

**Board of Review  
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Chairman  
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Member  
Michael J. Albano  
Member**

**Issue ID: N6-FJV7-LPHM**

### 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 the claimant Pandemic Unemployment Assistance (PUA) benefits in connection with a claim filed in Massachusetts, effective March 29, 2020. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On September 15, 2020, the agency determined that the claimant was not entitled to PUA benefits. The claimant appealed and attended the hearing. In a decision rendered on February 11, 2021, the review examiner affirmed the agency determination, concluding that the claimant did not show that he was working or going to be working in Massachusetts in 2020 or that a COVID-19 circumstance prevented him from working and, thus, he was ineligible for PUA benefits under § 2102 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020. 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 to deny benefits is based on substantial evidence and is free from any error of law affecting substantive rights, because the claimant did not show that a listed COVID-19 reason prevented him from working. *See* CARES Act of 2020, Pub. L. 116-136 (Mar. 27, 2020), § 2102(a)(3)(A)(ii)(I)(aa)–(kk).

The hearing decision states that the claimant has not shown that his income is Massachusetts based, and that he has not shown that a listed COVID-19 reason prevented him from working. In his appeal to the Board, the claimant asserts he has worked in Massachusetts for several years. Upon review of the record, the evidence shows that the claimant's work for [Company A] took place in Massachusetts. However, this does not affect the validity of the review examiner's decision, because the claimant has not shown that he was prevented from working due to a COVID-19 reason.

The findings of fact reflect that he was not working his usual wintertime job in 2019-2020 due to back surgery. The findings further provide that he had difficulty finding construction work in the spring and summer because construction sites were shut down due to COVID-19. As stated in the hearing decision, "[not] being able to find a job because some businesses have closed and/or may not be hiring due to COVID-19 is not an identified reason." U.S. Department of Labor

Unemployment Insurance Program Letter (UIPL) 16-20 Change 2 (July 21, 2020), Attachment I, Question 14, p. I-6. The claimant has not shown that he was formally offered any work or that an offer of work was rescinded. The claimant therefore has not met the eligibility requirements set forth in the CARES Act of 2020, § 2102.

The review examiner's decision is affirmed. The claimant is denied PUA benefits under his Massachusetts PUA claim for the week ending April 4, 2020.

**BOSTON, MASSACHUSETTS**  
**DATE OF DECISION – October 6, 2021**



Charlene A. Stawicki, Esq.  
Member



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](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.

CLC/rh