

Claimant, who was permanently laid off when her company's primary client, USAID, was shut down by the federal government, demonstrated that she is unlikely to obtain suitable employment based on their most recently utilized job skills. Held she is eligible for training benefits pursuant to G.L. c. 151A, § 30(c), and 430 CMR 9.03.

Board of Review

100 Cambridge Street, Suite 400

Boston, MA 02114

Phone: 617-626-6400

Fax: 617-727-5874

Charlene A. Stawicki, Esq.

Member

Michael J. Albano

Member

Issue ID: 352-MP95-4FV2

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 an extension of the claimant's unemployment benefits while she is participating in a training program. We review, pursuant to our authority under G.L. c. 151A, § 41, and reverse.

The claimant separated from employment and was approved for benefits under a claim with an effective date of March 9, 2025. Subsequently, she filed an application for an extension of benefits to attend a training program (training benefits), which the agency denied in a determination dated August 8, 2025. The claimant appealed the determination to the DUA hearings department. Following a hearing on the merits, the review examiner affirmed the agency's initial determination and denied training benefits in a decision rendered on September 19, 2025. We accepted the claimant's application for review.

Training benefits were denied after the review examiner concluded that the claimant's program was not necessary for the claimant to obtain suitable employment in view of her 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.* 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, and the claimant's appeal.

The issue before the Board is whether the review examiner's decision, which concluded that the claimant did not need further training to obtain suitable employment given her work experience and existing degrees, 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 obtained her high school diploma in 2013.

2. In 2017, the claimant obtained a Bachelor's Degree of Arts from [Institution A] majoring in Political Science.
3. In 2024, the claimant obtained a Master's Degree in Supply Chain Management from [Institution B].
4. The claimant has approximately 7 years of experience working as a Project Manager.
5. Prior to filing for unemployment benefits, the claimant worked for her most recent employer, an international development firm, on a full-time basis from August 2018 until March 10, 2025. The claimant's initial job title at this employer's establishment was Associate. The claimant's most recent promoted job title at this employer's establishment was Senior Manager. The claimant was paid an annual salary of \$116,500. In this role, the claimant was working with international affairs in connection with humanitarian aid. The claimant was discharged for a lack of work by this employer's establishment.
6. The claimant's prior employer relied on contracts associated with the United States Agency for International Development. In approximately January 2025, the United States Agency for International Development shut down causing the claimant's former employer to proceed with layoffs.
7. The claimant filed an initial unemployment claim effective the week ending March 15, 2025.
8. The claimant has been applying for jobs since filing for unemployment benefits. The claimant has been applying for Project Management jobs including in the tech industry and private sector jobs. The claimant initially was applying for 5 jobs per week. The claimant most recently has been applying for 15 jobs per week. The claimant applied for approximately 80 jobs since filing for unemployment benefits (as of the date of the hearing). The claimant has not obtained a job offer yet (as of the date of the hearing).
9. The claimant subsequently decided to enroll in a Master's Degree Program majoring in Computer Science at [Institution B]. The Master's Degree Program majoring in Computer Science at [Institution B] will be [sic] 2nd Master's Degree for the claimant.
10. On July 14, 2025, the claimant submitted a Training Opportunities (TOP) Application to the Department of Unemployment Assistance (hereinafter DUA) for her enrollment in [Institution B]'s Master's Degree Program majoring in Computer Science (hereinafter 1st TOP Application). The claimant and [Institution B] both completed their respective portions of the 1st TOP Application.

11. On the 1st TOP Application, the following question was listed: “How will the training you applied for help you find a new job?” In response to this question, the claimant wrote: “It will provide me with the skills necessary to pivot industries in an extremely competitive job market.” In addition, the claimant feels the Master’s Degree Program majoring in Computer Science will help her find employment as her experience was working in humanitarian aid and humanitarian aid has dwindled.
12. On [sic] 1st TOP Application, [Institution B] listed the following information regarding the program the clamant is enrolled in:

Name of College:	[Institution B]
Name of Degree:	Masters
Major:	Computer Science
Applicant has applied to be:	full-time.
Classes Start:	9-4-2025
All Classes will be completed on:	7-6-27
Number of Credits Required	
To complete the program:	33
Number of program credits this Student has already completed:	0
Number of program credits this Student still needs:	33
Classes Take Place:	Online Only

	Period Starts on:	Ends On:	Total Number of Credits:
Fall	9-4-25	12-18-25	6
Winter	x		
Spring	1-20-26	5-13-26	6
Summer 1	5-18-26	7-6-26	3
Summer 2	7-9-26	8-27-26	3
Fall	9-7-26	12-21-26	6
Spring	1-20-27	5-13-27	6
Summer	5-18-27	7-6-27	3

13. On August 18, 2025, the DUA issued a Determination denying the claimant benefits under Section 30 of the Law for her enrolment in Master’s Degree Program majoring in Computer Science at [Institution B]. On the Determination, the DUA wrote in part: “You are not eligible for a job search waiver. You cannot get additional RED benefits after you use up your regular unemployment benefits” and “Your application for school or training was denied because it is not a full-time program. Your school or training program has fewer than 20 class hours per week or provides fewer than 12 credits per semester. You are going to a full-time school or training program at this time, but your application for this school or training program was denied because it

does not meet the requirements of the law.” In response to the Determination, the claimant appealed.

