

**Board of Review
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Member
Michael J. Albano
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Issue ID: N6-FL5V-JJT6

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.

The claimant filed a claim for PUA benefits with the DUA, effective February 16, 2020, which was denied in a determination issued on December 10, 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 3, 2021, concluding that the claimant had failed to establish that she was unemployed 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 benefits.

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 claimant's appeal focuses on eligibility in terms of her residence in Massachusetts. However, she has not presented substantial evidence of listed COVID-19 reason for being out of work. Specifically, she has not established that she qualified due to testing positive for the coronavirus or experiencing symptoms while receiving a COVID-19 medical diagnosis. *See* CARES Act § 2102(a)(3)(A)(ii)(I)(aa). The review examiner specifically notes a lack of evidence on this matter. There is nothing in the record on appeal to suggest a different result on remand.

The review examiner's decision is affirmed. The claimant is not entitled to receive PUA benefits as of the week beginning February 22, 2020.

**BOSTON, MASSACHUSETTS
DATE OF DECISION - September 14, 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.

MS/rh