

**Though only returning to part-time work, the claimant reasonably relied on information from a Career Center representative, which led her to believe that her recall date meant that she did not need to complete the RESEA requirements. Held she had good cause to miss her RESEA review deadline and was eligible for benefits pursuant to 430 CMR 4.01(8)(b). Once a DUA representative informed the claimant that she did have to complete the RESEA requirements, she no longer had good cause and was denied benefits until she finally attained her RESEA review.**

**Board of Review  
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**Issue ID: 352-MNJ6-76H4**

### 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 we affirm in part and reverse in part.

The claimant filed a claim for unemployment benefits with the DUA, effective May 25, 2025, which was approved. However, in a determination issued on July 22, 2025, the DUA disqualified the claimant beginning July 13, 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 September 25, 2025. We accepted the claimant's application for review.

Benefits were denied after the review examiner determined that the claimant failed to complete the Reemployment Services Eligibility Assessment (RESEA) requirements without good cause and, thus, was disqualified under G.L. c. 151A, § 25(a). 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, the claimant's appeal, and information contained in the agency's Massachusetts One-Stop Employment System (MOSES).

The issue before the Board is whether the review examiner's decision, which concluded that the claimant did not demonstrate good cause for her failure to schedule her RESEA reviews by the assigned deadlines, 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 a claim for unemployment benefits with the Department of Unemployment Assistance (DUA) with an effective date of May 25, 2025 (2025-01 claim).

2. The claimant elected to receive correspondence from the DUA electronically.
3. The DUA required the claimant, via a notice (the Notice) sent on June 17, 2025, to complete a Reemployment Services and Eligibility Assessment (RESEA) career center seminar (seminar) by July 4, 2025, and a RESEA review (review) by July 18, 2025.
4. The claimant received and read the Notice when it was electronically issued to her UI Online Inbox.
5. The Notice read, "Already working full-time now? Contact a MassHire Career Center right away to say you are fully employed. If you do not do this, any future unemployment claims may be delayed."
6. The claimant was aware she had to complete the seminar and the review.
7. On June 17, 2025, the claimant's previous employer recalled the claimant for part-time work.
8. The claimant's job with her previous employer was going to be 7 (seven) to 8 (eight) hours per week.
9. The claimant and the employer had an understanding that the claimant would increase hours over time and eventually go back to full-time employment, as the employer had more work.
10. The claimant completed the seminar on June 30, 2025.
11. The claimant failed to complete the review by the required deadline because she started part-time work.
12. On July 22, 2025, the claimant was issued a Notice of Disqualification ("the NOD") by the DUA, stating that she was disqualified from receiving unemployment benefits the week ending July 19, 2025, and indefinitely because she failed to complete the RESEA review. The disqualification letter read, in relevant part, "You are not eligible for benefits for the week ending July 19, 2025, and any weeks after until the week you attend a UI RESEA Review as required."
13. As of the date of the claimant's hearing, September 23, 2025, the claimant had not yet completed the review and she was still applying for unemployment benefits.
14. As of the date of the claimant's hearing, the claimant was still working part-time and did not know when she would return to full-time work for her employer.

## 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. Upon such review, the Board adopts the review examiner's findings of fact and deems them to be supported by substantial and credible evidence. However, as discussed more fully below, we reject the review examiner's legal conclusion that the claimant was not entitled to benefits for the entire period beginning the week of July 13, 2025.

The claimant was denied benefits after she failed to complete her final RESEA review by the applicable deadline, which is required in order to continue receiving unemployment benefits. Findings of Fact ## 3, 10, and 11. We, therefore, analyze her eligibility under G.L. c. 151A, § 25(a), which provides, in relevant part, as follows:

No waiting period shall be allowed and no benefits shall be paid to an individual under this chapter for—(a) Any week in which he fails without good cause to comply with the registration and filing requirements of the commissioner. The commissioner shall furnish copies of such requirements to each employer, who shall notify his employees of the terms thereof when they become unemployed.

Also relevant are the following DUA regulations, which pertain to participation in RESEA services. The regulation at 430 CMR 4.01, provides, in pertinent part:

### (8) Profiling.

(a) Any individual who has been identified pursuant to a profiling system established by the Commissioner as likely to exhaust regular benefits and in need of job search assistance services to make a successful transition to new employment shall not be eligible for benefits for any week such individual fails without good cause to attend and participate in a reemployment services seminar or such follow-up review sessions as directed by the Commissioner.

(b) For the purposes of 430 CMR 4.01(8)(a), the term “good cause” shall mean:

1. attendance at a job interview;
2. claimant, household member or immediate family member illness;
3. emergency family care issue, provided, that attempts to secure family care for the scheduled activity have been made;
4. unexpected transportation problems;
5. previously scheduled health-related appointments;
6. jury duty;
7. death of a household member or immediate family member (including a spouse, child, parent, brother, sister, grandparent, stepchild, or parent of a spouse);

8. the individual's need to address the physical, psychological and legal effects of domestic violence as defined in M.G.L. c. 151A, § 1(g½); and
9. other circumstances which the Commissioner determines are beyond the individual's control; and

(c) An individual who fails to attend a reemployment services seminar or review session (either for good cause or otherwise) shall attend a rescheduled seminar or review session as directed by the Commissioner.

