

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

**Issue ID: N6-H8VK-8RT3**

## **ORDER TO RESCIND REMAND AND FINAL DECISION**

### 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 an increase to the claimant's Pandemic Unemployment Assistance (PUA) weekly benefit amount. We review pursuant to our authority under G.L. c. 151A, § 41.

The claimant filed a claim for PUA benefits with the DUA, effective January 3, 2021, which was approved. In an income verification determination issued on August 24, 2021, the DUA declined to increase the assigned minimum weekly benefit amount. 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 in a decision rendered on December 15, 2021, concluding that the claimant was eligible for only the minimum weekly benefit amount, as the claimant did not present sufficient evidence to verify that his base period income exceeded \$27,768.00. 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, and the claimant's appeal, the Board noticed an error in the review examiner's decision and remanded this case for a hearing *de novo*.

Specifically, in one portion of the conclusion and reasoning section of the review examiner's decision, it states that the claimant's weekly benefit amount is based upon earnings in the 2019 calendar year. Since the effective date of the claim is January 3, 2021, the claimant's assigned base period is the 2020 calendar year,<sup>1</sup> and his weekly benefit amount is based solely upon his 2020 income. His 2019 income is irrelevant.

The record shows that the claimant had only \$2,630.66 in income in 2020. For this reason, he is not entitled to more than the minimum weekly benefit amount of \$267.00 per week. Thus, despite the above error, the review examiner reached the correct result. Inasmuch as there is no indication that there is further evidence which would change the outcome, the Board hereby rescinds its original order to remand the case.

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<sup>1</sup> See U.S. Department of Labor Unemployment Insurance Program Letter (UIPL) 16-20, Change 4, Attachment I, C(16)(d), pp. I-20 – I-21.

We therefore conclude that the review examiner's ultimate decision to deny an increase to the claimant's PUA weekly benefit amount 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 receive more than the minimum PUA weekly benefit amount.

**BOSTON, MASSACHUSETTS**  
**DATE OF DECISION - January 25, 2023**



Paul T. Fitzgerald, Esq.  
Chairman



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](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.

BGM/AB/th