



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT
DEPARTMENT OF UNEMPLOYMENT ASSISTANCE

MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

LAUREN E. JONES
SECRETARY

KATIE DISHNICA
ACTING DIRECTOR

DUA ADVISORY COUNCIL MEETING

Thursday February 16, 2023
Meeting Minutes

Council Attendees: Richard Marlin, John Drinkwater, Christopher Carlozzi, Sam Larson
EOLWD/DWD/DUA/Public Attendees: Katie Dishnica, David Gold, John Saulnier, Jeannie Pena, Mavis Smith, Jason Salgado, Sara Bahrehmand, Victoria Ireton, Rena Kottcamp, Lisa Hammerle, Eric Hansson, Emma Hornsby, Wendy Filosi, Houda Amoakuh, Paul Fitzgerald

A virtual meeting was held via Webex.

Motion was proposed to approve the January 2022, meeting minutes.

- Motion was seconded.
- Vote on Motion – all in favor to approve.

Executive update

Katie Dishnica, Acting DUA Director, explained there are no new staffing updates at this time. The EMT project is running on time. No further updates regarding EMT currently.

Mr. Gold discussed proposed amendments to DUA redetermination regulations. Two versions of the regulations were sent out for review by the Advisory Council. The red line version of 430 CMR 11.00 and the proposed updated version of 430 CMR 11.00. Mr. Gold, Acting Chief Counsel, provided background information regarding the regulations. DUA is allowed to redetermine an issue within one year when the agency determines that an error has occurred, wages have been newly discovered, or the determination was based on misrepresentation of fact. The DUA regulation and redetermination process is explained under section 11.00. During the pandemic in early of 2021, a superior court judge issued an injunction related to DUA's interpretation of the redetermination process. The court decision addressed the determination date and the specific event that causes a determination. In the past DUA issued payments without first issuing a decision to expedite payment being released to the claimant. The court's decision was the first payment counts as the determination date regardless of whether the determination was in writing. The only exception to this is when there is a misrepresentation of fact. In that case, DUA continues to have up to four years to make a redetermination of an eligibility decision. Following the order, DUA has now changed its policy on redeterminations, and we now consider the first payment date as the determination date. DUA now also allows the claimant to speak to an adjudicator and have an interview prior to any decision made as to eligibility. DUA now fully complies with this new regulation and is asking the council to bring the regulations up to the current practice. The previous regulation has outdated practices and forms

that have not been used in over ten years. If the council approves the new regulation, this starts the formal process of approval. The process includes allowing a public comment period and a public hearing in addition to all other formalities. There were no questions regarding the proposed new regulations.

Mr. Gold, Acting Chief Counsel, proposed a motion to accept the updated 430 CMR 11.00 regulation.

- Mr. Marlin made a motion to accept.
- Mr. Larson seconded the motion.
- Vote on motion – the motion was passed unanimously.

DUA will go forth with enacting the permanent regulations.

UI trust fund

Lisa Hammerle, Department of Economic Research, provided update and link for the January 2022 report <https://lmi.dua.eol.mass.gov/LMI/UnemploymentInsuranceTrustFund>. Ms. Hemmerle explained that all data has been migrated to a data visualization. This allows for easier comparison monthly.

Action item from January 2022 Advisory Council Meeting

Katie Dishnica, Acting Director, stated that after the close of this meeting she will email council members the data requested on overpayment waivers.

Meeting adjourned.

Next meeting March 16, 2023, 9:30 – 11:30 AM