

**Board of Review
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**Paul T. Fitzgerald, Esq.
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Issue ID: N6-H68T-533H

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 April 19, 2020, which was denied on February 18, 2022. The claimant appealed the denial to the DUA hearings department. Following a hearing on the merits, the review examiner affirmed the agency's determination in a decision rendered on June 23, 2022, concluding that the claimant was not eligible for PUA benefits as of March 29, 2020, because she had an active regular unemployment claim through which she was eligible for, and had received, 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, the claimant's appeal, and the DUA's electronic record-keeping systems UI Online and FastUI, we conclude that the review examiner's legal conclusion that the claimant's eligibility for benefits under her regular unemployment claim disqualifies her from receiving PUA benefits is based on substantial evidence and is free from any error of law affecting substantive rights.

The DUA's electronic record-keeping system for regular unemployment benefits, UI Online, shows that the claimant received regular unemployment benefits under a 2019 claim. She remained eligible for benefits on this 2019 claim under the Pandemic Emergency Unemployment Compensation (PEUC) and Extended Benefits (EB) programs for the period of March 29, 2020, through September 4, 2021.¹ These records further show that the claimant did not exhaust her PEUC or EB benefits.

In her decision, the review examiner disqualified the claimant from receiving PUA benefits indefinitely beginning March 29, 2020. We agree that the claimant is ineligible for PUA benefits for the period of March 29, 2020, to April 18, 2020, and for the period beginning May 17, 2020. However, UI Online records show that the claimant was disqualified from receiving PEUC benefits on her regular unemployment claim for the weeks ending April 25, 2020, through May 16, 2020, because she had been paid PUA benefits. In the present appeal, we need not consider

¹ UI Online records show that the claimant filed regular unemployment claims with the effective dates of April 11, 2021, and November 7, 2021, and was found to be monetarily ineligible on those claims. Since the claimant remained eligible for benefits on her 2019 claim through the end of the PUA program on September 4, 2021, the monetary determinations on the claimant's 2021 claims for regular unemployment are not relevant to this appeal.

whether the claimant was, in fact, entitled to those PUA benefits, because the DUA's electronic record-keeping system for PUA benefits, FastUI, shows that the PUA overpayment for the weeks ending April 25, 2020, through May 16, 2020, has been waived. This means that the claimant is no longer required to repay these benefits. Since there is no further action that the Board can take to afford relief to the claimant for those weeks, the issue is moot.

The review examiner's decision is affirmed.

BOSTON, MASSACHUSETTS
DATE OF DECISION - March 28, 2024



Charlene A. Stawicki, Esq.
Member



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

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.

REB/rh