

**Board of Review
19 Staniford St., 4th Floor
Boston, MA 02114
Phone: 617-626-6400
Fax: 617-727-5874**

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

Issue ID: N6-H2T4-59NL

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 December 27, 2020, which was denied in a determination issued on February 8, 2021. 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 June 6, 2021, concluding that the claimant was not eligible for benefits beginning December 27, 2020, and indefinitely thereafter. The review examiner concluded 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 to deny PUA benefits is based on substantial evidence and is free from any error of law affecting substantive rights. However, we must address a typographical error in the review examiner's decision.

In the conclusion and reasoning section of his decision, the review examiner concluded that the claimant's last day of work was on December 31, 2020, when her contract ended for reasons unrelated to COVID-19. He provides several reasons for rejecting the claimant's offered evidence as not credible and he states, "there is no substantial and credible evidence that the claimant has been adversely impacted by the pandemic and therefore, she has not established her eligibility to receive PUA benefits in Massachusetts." We also note that the review examiner's decision was implemented as a denial in the DUA's electronic database, Fast UI. Yet the final sentence of the decision states that the claimant *is entitled* to receive PUA benefits. We believe this is a typographical error, inasmuch as the record reflects that the claimant, a self-employed business operations analyst, had only one client in 2020, and that she stopped working due to the contract term ending. We agree that the claimant has not shown that her business was negatively affected

for a listed COVID-19 reason under § 2102(a)(A)(ii)(I) of the CARES Act.¹ Therefore, she is not entitled to benefits.

The review examiner's decision is affirmed. The claimant is not entitled to receive PUA benefits beginning December 27, 2020, and indefinitely thereafter.

BOSTON, MASSACHUSETTS
DATE OF DECISION - May 19, 2022



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.

DY/rh

¹ The Board also recognizes two additional typographical errors in the review examiner's conclusion and reasoning portion of his decision. The review examiner noted the claimant only submitted four checks with her QuickBooks register, but the record reflects she submitted 12 checks. In addition, with regard to the claimant's QuickBooks invoice entries, the review examiner noted that there were only 20 invoice entries. However, the record reflects that there were 24 invoice entries. These errors are not material to our decision.