

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

Issue ID: N6-F84K-M4DR

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 Pandemic Unemployment Assistance (PUA benefits). We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

The claimant filed a claim for PUA benefits with the DUA, effective March 8, 2020. He was found monetarily eligible for a weekly benefit amount of \$267 on May 13, 2020. The claimant appealed the determination to the DUA hearings department. Following a hearing on the merits, the review examiner modified the agency's initial determination in a decision rendered on November 9, 2020, concluding that the claimant was eligible for an increased weekly benefit amount, as the claimant had presented sufficient evidence to verify his 2019 net income from self-employment. We accepted the claimant's application for review.

Ruling of the Board

While the appeal currently before the Board was not filed in a timely manner, a review of the claimant's FastUI account shows that he had previously filed an appeal of the review examiner's decision on November 22, 2020. This earlier appeal was filed in a timely manner, but for some reason, FAST UI, DUA's electronic record-keeping system, did not transmit it to the Board. We now review the claimant's original timely appeal.

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. The claimant is monetarily eligible for PUA benefits, and the claimant's weekly benefit rate and total PUA benefits shall be calculated based upon his net income from self-employment of \$28,671.00 for the 2019 calendar year.



Charlene A. Stawicki, Esq.
Member

**BOSTON, MASSACHUSETTS
DATE OF DECISION - October 29, 2021**



Michael J. Albano
Member

Chairman Paul T. Fitzgerald, Esq. did not participate in this decision.

**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