

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

Issue ID: N6-H77F-638J

Introduction and Procedural History of this Appeal

The claimant appeals a decision by a review examiner of the Department of Unemployment Assistance (DUA) concluding that the claimant lacked justification for filing a late request for a hearing. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On February 17, 2021, the DUA issued to the claimant a Notice of Non-Monetary Issue Determination stating that the claimant was not eligible for Pandemic Unemployment Assistance (PUA) benefits. The claimant appealed the determination on May 10, 2021, 82 days after the Notice was issued. On May 11, 2021, DUA issued a Notice of Non-Monetary Issue Determination – Late Appeal stating that the claimant did not have good cause for submitting his appeal after the statutory deadline. Following a hearing on the merits, the review examiner affirmed the agency’s initial determination in a decision rendered on December 9, 2021. We accepted the claimant’s application for review.

Ruling of the Board

A review of the claimant’s records in the DUA’s electronic record-keeping system, FastUI, confirms that the claimant timely filed an appeal of the review examiner’s decision in person at a DUA Walk-in Center on December 13, 2021. However, due to a clerical error, the Board did not promptly receive this appeal information. As the claimant did file a timely appeal, we consider the claimant’s appeal to the Board on its merits.

After examining the recorded testimony and evidence from the hearing, the review examiner’s decision, and the claimant’s Board 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.

The review examiner's decision is affirmed. The claimant is not entitled to a hearing on the merits of the determination dated February 17, 2021.

BOSTON, MASSACHUSETTS
DATE OF DECISION – July 8, 2022



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

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.

LSW/rh