



GREATER BOSTON  
LEGAL SERVICES  
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October 21, 2015

Martha M. Wishart  
Assistant Chief Counsel  
Department of Unemployment Assistance  
19 Staniford Street, 1st Floor  
Boston, MA 02114

Re: Listening Session regarding 430 CMR 2.00, et seq.

Dear Attorney Wishart:

I am responding to your letter dated October 8, 2015 concerning the above-described regulations.

It is my understanding that certain regulations, including 430 CMR 2.00, 7.00, 10.00, 12.00, 14.00 and 15.00 will be addressed pursuant to the Executive Order. In particular, the last 3 sets of regulations will be changed as per the draft approved by the Advisory Council previously.

I am writing to request that another regulation, also previously approved by the Advisory Council, be addressed as soon as possible as well, 430 CMR 4.01(7), Extended benefits. Specifically, the Council agreed that this regulatory language be brought into conformance with the statutory language at G.L. c. 151A, § 30A (3)(a)(3). Under the statute, an individual is eligible for federal extended benefits if the claimant has at least “twenty weeks of full time insured employment” or “the equivalent in insured wages.” The regulation is currently silent with respect to eligibility under the “twenty weeks of full-time insured employment” prong.

The language previously agreed to cures this omission in the regulation. A copy of the language is attached. As enhanced eligibility for federal extended benefits serves to increase federal dollars flowing to the state, this regulatory change should be included among the non-controversial regulations that are on a fast track under the Governor’s Executive Order.

Thank you for your kind attention to this request.

Sincerely,

*Monica Halas*  
Monica Halas  
Lead Attorney

Enc (1)

430 CMR, 4.01

4.01: Registration and Claims in General

(7) Extended Benefits. To be eligible to receive extended benefits with respect to any week of unemployment in the individual's eligibility period, (1) the individual must have been paid wages during the base period of the current benefit year in an amount which exceeds 1½ times the wages of the individual's highest quarterly earnings or 40 times the most recent weekly benefit amount including dependency benefits; or (2) the individual must have had twenty weeks of full time insured employment. If the individual is denied extended benefits on the basis of either test set forth in paragraph (1) above, the department will inform the individual that the individual may present evidence to the department in a manner prescribed by the Director that the individual has had twenty weeks of full-time insured employment. If the department concludes based upon the evidence so presented that the individual has had twenty weeks of full-time insured employment the individual will be eligible to receive extended benefits.