STATE OF RHODE ISLAND **DISTRICT COURT**
PROVIDENCE, Sc. **SIXTH DIVISION**

Matthew Santurri	:	
	:	
v.	:	**6AA – 2025 – 00100**
	:	
Department of Labor and Training,	:	
Board of Review	:	

O R D E R

This matter is before the Court pursuant to § 8-8-8.1 of the General Laws for review of the Findings & Recommendations of the Magistrate.

After a de novo review of the record, the Court finds that the Findings and Recommendations of the Magistrate are supported by the record and are an appropriate disposition of the facts and the law applicable thereto. It is, therefore,

ORDERED, ADJUDGED AND DECREED,

that the Findings and Recommendations of the Magistrate are adopted by reference as the Decision of the Court and the decision of the Board of Review is AFFIRMED.

Entered as an Order of this Court at Providence on this 28th day of May, 2026.

By Order:

_____/s/_____
Jaime Hainsworth
Chief Clerk

Enter:

_____/s/_____
Jeanne E. LaFazia
Chief Judge

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F I N D I N G S & R E C O M M E N D A T I O N S

Ippolito, M. In this case we consider a claim for unemployment benefits filed by Mr. Matthew W. Santurri (also "Claimant" and "Appellant"). However, this Court will not be able to address the merits of his claim, which his former employer, R & D Donuts, Inc., opposed because Claimant was terminated for misconduct. We must first evaluate the propriety of a hearing officer's decision to dismiss his appeal based on Mr. Santurri's failure to appear for a scheduled telephonic hearing. This matter has been referred to me for the making of findings and recommendations pursuant to G.L. 1956 § 8-8-8.1. For the reasons that follow, I believe this Court has no grounds upon which to resurrect Mr. Santurri's claim; accordingly, I must recommend that the decision issued by the Board of Review in this matter be AFFIRMED.

I

Facts and Travel of the Case

The travel of the instant case may be briefly stated: Mr. Matthew Santurri was employed by R & D Donuts as a crew member for four months, until December 13,

2024. *See* DLT FORM 480 (Employment Data); *ER I* at 24; *ER II* at 25.[1] Mr. Santurri applied for unemployment benefits on February 4, 2025; and the claim was made effective February 2, 2025. *See* DLT FORM 480 (Claim Data); *ER I* at 24; *ER II* at 25.

As a result of this filing, an adjudicator employed by the Department of Labor and Training (the Department) attempted to interview Mr. Santurri by telephone on February 17, 2025 regarding the reasons for his separation from R & D Donuts. *See* DLT FORM 480 (Claimant Statement); *ER I* at 24; *ER II* at 25. But the adjudicator was unable to reach Mr. Santurri; and so, a message was left, asking that he call back no later than noon on February 19, 2025. *Id*. No call back was received. *Id*. Moreover, the adjudicator noted that Claimant Santurri had been sent an appointment letter on February 4, 2025 at his address of record indicating that he would receive a call on

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[1] The following explication of the administrative and judicial record may be helpful to the reader.

At each administrative decision-making level of the case (*i.e.,* before the Director's adjudicator, the Referee employed by the Board of Review, and the full Board of Review), two case numbers were assigned and two decisions were issued. The first concerned the Employer's assertion that Mr. Santurri should be disqualified from receiving benefits pursuant to G.L. 1956 § 28-44-18 because he was discharged for proved misconduct; and, in the second, the Director's adjudicator disqualified Claimant because he failed to participate in an interview (with the adjudicator) meant to discuss the merits of his claim, pursuant to Rule 1.18 of the Rules of the Unemployment Insurance and Temporary Disability Insurance Programs, which is codified at 260-RICR-40-05-1.18(K). However, the subsequent decisions issued by the Referee and the Board addressed neither the substantive (misconduct) or procedural (Rule 1.18 default) issues. As we shall see, the Referee dismissed his appeal because Mr. Santurri failed to appear at the hearing scheduled before her on April 10, 2025; this action was reaffirmed by the Referee when Claimant's Motion to Reopen was heard on May 23, 2025 and affirmed by the Board of Review in a decision dated July 11, 2025.

