Unemployment Appeals

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Overview

An unemployment denial is not a final determination. Appeal windows in both states are short; for instance, in Massachusetts, claimants typically have ten days from the mailing of the denial to file and missing that deadline eliminates the right to challenge the decision. Denials based on voluntary separation, alleged misconduct, alleged violation of workplace policies, and availability issues are frequently reversed on appeal when the facts are properly developed and presented. Cohen Cleary represents claimants in unemployment appeal proceedings in Massachusetts and Rhode Island, pursuing the benefits clients are entitled to receive.

Protecting Your Right to Unemployment Benefits

Most people assume a denial from the Department of Unemployment Assistance is the final word on their claim. It is not. DUA denials are reversed on appeal more often than claimants expect, but only when the appeal is filed on time and presented effectively. In Massachusetts, the deadline to appeal is typically 10 calendar days from the date of the determination. Miss that window, and you lose the right to challenge it regardless of how strong your case may be.

Lost unemployment benefits create immediate financial pressure. For most claimants, these payments are the only income bridge between jobs, and a wrongful denial can force impossible choices between rent, medical care, and basic expenses. Cohen Cleary represents individuals who have been denied unemployment benefits or face disqualification from benefits they are already receiving. Whether the denial stems from a voluntary quit, an employer's allegation of misconduct, or an availability issue, the firm prepares claimants for the hearing process with the same rigor applied to any contested proceeding.

How We Handle Unemployment Appeals

Unemployment appeals move quickly, and the hearing itself is often the only opportunity to present your side. We prepare each case as though the hearing is the trial, because functionally, it is.

Evaluating the Denial Grounds

We review the DUA determination letter, identify the specific statutory basis for the denial, and assess the strength of a challenge. Not every denial is worth appealing, and we provide an honest assessment before a client invests time in a hearing.

Hearing Preparation and Evidence Assembly

We gather supporting documents, identify witnesses, and prepare clients for the format and rhythm of a DUA hearing. The hearings are recorded and conducted under oath. Claimants who treat them informally often undermine otherwise viable claims.

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Representation at the DUA Hearing

We present arguments, examine witnesses, and challenge the employer's evidence under the evidentiary standards that apply in administrative proceedings. DUA review examiners follow specific regulatory criteria, and effective advocacy requires familiarity with those standards.

Board of Review Appeals

If the hearing examiner's decision is unfavorable, we evaluate whether a further appeal to the Board of Review is warranted and handle that filing within the applicable deadline.

Why Clients Choose Cohen Cleary

At Cohen Cleary, our practice teams combine deep subject-matter experience with disciplined execution and responsive client service. We do not take a one-size-fits-all approach. Every matter is handled with careful preparation, clear communication, and a strategy tailored to the client's goals and the realities of the forum.

Clients choose Cohen Cleary because we deliver:

Practice-Focused Legal Experience

Our attorneys work in defined practice areas, allowing us to develop practical insight into the legal, procedural, and regulatory nuances that matter most in each case. This focus allows us to anticipate issues, avoid unnecessary delays, and position matters for efficient resolution.

Clear Guidance and Proactive Communication

We prioritize clarity at every stage. Clients receive straightforward explanations of their options, timely updates on developments, and practical advice grounded in real-world outcomes.

Strategic Advocacy with Trial Readiness

Whether a matter calls for negotiation, mediation, or litigation, our attorneys prepare every case with discipline and foresight. We pursue efficient resolution when possible and are fully prepared to advocate aggressively when necessary to protect our clients' interests.

Regional Knowledge and Local Presence

With offices throughout Massachusetts and experience across New England courts and agencies, we bring local insight and regional reach to every matter.

Client-Centered Service

We treat every matter with urgency and respect. Our clients rely on us for responsive service, sound judgment, and steady counsel through complex legal challenges.

In our Employment and Labor Law work, this approach helps clients navigate unemployment appeals with clarity, efficiency, and confidence.

The Legal Standards That Decide Your Appeal

DUA hearings operate under 430 CMR, the regulations governing unemployment insurance in Massachusetts. Review examiners apply specific statutory tests depending on the denial reason. For voluntary quits, claimants must establish "good cause attributable to the employer" under M.G.L. c. 151A, §25(e). For misconduct disqualifications, the burden shifts to the employer to

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demonstrate deliberate conduct in willful disregard of the employer's interest. We tell our clients that understanding which test applies and what evidence satisfies it is the difference between a hearing that changes the outcome and one that simply delays it.

Serving Unemployment Claimants Across Massachusetts and Rhode Island

Cohen Cleary represents unemployment claimants throughout Massachusetts and Rhode Island. DUA hearings in Massachusetts are conducted through the Department of Unemployment Assistance, with proceedings held at regional hearing locations or by telephone. In Rhode Island, the Department of Labor and Training administers a comparable process with its own procedural requirements. The firm's offices in Taunton and Plymouth serve clients across Bristol County, Plymouth County, Norfolk County, and the greater Boston area. Whether you need an unemployment benefits attorney in southeastern Massachusetts or elsewhere in the region, the firm has the capacity to assist claimants throughout New England.

Schedule a Consultation With a Massachusetts Unemployment Appeal Attorney

If you have received a denial or disqualification notice, the appeal window is already running. Contact Cohen Cleary to discuss your case and determine whether an appeal is worth pursuing. Early consultation gives us the strongest opportunity to prepare an effective hearing strategy.

Frequently Asked Questions About Unemployment Appeals

How long do I have to appeal an unemployment denial in Massachusetts?

In most cases, you have 10 calendar days from the date printed on the DUA determination to file your appeal. This is not 10 business days. Weekends and holidays count. If you miss this deadline, the denial becomes final, and your right to challenge it is gone. Do not wait to "think it over." File the appeal first, then consult an attorney about strategy.

Can I get unemployment benefits if I quit my job?

Possibly. Massachusetts law does not automatically disqualify claimants who leave voluntarily. If you can demonstrate "good cause attributable to the employer," such as unsafe working conditions, harassment, or a significant change in the terms of your employment, you may still qualify. The key is presenting evidence that a reasonable person in your position would have also chosen to leave.

What happens at a DUA hearing?

A DUA hearing is conducted by a review examiner, under oath, and is recorded. Both the claimant and the employer (or the employer's representative) may present testimony, documents, and witnesses. The examiner will ask questions directly. It is more structured than most claimants expect, and the outcome frequently depends on how effectively the evidence is presented rather than simply who is telling the truth.

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Can I collect unemployment if I was fired?

Being terminated does not automatically disqualify you from unemployment benefits. If you were fired for reasons other than deliberate misconduct, you may still be eligible. The DUA appeal process requires the employer to prove that the termination resulted from a knowing violation of a reasonable workplace policy. Many claimants who were let go for performance issues, personality conflicts, or isolated mistakes retain eligibility once the hearing examiner applies the correct legal standard.

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