

Even though the claimant is eligible for benefits, the employer's account will not be charged in this case for two reasons. Because the claimant separated due to urgent, compelling, and necessitous reasons, DUA will charge the solvency account pursuant to G.L. c. 151A, § 14(d)(3). Also, the employer was not an interested party, as the claimant separated from the employer more than eight weeks prior to the effective date of her claim.

**Board of Review
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Issue ID: 352-MNDD-PJ97

Introduction and Procedural History of this Appeal

The employer appeals a decision by a review examiner of the Department of Unemployment Assistance (DUA) to award the claimant benefits following her separation from employment in July, 2024. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On July 18, 2025, the agency initially determined that the claimant was not entitled to unemployment benefits. The claimant appealed, and only she attended the hearing. In a decision rendered on August 16, 2025, the review examiner reversed the agency determination, concluding that the claimant involuntarily left employment for urgent, compelling, and necessitous reasons and, thus, was not disqualified under G.L. c. 151A, § 25(e). The Board accepted the employer'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 employer's appeal, we conclude that the review examiner's decision that the claimant's separation is not disqualifying pursuant to G.L. c. 151A, § 25(e), is based on substantial evidence and is free from any error of law affecting substantive rights. We note that, because the claimant's separation from the instant employer was for urgent, compelling, and necessitous reasons under G.L. c. 151A, § 25(e), benefits paid as a result of this separation will not be charged to the employer's account but will be charged to the solvency account. *See* G.L. c. 151A, § 14(d)(3).

We further note that, even if the separation had been disqualifying, it would have no bearing on whether the claimant is entitled to benefits under G.L. c. 151A, § 25(e), because the present employer is not considered an interested party employer. Pursuant to G.L. c. 151A, § 38(b), the DUA gives notice of a claim to the claimant's most recent employing unit and to such other employers as the DUA shall prescribe. The DUA has prescribed that interested party employers include only those employers from whom the claimant became separated during the last eight weeks of employment prior to the effective date of her claim. Thus, a claimant's eligibility under G.L. c. 151A, § 25(e), will only be based upon her separation from interested party employers.

Here, the DUA's record-keeping system shows that the claimant's last eight weeks of employment prior to filing her 2025 claim were not with the instant employer. Since the claimant did not become separated from the instant employer during the last eight weeks of employment prior to opening her claim, effective April 20, 2025, the employer is not an interested party employer.

The review examiner's decision is affirmed. The claimant is entitled to receive benefits as of the start of her claim, the week beginning April 20, 2025, and for subsequent weeks if otherwise eligible.

BOSTON, MASSACHUSETTS
DATE OF DECISION - October 20, 2025



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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.

SVL/rh