

**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-H5JV-FPM3

Introduction and Procedural History of this Appeal

The claimant appeals a decision by a review examiner of the Department of Unemployment Assistance (DUA) to award the claimant 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 June 14, 2020, which was denied in a determination issued on April 2, 2021. The claimant appealed the determination to the DUA hearings department. Following a hearing on the merits, the review examiner affirmed in part, and reversed in part the agency's initial determination in a decision rendered on June 23, 2021, concluding that the claimant had established that she was unemployed for a COVID-19 listed reason under the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 beginning August 19, 2020, and thus, she was eligible for PUA benefits as of that week. We accepted the claimant's application for review.

Ruling of the Board

On appeal, the claimant is seeking benefits effective June 14, 2020, the date she separated from the employer following the end of the 2019–2020 academic year. However, the record indicates that the claimant would have separated from the employer on this date regardless of the COVID-19 pandemic. Therefore, she has failed to show that she was unemployed for a qualifying COVID-19 reason as of June 14, 2020.

The claimant was scheduled to return to work for the employer at the start of the 2020–2021 academic year. As she was medically precluded from returning to work due to her increased risk of exposure to COVID-19, we concur with the review examiner's conclusion that the claimant became unemployed for a qualifying COVID-19 related reason as of the start of the 2020–2021 academic year. We, therefore, 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 entitled to receive PUA benefits for the week beginning August 16, 2020, and for subsequent weeks if otherwise eligible.



Paul T. Fitzgerald, Esq.
Chairman

**BOSTON, MASSACHUSETTS
DATE OF DECISION - November 29, 2021**



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.

TF/rh