

**Board of Review  
19 Staniford St., 4<sup>th</sup> 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: Sec24A-1Z-18-034**

## **BOARD OF REVIEW DECISION**

### **Introduction and Procedural History of this Appeal**

The employer appeals a decision by a review examiner of the Department of Unemployment Assistance (DUA), which denied seasonal employer status for two occupations, “Lifeguards” and “Program Staff.” We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On April 12, 2018, the agency initially determined that the employer would not receive seasonal employer certification for either occupation listed on the employer’s Application for Certification as a Seasonal Employer. The employer appealed and attended the hearing. In a decision rendered on July 19, 2018, the review examiner affirmed the agency determination, concluding that the seasonal certification was properly denied pursuant to G.L. c. 151A, §§ 1(z) and 24A. The Board accepted the employer’s application for review on August 28, 2018.

### **Ruling of the Board**

After considering the recorded testimony and evidence from the hearing, the review examiner’s decision, and the employer’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.

The review examiner's decision is affirmed.

**BOSTON, MASSACHUSETTS**  
**DATE OF DECISION - October 19, 2018**



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 OR TO THE BOSTON MUNICIPAL 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.

SF/rh