

The claimant's reasons for separating from this employer had no bearing on her eligibility 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 under G.L. c. 151A, § 38(b).

**Board of Review
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Issue ID: 352-N43K-KVL9

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 separated from her position with the employer on June 21, 2024. She filed a claim for unemployment benefits with the DUA, effective June 22, 2025, which was denied in a determination issued on September 24, 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 29, 2025. We accepted the claimant's application for review.

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). 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 had not met her burden to show that she left her employment from the instant employer for good cause attributable to the employer or for urgent, compelling, and necessitous reasons, 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 employer is a Massachusetts public school department. The claimant was employed from September 29, 2022, until June 21, 2024, as a part-time lunch monitor.
2. In or around June 2024, the claimant began receiving overtime opportunities at her primary employment.

3. The claimant decided to focus on her primary employment because of the higher pay rate and available overtime.
4. The claimant did not give notice to the employer either verbally or in writing.
5. The claimant did not notify the employer she would not be returning for the next school year.
6. On August 18, 2024, the employer took the claimant off the roster after she failed to appear for the start of the new school year.
7. The claimant left her job because of higher pay elsewhere.
8. On September 24, 2025, the DUA issued a Notice of Disqualification finding the claimant ineligible for benefits from June 21, 2025. The claimant appealed the notice.

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. We further believe that the review examiner correctly concluded that the claimant did not meet her burden to show that she voluntarily separated from the employer with good cause attributable to the employer or for urgent, compelling, and necessitous reasons under G.L. c. 151A, § 25(e)(1). However, as discussed more fully below, we reject the review examiner's legal conclusion that the claimant is ineligible to receive benefits on this claim.

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 unemployment 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, 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 is not disqualifying if that individual subsequently performs eight weeks of work for another employer and then files a claim. The DUA has no interest in the prior employer's separation because it has no bearing on whether the claimant is entitled to benefits under G.L. c. 151A, § 25.

A review of the claimant's profile in the DUA's electronic recordkeeping system shows that the claimant filed her claim for benefits on June 24, 2025, with an effective date of June 22, 2025. As reflected in the findings of fact, this claim was approximately a year after the claimant's separation from the instant employer on June 21, 2024. Further, both the review examiner's findings and DUA records confirm that, after separating from the instant employer, the claimant worked for another employer through June 7, 2025.¹ Because DUA records indicate that the claimant did not work for the instant employer during the last eight weeks of employment prior to filing her claim, the employer is not an interested party employer.

We, therefore, conclude as a matter of law that the claimant may not be disqualified under G.L. c. 151A, § 25(e), based upon her separation from this employer, because it was not an interested-party employer pursuant to G.L. c. 151A, § 38(b).

The review examiner's decision is reversed. The claimant is entitled to receive benefits for the week ending June 22, 2024, and for subsequent weeks if otherwise eligible.

BOSTON, MASSACHUSETTS
DATE OF DECISION - December 15, 2025



Charlene A. Stawicki, Esq.
Member



Michael J. Albano
Member

¹ The claimant's eligibility for benefits following her separation from this other employer was adjudicated in a separate decision, identified as Issue ID # 352-N3TM-K9JN.

**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.

LSW/rh