(d) A claimant who has been determined to have good cause for failing to attend a reemployment services seminar or review session shall be eligible for benefits, provided, that the claimant is otherwise eligible for benefits under the other provisions of M.G.L. c. 151A.

In this case, the claimant confirmed that she received a RESEA letter on June 17, 2025, requiring her to attend a Career Center seminar and initial RESEA review by July 4, 2025, and to complete her final RESEA review by July 18, 2025. Findings of Fact ## 3 and 4. She attended the initial reemployment Career Center services seminar on June 30, 2025. Finding of Fact # 10. However, she did not meet the deadlines for the final RESEA review. Finding of Fact # 11. The review examiner concluded that the claimant did not have good cause for failing to meet that deadline because she had returned to part-time work.

As the Board has previously held, claimants must continue to actively meet their job search obligations, including participation in the RESEA program, until they obtain full-time work. Returning to part-time work does not constitute good cause under 430 CMR 4.01(8)(b). *See* Board of Review Decision 334-FHHT-KLD8 (Jun. 30, 2025). Accordingly, we agree with the review examiner's legal conclusion that the claimant's return to part-time work did not constitute good cause for failing to comply with the filing and registration requirements by the July 18<sup>th</sup> deadline.

However, the claimant also provided uncontested testimony that, when she inquired with the Career Center about her return to work, she was advised that she did not need to complete the RESEA program and could instead submit a return-to-work form explaining that she had been recalled to her previous job.<sup>1</sup> Information from the claimant's profile in the MOSES database confirms the claimant made such an inquiry on July 1, 2025, and a Career Center representative replied with instructions for the claimant to complete a return-to-work verification form.<sup>2</sup>

As the information contained in the MOSES database corroborates the claimant's testimony, it appears that the claimant was not specifically advised that part-time work was insufficient to excuse her obligations under G.L. c. 151A, § 25(a), despite making the appropriate inquiries about her return to work. Inasmuch as the claimant's reliance on the Career Center representative's advice appears facially reasonable, we are satisfied that her initial failure to meet the deadline was due to a circumstance beyond her control. She has, therefore, shown good cause as meant under

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<sup>1</sup> The claimant's uncontested testimony in this regard, while not explicitly incorporated into the review examiner's findings, 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).

<sup>2</sup> Exhibit 5 is also part of the unchallenged evidence introduced at the hearing and placed in the record.

430 CMR 4.01(8)(a) and (b)(9), beginning July 13, 2025. However, our analysis does not end there.

A review of the claimant's profile in the DUA's recordkeeping database shows that she contacted the DUA on July 23, 2025, after being denied benefits for the previous week. Agency records show that the DUA representative with whom the claimant spoke explained that the claimant had been denied benefits because she had failed to timely complete the RESEA program, advised the claimant to appeal the July 22<sup>nd</sup> Notice of Disqualification, and cautioned her that her benefits would continue to be impacted if she did not resolve her outstanding RESEA requirements. Because a DUA representative had provided the claimant with correct information about her obligations, the claimant was on notice that she was still required to complete the RESEA program in order to continue receiving benefits.

The claimant continued to certify for benefits on a weekly basis but did not take any further steps to comply with the filing and registration requirements under G.L. c. 151A, § 25(a). Finding of Fact # 13. Absent any explanation for the claimant's continued delay in completing the RESEA review, and we see none, she failed to show good cause under 430 CMR 4.01(8)(a) and (b), for not timely completing the RESEA review beginning the week of June 20, 2025.

A review of the most updated information in the MOSES database confirms that the claimant completed her RESEA review on October 10, 2025. Having completed her RESEA obligations, the claimant became eligible for benefits under the provisions of G.L. c. 151A, § 25(a), beginning the week of October 4, 2025.

We, therefore, conclude as a matter of law that the claimant may not be disqualified for the week in which her RESEA review was to be completed, as she demonstrated good cause for failing to meet the deadline as meant under G.L. c. 151A, § 25(a), and 430 CMR 4.01(8)(a), (b)(2), and (9). We further conclude that she did not meet her burden to show good cause beginning the week of July 20, 2025, and she is ineligible for benefits until October 4, 2025.

The review examiner's decision is affirmed in part and reversed in part. The claimant is entitled to benefits for the week of July 13, 2025, if otherwise eligible. The claimant is denied benefits for the period between July 20, 2025, and October 4, 2025.

**BOSTON, MASSACHUSETTS**  
**DATE OF DECISION - November 4, 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.

LSW/rh