

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

Issue ID: N6-H54F-7K8H

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 6, 2020, which was denied in a determination issued on April 28, 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 November 18, 2021, concluding that the claimant failed to provide documentation substantiating employment, self-employment, or the planned commencement of employment or self-employment, as required by § 241 of the Continued Assistance Act (CAA)¹, and, thus, the claimant was not eligible for PUA benefits beginning December 27, 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.

We note that, in his decision, the review examiner did not find credible the claimant's only documentary evidence, a letter purporting to explain that a job offer was rescinded in 2020. We believe his assessment is reasonable in relation to the evidence presented for the reasons given as to why the letter does not appear to be authentic.

However, we do not agree with a separate basis for rejecting the letter, which is that it failed to state that the reason the claimant could not commence the job was due to an approved COVID-19 related reason under the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020. Nothing in the CAA requires that documents offered for the sole purpose of meeting the new CAA requirement to substantiate employment, self-employment, or the planned commencement of such employment be in any way connected an approved COVID-19 related reason.

¹ Continued Assistance for Unemployed Workers Act of 2020, Division N, Title II, Subtitle A of the Consolidated Appropriations Act, 2021 (Dec. 27, 2020).

The review examiner's decision is affirmed. The claimant is not entitled to receive PUA benefits as of the week beginning December 27, 2020, and for subsequent weeks, until she meets the requirements of the Continued Assistance Act.

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.

BGM/rh