skills, and he needs training to become re-employed. *See Board of Review Decision 0083 9547 40 (Mar. 28, 2025) (held the claimant who enrolled in computer skills training program eligible for training benefits, where he established that he had been awarded tuition benefits under WIOA); see also Board of Review Decision 0026 3026 22 (Oct. 30, 2018) (held the claimant who enrolled in CDL driving school eligible for training benefits, where he established the school had secured DUA approval for training benefits and another state was paying tuition with WIOA funds).*

The regulations implementing training benefits further require consideration of a program's qualifications, as well as a claimant's participation in *qualifying* programs. To ensure that programs adequately prepare claimants to rejoin the workforce, the programs must demonstrate measurable standards. Thus, we consider 430 CMR 9.04(2)(f), which states:

Any training program approved under WIOA shall be deemed an approved training program under 430 CMR 9.00.

After remand, the review examiner found that the claimant's chosen training program had been approved under WIOA. *See Consolidated Finding # 7; Exhibit 3.*

The findings show that the claimant began his program on August 25, 2025, and is expected to complete it on January 9, 2026. *See Consolidated Findings ## 12 and 40.* In her decision, the review examiner had pointed out that, as of the date of the initial hearing, the claimant had not yet started the certificate program. She then explained that approval for training benefits requires active attendance in a TOP-approved program. While the review examiner's determination that the claimant had not yet started the program was technically accurate at the time, the claimant is now eligible for training benefits on these grounds, because he began the program on August 25, 2025.

We, therefore, conclude as a matter of law that the claimant's application for training benefits satisfied the requirements of G.L. c. 151A, § 30(c), 430 CMR 9.03(3)(a), and 430 CMR 9.04(2)(f), and the claimant is entitled to training benefits while enrolled in his certificate program.

The review examiner's decision is reversed. The claimant is entitled to receive an extension of up to 26 times his weekly benefit rate and a waiver of the availability and work search requirements while attending this program, from the week beginning August 24, 2025, through January 10, 2026, if otherwise eligible.

⁴ Exhibit 3 is the program acceptance letter, dated May 16, 2025, which indicates the cloud computing certification program is a WIOA-approved training program.

BOSTON, MASSACHUSETTS
DATE OF DECISION - December 15, 2025



Charlene A. Stawicki, Esq. CAS
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.

JMO/rh