

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

Issue ID: N6-FKLD-T277

BOARD OF REVIEW DECISION

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 February 23, 2020, which was denied in a determination issued on September 24, 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 December 24, 2020, concluding that the claimant had failed to show that she is authorized to work in the United States beginning February 23, 2020, and, thus, the claimant was disqualified under G.L. c. 151A, § 24(b). 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.

The review examiner's decision is affirmed. The claimant is not entitled to receive PUA benefits as of the week beginning February 23, 2020. However, the claimant has submitted a receipt notice from the USCIS, dated September 14, 2020, showing that she has applied to renew her Employment Authorization Document. Therefore, the claimant may be eligible for PUA benefits from the date her renewal application is approved by the USCIS. If the claimant has the appropriate documentation from the USCIS to show that she is now authorized to work in the United States, she may contact the PUA call center and ask to speak to a Tier 2 PUA Supervisor.

**BOSTON, MASSACHUSETTS
DATE OF DECISION - June 4, 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