14. After receiving the Determination, the claimant decided to modify her enrollment in the Master’s Degree Program majoring in Computer Science at [Institution B].
15. On August 11, 2025, the Assistant Register from [Institution B] signed a modified TOP Application (hereinafter 2nd TOP Application) regarding the claimant’s enrollment.
16. The claimant subsequently submitted the 2nd TOP Application to the DUA.
17. The Assistant Register from [Institution B] listed the following information on the 2nd TOP Application:

Name of College:	[Institution B]
Name of Degree:	Masters Major: Computer Science
Applicant has applied to be:	full-time.
Classes Start;	9-4-2025
All Classes will be completed on:	12-21-26
Number of Credits Required	
To complete the program:	33
Number of program credits this	
Student has already completed:	0
Number of program credits this	
Student still needs:	33
Classes Take Place:	Online Only

	Period Starts on:	Ends On:	Total Number of Credits:
Fall	9-4-25	12-18-25	12
Winter	x		
Spring	1-20-26	5-13-26	12
Summer 1	x	7-6-26	6
Summer 2	x	8-27-26	6
Fall	9-7-26	12-21-26	12

18. On September 4, 2025, the claimant did start attending classes for Master’s Degree Program majoring in Computer Science at [Institution B] and is currently attending full-time schooling. The claimant is taking 12 credits for the current Fall 2025 Semester.
19. The claimant continues to look for work with the degrees and experience she has already obtained [sic] is hopeful to find gainful employment. The claimant is a highly motivated individual. The claimant is planning on modifying her enrollment again maybe by decreasing her enrollment status for Master’s

Degree Program majoring in Computer Science at [Institution B] in the event she is offered a full-time job.

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 # 17 showing enrollment during the summer terms in the 2nd TOP application, as this is unsupported by the record. 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 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 procedures and guidelines for approving training benefits are set forth in 430 CMR 9.00–9.08.

At issue is whether the claimant met the requirements set forth under 430 CMR 9.03, which provides, in relevant part, as follows:

(1) Claimants may be eligible for approved training if it is determined that they are permanently separated from work, unlikely to obtain suitable employment based on their most recently utilized job skills, the requested training is for a demand occupation and:

(a) They are in need of training to become re-employed; or

(b) They have been permanently separated from a declining occupation, or they have been permanently separated from work as a result of a permanent reduction of operations.

(2) For purposes of 430 CMR 9.00, a claimant will be considered permanently separated from work if he or she is unemployed with no recall date or with an indefinite date of recall . . .

(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: . . .

(b) The claimant requires training to become re-employed in his or her current occupation, because his or her present skills in that occupation are insufficient or are technologically out of date; provided, however, that a claimant possessing sufficient skills in his or her current occupation to obtain suitable employment

in that occupation shall not be determined to be in need of training, unless the claimant has separated from a declining occupation or is unemployed as a result of a permanent reduction of operations and the claimant is training for a demand occupation;

(c) A claimant's existing skills are obsolete due to technological change or because there is currently no demand for his or her skills in his or her work search area. . . .

Prior to filing her claim, the claimant worked as a Senior Manager, primarily in project management, for a company whose main client was the U.S. Agency for International Development (USAID). *See* Finding of Fact # 5.¹ When the U.S. Government shut down this agency, the claimant was permanently laid off on March 10, 2025. *See* Finding of Fact # 6. The claimant explained that she worked in the field of international humanitarian aid, and because USAID, the government-funded agency, no longer exists, her field of work has been shut down as an industry. She explained that her former employer downsized from about 400 people to 20, and its competitors no longer exist. Further, she testified that, since becoming unemployed, she has applied to between five and fifteen project management jobs, as well as some supply chain specific and data analysis type jobs, per week in the private sector without any offers. Between March 10, 2025, and the date of the hearing, September 16, 2025, she had applied to approximately 80 jobs. *See* Finding of Fact # 8. She testified that the feedback she has received from the private sector is that she does not have the experience.

In short, although the claimant has a Bachelor's degree, and a Master's degree in Supply Chain Management, her seven years of international project management work experience is not transferrable. In our view, the claimant has demonstrated that she is unemployed as a result of a permanent reduction of operations and there is currently no demand for her skills in her work search area. Thus, she is unlikely to obtain suitable employment based on their most recently utilized job skills.

As the claimant further explained, she enrolled in the Master's in Computer Science training program because it will enable her to do either project management or some other work in the computer science field. Given the specific circumstances presented in this case, we are also satisfied that, in combination with the claimant's training and work experience, this computer science training program will prepare her for a demand occupation.

Finally, we note that extended training benefits are only payable while the claimant is participating in the training course. 430 CMR 9.06(1). Her 2nd TOP application shows that she will be enrolled full-time during the Fall 2025 semester (September 4 – December 18, 2025), and in the Spring 2026 semester (January 20 – May 13, 2026). *See* Finding of Fact # 17 and Exhibit 5.² The claimant is approved for training benefits only during these discrete periods. She is not eligible during the winter break between the Fall 2025 and Spring 2026 semesters. *See* 430 CMR 9.03(6), (8), and

¹ We have supplemented the findings of fact here and below, as necessary, with the claimant's unchallenged testimony before the review examiner. *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).

² Exhibit 5 is the claimant's 2nd TOP application. This exhibit is also 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.

(9). At the end of the Spring 2026 semester, the claimant may submit a new TOP application for the Fall 2026 semester, if she has any remaining unpaid training benefits.

We, therefore, conclude as a matter of law that the claimant is entitled to training benefits pursuant to G.L. c. 151A, § 30(c), and 430 CMR 9.03, while enrolled in this Master's in Computer Science program.

The review examiner's decision is reversed. The claimant is entitled to receive an extension of up to 26 times her weekly benefit rate and a waiver of the availability and work search requirements while attending this program from the week beginning August 31, 2025, through May 16, 2026, if otherwise eligible.

BOSTON, MASSACHUSETTS
DATE OF DECISION - October 21, 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

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.

AB/rh