

Board of Review
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Issue ID: N6-FJVF-TP7V

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 15, 2020. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On November 16, 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 16, 2021, the review examiner affirmed the agency determination, concluding that the claimant did not show that COVID-19 caused her unemployment or that she was working in Massachusetts in 2020 and, thus, she 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 a connection to Massachusetts at the time she filed her PUA claim.

The review examiner's decision is affirmed. The claimant is denied PUA benefits under her Massachusetts PUA claim for the week ending March 21, 2020.

Because the record indicates that the claimant, a Rhode Island resident, may have become unable to work because a child in the household for whom the claimant has primary caregiving responsibility was unable to attend school that was closed as a direct result of the COVID-19 public health emergency, she may be eligible to file a PUA claim in Rhode Island.

BOSTON, MASSACHUSETTS
DATE OF DECISION - June 4, 2021



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
(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.

AB/rh