

Although the claimant's separation from the employer was disqualifying under G.L. c. 151A, § 25(e), the claimant is still eligible for benefits. Since the claimant had at least eight weeks of work with another employer prior to filing her claim, the present employer was not an interested party.

**Board of Review
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Issue ID: 352-MP62-VDJL

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 resigned from her position with the employer and filed a claim for unemployment benefits with the DUA, effective May 4, 2025, which was denied in a determination issued on August 5, 2025. The claimant appealed the determination to the DUA hearings department. Following a hearing on the merits attended by both parties, the review examiner affirmed the agency's initial determination and denied benefits in a decision rendered on October 9, 2025.

Benefits were denied after the review examiner determined that the claimant voluntarily left employment without good cause attributable to the employer or urgent, compelling, and necessitous reasons and, thus, was disqualified under G.L. c. 151A, § 25(e)(1). After considering the recorded testimony and evidence from the hearing, the review examiner's decision, and the claimant's appeal, we accepted the case for review. 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 voluntarily left employment without good cause attributable to the employer or urgent, compelling, and necessitous reasons, is supported by substantial and credible evidence and is free from error of law. We further consider whether the decision is disqualifying where the employer is not an interested party on the claim.

Findings of Fact

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

1. The claimant worked for the employer from July 9, 2020, until February 20, 2021, when she quit.
2. The claimant's schedule was part-time hours.

3. The employer did not offer full-time work to the claimant.
4. The claimant quit because she wanted to work full-time.

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. After such review, the Board adopts the review examiner's findings of fact except as follows. We reject the portion of Finding of Fact # 1 that indicates that the claimant last worked for the employer in 2021, as the parties agreed during the hearing that the claimant last worked for the employer in 2023, and the information in the DUA's record-keeping database shows that the claimant last earned wages with the instant employer during the second quarter of 2024. In adopting the remaining findings, we deem 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 is ineligible for benefits.

Under G.L. c. 151A, § 38(b), the DUA must give 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 those employers from whom the claimant became separated during the last eight weeks of employment prior to the effective date of her benefit year claim. Pursuant to this policy, a claimant's eligibility under G.L. c. 151A, § 25(e), will only be based upon her separation from interested-party employers.

This policy is consistent with the eight-week disqualification period, which the Legislature embedded into G.L. c. 151A, § 25, and which states:

[No waiting period shall be allowed and no benefits shall be paid to an individual under this chapter] . . . (e) *For the period of unemployment next ensuing and until the individual has had at least eight weeks of work . . . after the individual has left work* (1) voluntarily unless the employee establishes by substantial and credible evidence that he had good cause for leaving attributable to the employing unit or its agent, (2) by discharge shown to the satisfaction of the commissioner by substantial and credible evidence to be attributable to . . . a knowing violation of a reasonable and uniformly enforced rule or policy of the employer, provided that such violation is not shown to be as a result of the employee's incompetence

(Emphasis added.)

Thus, an individual who separates from a prior employer and immediately files an unemployment claim may be disqualified under G.L. c. 151A, § 25(e)(1) or (2), depending upon the circumstances of that separation. However, what transpired with this former employer cannot be disqualifying if that individual subsequently performs eight weeks of work for another employer and then files a claim. That is because the DUA has no interest in the prior employer's separation, as it has no bearing on whether the claimant is entitled to benefits under G.L. c. 151A, § 25.

Here, we note that the information contained in the DUA's record-keeping database shows that the claimant filed her present unemployment claim with the DUA on May 7, 2025, with an effective date of May 4, 2025. While the record before us is unclear as to the exact date of the claimant's separation from the instant employer, the totality of the evidence indicates that she separated no later than the second quarter of 2024 or June 30, 2024. Based on these dates, this claim was filed at least 10 months after the claimant's separation from the instant employer.

Additionally, the DUA's database shows that the claimant worked for a new employer between October 22, 2024, and January 31, 2025, and a second new employer between February 21, 2025, and April 28, 2025. She also continued to work for a prior employer with whom she began employment in 2022, until October 21, 2024. Since the claimant did not become separated from the instant employer during the last eight weeks of employment prior to opening her claim effective May 4, 2025, the employer is not an interested party employer.

Consequently, although we believe that the review examiner's decision that the separation was disqualifying is supported by substantial evidence in the record, the disqualification has no bearing on whether the claimant is entitled to benefits under G.L. c. 151A, § 25, because the instant employer is not an interested party.

We, therefore, conclude as a matter of law that the claimant may not be disqualified from receiving benefits under this claim pursuant to G.L. c. 151A, § 25(e), based upon her separation from the employer.

The portion of the review examiner's decision, which concluded that the claimant's separation from the employer was disqualifying pursuant to G.L. c. 151A, § 25(e)(1), is affirmed. However, the portion of the review examiner's decision, which concluded that the claimant is ineligible to receive benefits is reversed. The claimant is entitled to receive benefits for the week beginning May 4, 2025, and for subsequent weeks if otherwise eligible.

BOSTON, MASSACHUSETTS
DATE OF DECISION - November 14, 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