

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

**Issue ID: N6-H54H-33PT**

## **ORDER TO RESCIND AND RE-ISSUE FINAL DECISION**

### Introduction and Procedural History of this Appeal

The claimant timely appealed a decision by a review examiner of the Department of Unemployment Assistance (DUA), dated March 11, 2022, to deny Pandemic Unemployment Assistance (PUA) benefits, and the Board accepted his appeal for review. Because a portion of the claimant's faxed appeal was unreadable, the Board asked the claimant to submit a duplicate copy by July 6, 2023. When the requested copy was not received by the deadline, the Board completed its review pursuant to its authority under G.L. c. 151A, § 41, and affirmed the review examiner's decision on July 12, 2023. Subsequently, the claimant submitted proof that he had attempted to comply with the Board's request, but the U.S. Postal Service had failed to deliver his documents. The claimant has now submitted, and the Board has received, his complete duplicate appeal. Given the claimant's effort to provide the requested documentation, the Board hereby RESCINDS its original decision.

The claimant filed a claim for PUA benefits with the DUA, effective March 22, 2020, which was initially approved. However, in a determination issued on August 16, 2021, the DUA denied further benefits, beginning December 27, 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, 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<sup>1</sup>, and, thus, he was not eligible for further PUA benefits.

### 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.

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<sup>1</sup> 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.

**BOSTON, MASSACHUSETTS**  
**DATE OF DECISION - August 11, 2023**



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](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.

AB/rh