

**Board of Review  
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**Paul T. Fitzgerald, Esq.  
Chairman  
Charlene A. Stawicki, Esq.  
Member  
Michael J. Albano  
Member**

**Issue ID: N6-FLV5-45VT**

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 weekly claim for PUA benefits with the DUA, for the week ending September 26, 2020, which was denied in a determination issued on September 28, 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 February 12, 2021, concluding that the claimant had failed to establish that he 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 during the week ending September 26, 2020. 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 during the week ending September 26, 2020.

This decision is limited to the claimant's appeal to receive benefits for the week ending September 26, 2020, which is the only matter before the Board of Review in this appeal (Issue # N6-FLV5-45VT). A hearing will be scheduled by the DUA Hearings Department to address the claimant's eligibility under a separate Identity Verification issue (Issue # N6-FLN5-KM7J).



Charlene A. Stawicki, Esq.  
Member

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



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.

MS/rh