Nevertheless, the appeal continued to be handled in separate administrative cases: (a) the misconduct case was numbered 2504783 before the adjudicator; then, before the Referee, it was initially 20250864 (for the default) but 20251329 on the Motion to Reopen, and 20251329 before the full Board of Review; this record of this issue is found in the 117-page electronic record, which shall be cited as (*ER I*); and (b) the interview-default case was numbered 2506647 before the adjudicator; then, before the Referee, it was initially 20250865 (for the default) but 20251330 on the Motion to Reopen, and 20251330 before the full Board of Review; this record of this issue is found in the 38-page record, which shall be cited as (*ER II*).

February 17th between 8:00 a.m. to 12:00 p.m., and gave instructions to contact the Department if his telephone number had changed. *Id.*

Conversely, a representative of R & D did speak to the adjudicator. *See* DLT FORM 480 (Employer Statement); *ER I* at 24-25. The adjudicator was told that Mr. Santurri was discharged from its employ based on violations of its attendance policy. *Id.* The last event was a no-call, no-show with regard to his shift on December 19, 2024. *Id.* Claimant also had no-call, no-show incidents on December 16th and December 17th. *Id.*

Then, in March of 2025, the adjudicator issued two Corrected Decisions[2] disqualifying Mr. Santurri from the receipt of unemployment benefits. In the first, No. 2504783-01, Claimant was denied benefits because of attendance issues, which, in the estimation of the adjudicator, constituted disqualifying misconduct under G.L. 1956 § 28-44-18 *See Corrected Dec. of Dir.* [No. 2504783-01] (March 7, 2025), at 1; *ER I* at 62. It was also noted in the Director's decision that the adjudicator was unable to obtain a telephonic statement from Claimant. *Id.* And, in the second decision, No. 2506647-02, Claimant was denied benefits because of his failure to respond to the Department's efforts to reach him, as provided in 260-RICR-40-05-1.18(K).[3] *See Corrected Dec. of Dir.* [No. 2506647-

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[2] Corrected Decisions were issued for two different reasons: (1) the interview-default decision was corrected because the original decision cited paragraph M of 260-RICR-40-05-1.18, not paragraph K; and (2) the misconduct decision was corrected because the first decision erroneously stated that the employer did not return the Notice of Claim Form.

[3] Paragraph K provides:

> An individual who fails to report for an adjudication appointment with the Department of Labor and Training, when notified of an appointment, shall be denied benefits for the week in which such failure occurs unless the reason for such failure to comply with the Department's requirements is based upon good cause as shall be determined by the Director.

02] (March 13, 2025), at 1; *ER II* at 31.

From these two decisions, Claimant filed timely appeals to the Board of Review. *See Request for a Hr'g Before Bd. of Review and Claimant Internet Appeal. ER I* at 66-67; *ER II* at 35-36. The Board responded by scheduling a telephonic hearing into Mr. Santurri's cases on April 10, 2025 at 9:00 a.m. — to which notice was given to Mr. Santurri and the Employer. *See Notice of Referee Hearing. ER I* at 21-23; *ER II* at 22-24.

However, despite being given notice, Claimant failed to appear at the hearing. Accordingly, the same day, the Referee, in brief and identical decisions, dismissed Claimant's appeals for want of prosecution, stating:

> This cause came before a Referee of the Board of Review on claimant's appeal from a decision of the Director of the Department of Labor and Training. This appeal was set down to a definite date for a telephone hearing and a notice of this hearing was sent to all interested parties. The claimant did not telephone this office as directed. There being no apparent error in this case, this appeal is dismissed, and the Director's decision shall be final at the expiration of the appeal period.

See Dec. of Referee [No. 20250864], (April 10, 2025), at 1; *ER I* at 19 and *See Dec. of Referee* [No. 20250865], (April 10, 2025), at 1; *ER II* at 20.

