

**The claimant was not eligible for PUA benefits during the period that she had also remained eligible for PEUC benefits under her regular unemployment benefit claim.**

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

**Issue ID: N6-H85T-3RM5**

### Introduction and Procedural History of this Appeal

The Board of Review originally accepted the claimant's application for review of a decision by a review examiner of the Department of Unemployment Assistance to deny Pandemic Unemployment Assistance (PUA) benefits. The Board ordered the case remanded to the review examiner for a hearing to obtain additional evidence. However, upon further review, the Board has determined that additional evidence is not necessary and that it can render its decision based upon the existing record. Therefore, the Board hereby RESCINDS its previous order for a remand hearing, dated November 30, 2023.

The claimant had filed a claim for PUA benefits with the DUA, effective March 15, 2020, which was initially approved. However, in a determination issued on June 7, 2021, the DUA disqualified the claimant beginning May 29, 2021. On November 23, 2021, the DUA issued a Notice of Eligibility Issue Redetermination, with the same outcome. The claimant appealed the determination to the DUA hearings department. Following a hearing on the merits, the review examiner affirmed the agency's determination in a decision rendered on May 3, 2022, concluding that the claimant was ineligible for PUA benefits, because she was eligible for regular unemployment 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. Specifically, Exhibits 21, 27, and 29, which are screen shots from the DUA's electronic record-keeping system for regular unemployment benefits, UI Online, show that the claimant remained eligible for pandemic emergency unemployment compensation (PEUC) benefits under her 2019-01 claim during the relevant period. PUA benefits are payable only to covered individuals. Covered individuals are defined as those who are not eligible for regular or extended unemployment compensation, which includes PEUC benefits.<sup>1</sup>

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<sup>1</sup> U.S. Department of Labor Unemployment Insurance Program Letter No. 16-20 (Apr. 5, 2020), 4(a), p. 2.

The review examiner's decision is affirmed. The claimant is denied PUA benefits for the week beginning May 29, 2021, and for subsequent weeks.

**BOSTON, MASSACHUSETTS**  
**DATE OF DECISION - January 23, 2024**



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