

**Where the claimant provided uncontested testimony that she would accept full-time employment were it offered and had arranged to modify her full-time school schedule to accommodate full-time work if it arose, she has shown that she was available for full-time employment pursuant to G.L. c. 151A, § 24(b).**

**Board of Review  
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Member  
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**Issue ID: 352-N3FJ-RKP6**

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 reverse.

The claimant filed a claim for unemployment benefits with the DUA, effective April 27, 2025, which was initially approved. Subsequently, in a determination issued on September 5, 2025, the DUA determined the claimant was not eligible for benefits as of the week ending September 5, 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 January 8, 2026. We accepted the claimant's application for review.

Benefits were denied after the review examiner determined that the claimant was not available for full-time work and, thus, was disqualified under G.L. c. 151A, § 24(b). 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 was not available for full-time work while she was in school full-time, 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's appeal is from a determination which denied her benefits under Section 24(b) of the Law for the weeks ending 9/6/25 through 5/22/27.
2. The claimant was attending a course at [ Community College] Monday through Friday during the fall 2025 semester. The claimant attended classes on Monday from 9:15 to 10:45 a.m. and Friday from 12:30 to 3 p.m. She also had online classes on Tuesdays, Wednesdays and Thursdays each week.

3. The claimant is enrolled in the Health Specialization Associates program which is full-time. She spends approximately 36–40 hours a week performing schoolwork.
4. The claimant is not available for full-time work while she is in school full-time.
5. The claimant will be fully remote during the spring 2026 semester attending classes Monday through Friday full-time.
6. The claimant is looking for full-time work 3 times a week online for medical assistant positions.

### 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 Finding of Fact # 4 as inconsistent with the uncontested evidence in 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 not eligible for benefits.

The review examiner’s analysis considered the claimant’s eligibility for unemployment benefits from the week ending September 6, 2025, through May 22, 2027, pursuant to G.L. c. 151A, § 24(b), which provides, in pertinent part, as follows:

An individual, in order to be eligible for benefits under this chapter, shall . . . (b) Be capable of, available, and actively seeking work in his usual occupation or any other occupation for which he is reasonably fitted. . . .

Under G.L. c. 151A, § 24(b), the claimant has the burden to prove that she meets each requirement of this statute.<sup>1</sup> See Evancho v. Dir. of Division of Employment Security, 375 Mass. 280, 282–283 (1978) (“the burden rests on the unemployed person to show that his continued unemployment is not due to his own lack of diligence”) (citation omitted).

The review examiner denied the claimant benefits because she concluded that the claimant did not meet the availability requirement of G.L. c. 151A, § 24(b), while attending school full-time. However, as we have previously explained, attending school full-time does not result in a *per se* disqualification, or a presumption that a person cannot be available for full-time work. Each case must be considered individually. See Board of Review Decision 0011 9491 62 (Feb. 19, 2015).

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<sup>1</sup> Although not specifically stated in G.L. c. 151A, § 24(b), other provisions of the Massachusetts Unemployment Statute show that unemployment benefits are intended to assist claimants seek and return to *full-time* work. See, e.g., G.L. c. 151A, §§ 29 and 1(r), which provide for the payment of benefits only to those who are unable to secure a full-time weekly schedule of work.

In this case, the claimant explained that she enrolled in a full-time academic program because she was told that was a requirement for her to be eligible for unemployment training benefits under G.L. c. 151A, § 30(c). However, inasmuch as she had not been approved for training benefits under G.L. c. 151A, § 30(c), she had worked with her academic program to ensure that she could reduce her hours to part-time if she were offered a job.<sup>2</sup> Consistent with this arrangement, the claimant is seeking full-time work. *See* Finding of Fact # 6. Given these facts, and absent evidence of any restrictions on her ability to work, the claimant has demonstrated that she is capable of and available for full-time work while attending school.

We, therefore, conclude as a matter of law that the claimant has demonstrated that she was able, available for, and actively seeking full-time work, as required by G.L. c. 151A, § 24(b).

The review examiner's decision is reversed. The claimant is entitled to receive benefits for the week ending September 6, 2025, and for subsequent weeks if otherwise eligible.

**BOSTON, MASSACHUSETTS**  
**DATE OF DECISION - March 18, 2026**



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

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<sup>2</sup> The claimant's testimony in this regard, although not explicitly incorporated into the review examiner's findings of fact, 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).