The next day, Claimant wrote an email to the Board in which he claimed that his notice said the hearing would be at 10:30 a.m. *See Email from Matthew Santurri to the Board of Review. ER I* at 17; *ER II* at 17. In response, the Board, while expressing perplexity at the notice he presented, agreed to reopen the case and set the matter down for a new hearing. *ER II* at 17. And so, two new notices went out scheduling a new hearing for May 19, 2025 at 8:45 a.m. *See ER I* at 14-16; *ER II* at 14-16.

On this occasion, Claimant did participate, as did two representatives of the Employer. At the outset of the hearing, the Referee indicated that there were two cases before her: the first concerned the circumstances of Mr. Santurri's separation from R & D Donuts; the second concerned his failure to participate in the adjudication interview. *See Ref. Hr'g Tr.* at 2.[4] And she identified a third issue, Claimant's failure to participate in the first referee hearing, which she framed as an issue under regulation 260-RICR-40-05-1.16. *Id.* at 3. The Referee then explained the order in which she would address these issues. *Id.* at 4. Finally, she administered the testimonial oath to Claimant and the two representatives of R & D. *Id.* at 5.

The Referee then identified the documents present in the file that was transmitted to the Board by the Department. *Id.* at 6-12. But, at this juncture, an issue arose as to whether the Employer had transmitted all its exhibits to Claimant. *Id.* at 12-13. And so, arrangements were made to send a new set of materials to Mr. Santurri. *Id.* at 14-17. This task accomplished, the Referee announced that they would begin testimony by focusing on the issue of Claimant's Motion to Reopen. *Id.* at 18.

Positing that two notices would have been sent to him on March 13, 2025, the Referee asked Mr. Santurri whether he received both notices for the April 10th hearing — and he testified that he did. *Id.* at 19. Claimant agreed that he read them. *Id.* at 20. When asked why he didn't call in, Mr. Santurri said that he did call once but nothing happened; it was just ringing. *Id.* at 21-22. He called back again, but the woman

[4] The Referee indicated the separation issue would be considered under G.L. 1956 § 28-44-18 (Misconduct), but it might also be considered under G.L. 1956 § 28-44-17 (Leaving for Good Cause).

who answered said it was too late. *Id.* at 21. When asked to be precise as to the time he called, Claimant said between 9:00 to 10:00 a.m. *Ref. Hr'g Tr.* at 22.

When asked, Mr. Santurri reiterated his previous assertions that the notice he received had the hearing time as 10:30 a.m. *Id.* at 22. The Referee then expressed the notion, from the Board's *institutional* viewpoint, that it was difficult to comprehend how the computer that prints out notices would send him notices with different times, since the notices in each case are printed at the same time. *Id.* at 22-23. Claimant then replied that he received "like six hearing notices in the mail, and there were a lot of times on them, a lot of dates …." *Id.* at 23. But, at the end of the day, Mr. Santurri had no explanation for how he received a notice with a different time. *Id.* at 24-25. At this point, the Referee turned her attention to the circumstances of Claimant's separation; and took extensive testimony on this issue from the Employer's Representatives and from Claimant Santurri. *Id.* at 26-64. She then excused the representatives of R & D from participating in the remainder of the hearing, which would focus on Claimant's failure to participate in the adjudication telephone interview. *Id.* at 65-66.

At the outset of the inquiry, Claimant agreed that the Referee could use the testimony taken during the discussion of the separation issue. *Id.* at 67. The Referee then explained that the applicable law on this question was the regulation 260-RICR-40-05-1.18(K). *Id.* at 67. The Referee then listed the documents contained in the second case file. *Id.* at 68-73. And she read the notice form (regarding the adjudicator's interview) into the record. *Id.* at 73-75.

