

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

Issue ID: N6-FJVF-8HML

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 15, 2020, which was denied in a determination issued on November 18, 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 March 5, 2021, concluding that the claimant had failed to establish that she was unemployed in Massachusetts for a COVID-19 listed reason under the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020, and, thus, the claimant was not eligible for PUA. 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 is based on substantial evidence and is free from any error of law affecting substantive rights.

Under the CARES Act, a claimant is eligible for PUA benefits in the jurisdiction where they lost work due to COVID-19. The United States Department of Labor has issued guidance clarifying that claimants should apply for PUA in the state in which they were working when affected by the pandemic. Unemployment Insurance Program Letter (UIPL) 16-20, Change 1 (Apr. 27, 2020), pg. I-3.

The record reflects that the claimant was not working in Massachusetts when the pandemic affected her employment and therefore does not qualify for PUA benefits in the Commonwealth. Because the record indicates that the claimant was self-employed in Rhode Island at the time she was affected by the COVID-19 pandemic, she may be eligible to file a PUA claim in Rhode Island.

The review examiner's decision is affirmed. The claimant is not entitled to receive PUA benefits in Massachusetts as of the week ending February 8, 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

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.

MS/rh