

**Board of Review
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**Paul T. Fitzgerald, Esq.
Chairman
Charlene A. Stawicki, Esq.
Member
Michael J. Albano
Member**

Issue ID: 69B-18-001

BOARD OF REVIEW DECISION

Introduction and Procedural History of this Appeal

The claimant appeals a decision by a review examiner of the Department of Unemployment Assistance (DUA) to authorize the Department of Revenue (DOR) to intercept the claimant's state tax refund to repay an overpayment of unemployment benefits. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On February 12, 2018, the DOR sent the claimant a Notice of Refund Applied to Debt or Transferred, which showed that the claimant's entire personal income tax refund of \$2,129.00 was being applied to his outstanding overpayment balance with the DUA. The claimant appealed and attended the hearing. In a decision rendered on April 19, 2018, the review examiner affirmed the agency determination, concluding that pursuant to G.L. c. 151A, § 69B, the tax intercept was correct. The Board accepted the claimant's application for review.

Ruling of the Board

After considering the recorded testimony and evidence from the hearing, the review examiner's decision, and the claimant's appeal, we conclude that the review examiner's decision is based on substantial evidence and is free from any error of law affecting substantive rights.

The review examiner's decision is affirmed.

BOSTON, MASSACHUSETTS
DATE OF DECISION - October 19, 2018



Paul T. Fitzgerald, Esq.
Chairman



Charlene A. Stawicki, Esq.
Member

Member Michael J. Albano did not participate in this decision.

**ANY FURTHER APPEAL WOULD BE TO A MASSACHUSETTS STATE DISTRICT
COURT OR TO THE BOSTON MUNICIPAL 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.

SF/rh