When asked, Mr. Santurri denied receiving such a letter *personally*. *Id.* at

75. But he further testified that the other persons he lives with (his mother and his brother) might have received and opened it. *Id.* He further denied receiving text messages from the Department of Labor and Training. *Ref. Hr'g Tr.* at 77-78. Claimant then stated that he knew he had lost the case because he got papers in the mail. *Id.* at 77.

A few days later, on May 23, 2025, the Referee issued her decisions. In those decisions the Referee decided only one of the three issues discussed at the hearing — whether the Motion to Reopen should be granted in light of Claimant's failure to attend the hearing before the Referee on April 10, 2025. The misconduct issue and the issue of his failure to participate in the adjudicator interview, though flagged as issues, were not adjudicated.

Regarding the Motion to Reopen, the Referee made the following Findings:

> In a decision dated February 25, 2025, subsequently amended on March 7, 2025, the Director denied the claimant benefits as it was determined that he was discharged for disqualifying reasons. The claimant appealed his decision, and a Notice of Referee Hearing was mailed to the claimant and employer to the addresses on record on March 13, 2025. The hearing notice informed the claimant and employer to call in for the hearing scheduled for April 10, 2025, at 9:00 a.m., instructing both parties to call in 15-minutes prior to the start of the hearing. Additionally, the claimant was mailed a second Notice of Referee Hearing for a failure to report to an adjudication appointment, for the same date and time of April 10, 2025, at 9:00 a.m. The employer called 15-minutes prior to the 9:00 a.m. hearing time, as instructed, on April 10, 2025. The claimant did not call in as instructed.
>
> On April 11, 2025, the claimant emailed the Board of Review requesting a reopen of his missed appeal hearing. Attached to the email was a Notice of Referee Hearing for the discharge appeal, with the date and time listed as **April 10, 2025, at 10:30 a.m.,** not 9:00 a.m. The claimant did. not provide the Notice of Referee Hearing for his second appeal

> (failure to report to an adjudication appointment). The font size and spacing of the 10:30 numbers do not match the Notice of Referee Hearing issued by the Board of Review.
>
> The claimant was in receipt of both referee notices. The claimant did not call prior to the 9:00 a.m. start time. The testimony of the claimant is that he does not remember when he called or what number he called, but nothing happened. After calling again, he was told that the appeals had been dismissed. As to the alleged discrepancy as to the time cited on the notice, the claimant's testimony that he received both notices with 10:30 a.m. time listed, and he does not know how a mismatch with hearing times contained in the record could occur, is not credible. The employer called prior to 9:00 a.m., and the official notice issued by the Board of Review contained in the record shows the hearing date and time of April 10, 2025, at 9:00 a.m. The Board's hearing notice is computer generated and the times are the same on all notices.

Dec. of Referee, at 1-2; *ER I* at 10-11 (Emphasis in original).

In sum, the Referee found that: (a) the Claimant did not call in at the required time on April 10, 2025; (b) there were discrepancies in the "copy" of the Notice which Claimant transmitted to the Board on April 11, 2025; (c) the Claimant did not transmit a copy of the Notice for the adjudication-interview case; (d) Claimant received both Notices; (e) Claimant testified that he does not remember when or what number he called; (f) the Employer called prior to 9:00 a.m., as directed; and (g) the official copy of the notice shows the hearing date and time as April 10, 2025 at 9:00 a.m.

These findings led the Referee, to prepare the following conclusions of fact and law on the Motion to Reopen:

> The issue in this case is whether or not the claimant is allowed to reopen his appeal under the provisions of Rule 1.16 of the Rhode Island Board of Review Rules of Procedures.

> Rule 1.16 states, "After decision, the Referee may reopen any matter for reason of fraud, mistake, collusion or substantial new evidence or when the interests of justice so require."

Based on the evidence and testimony presented at the hearing, I do not find that good cause has been established by the claimant to reopen the appeal.

