

Claimant is not eligible for PUA benefits during weeks that he collected PEUC benefits on his regular unemployment claim.

**Board of Review
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Issue ID: N6-F9JM-3FDD

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 we affirm in part and reverse in part.

The claimant filed a claim for PUA benefits with the DUA, effective April 19, 2020, which was denied in a determination issued on September 4, 2020. 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 in a decision rendered on February 6, 2021, concluding that the claimant has an active regular unemployment benefits claim for which the claimant was eligible and, thus, the claimant is precluded from receiving PUA benefits beginning the week ending May 30, 2020, through August 8, 2020. We 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 that the claimant's eligibility for regular unemployment benefits disqualifies him from receiving PUA benefits is based on substantial evidence and is free from any error of law affecting substantive rights. However, we reject the review examiner's conclusion that the claimant is not eligible for PUA benefits for all of the weeks between the week ending May 30, 2020, through August 8, 2020.

The DUA's electronic record-keeping system for regular unemployment benefits, UI Online, shows that the claimant received regular unemployment benefits under a 2019-01 claim. Although he was monetarily ineligible to establish a new regular unemployment claim (2020-01 claim), after his 2019-01 claim expired on May 4, 2020, the claimant continued to receive an extension of benefits under the PEUC 1.0 program on his 2019-01 claim. The claimant was not eligible to receive PUA benefits during the period that he received PEUC benefits. This includes the periods from March 29, 2020, through July 25, 2020, and beginning December 27, 2020.

However, the claimant cannot be disqualified from PUA benefits from July 26, 2020, to December 26, 2020, during which he was monetarily ineligible for a regular unemployment benefit claim and was not receiving benefits from the PEUC program.

The review examiner's decision is affirmed in part and reversed in part. The claimant is not entitled to receive PUA benefits for the weeks beginning May 17, 2020, through July 25, 2020, and from December 27, 2020, and for subsequent weeks. However, the claimant is eligible to receive PUA benefits beginning July 26, 2020, through December 26, 2020, if otherwise eligible.

BOSTON, MASSACHUSETTS
DATE OF DECISION - August 16, 2021



Paul T. Fitzgerald, Esq.
Chairman



Michael J. Albano
Member

Member Charlene A. Stawicki, 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.

KB/rh