The claimant was notified of the hearing in writing, and he testified that he received the notice. The instructions on the notice were clear:

> You must call the Board of Review at (401) 462-9400 fifteen (15) minutes prior to your scheduled hearing time. When you call, you will provide a telephone number at which the Referee will contact you. Please identify all persons, including witnesses, attorneys, and representatives, who will participate in the hearing. Further, the notice indicated: IMPORTANT – This may be the only hearing provided on this matter. (Emphasis added.)

The claimant did not call in for the hearing scheduled for 9 a.m. on April 10, 2025. The claimant's testimony that the Notice of Referee Hearing that he received listed the hearing date and time of April 10, 2025, at 10:30 a.m. is not credible. The employer called in prior to 9:00 a.m. on April 10, 2025, as instructed. Notices of Referee Hearings are automatically printed through the Board of Review's system. Although the claimant provided a copy of the Notice of Referee Hearing for the discharge appeal, he did not provide the Notice of Referee Hearing for his other appeal – the failure to respond to an adjudication appointment. The font size and spacing of 10:30 a.m. time does not match the font size and spacing contained within the official Notice of Referee Hearing. It is determined that the Notice of Referee Hearing was altered after it was mailed to the claimant. Based on that conclusion and the misrepresentation regarding the claimant's representative, the claimant's testimony and evidence presented are not credible to show good cause for failing to report for the hearing. Therefore, I find the interest of justice in upholding the integrity of Rule 1.16 is best served by dismissing this case.

Dec. of Referee, at 2-3; *ER I* at 11-12 (Emphasis in original).

To summarize the Referee's Conclusions: the Referee concluded that Mr. Santurri did not meet his burden of demonstrating good cause to reopen his defaulted cases because: (1) he failed to call in for the 9:00 a.m. hearing although the Employer's representatives did; (2) that Claimant's assertion that the Notice he received said 10:30 a.m. was not credible, because (a) the Notices are automatically printed through the Board of Review's system, (b) he did not provide the Notice generated for the failure-to-be-interviewed case, only for the misconduct case, and (c) the copy presented by Claimant did not match in its font and spacing; (3) as a result, the Referee found the Notice Claimant presented was altered after it was mailed to Claimant; and, in light of the foregoing, (4) Claimant's testimony was not credible.[5] And so, Claimant's Motion to Reopen was Denied and the Decision of the Director was affirmed. *Dec. of Referee,* at 3; *ER I* at 12; *ER II* at 12.

Claimant filed a timely appeal to the full Board of Review. However, on July 11, 2025, the Board of Review summarily affirmed the Referee's decisions, finding them to be a proper adjudication of the facts and the law applicable thereto; accordingly, they were adopted as the Decisions of the Board. *Dec. of Bd. of Review 20251329OP),* July 11, 2025, at 1; *ER I* at 2 *and Dec. of Bd. of Review (20251330OP),* July 11, 2025, at 1; *ER II* at 2. The Decisions of the Referee were thereby affirmed. Finally, on December 31, 2025, Mr. Santurri filed the instant complaint for judicial review of the Board's decision in the Sixth

[5] The foregoing is a line-by-line summary of the Decision in the case on the issue of misconduct. The Decision of Referee on the failure-to-be-interviewed issue is very similar, but not identical.

Division District Court.[6]

II
Standard of Review

The standard of review by which this court must consider appeals from the Board of Review is provided by G.L. 1956 § 42-35-15(g), a section of the state Administrative Procedures Act (APA), which provides:

> **42-35-15. Judicial review of contested cases.**
> * * *
> (g) The court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings, or it may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:
> (1) In violation of constitutional or statutory provisions;
> (2) In excess of the statutory authority of the agency;
> (3) Made upon unlawful procedure;
> (4) Affected by other error of law;
> (5) Clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or
> (6) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

Thus, on questions of fact, the District Court "* * * may not substitute its judgment for that of the agency and must affirm the decision of the agency unless its findings are 'clearly erroneous.'" *Guarino v. Dep't of Soc. Welfare,* 122 R.I. 583, 588, 410 A.2d 425 (1980) (quoting G.L. 1956 § 42-35-15(g)(5)). The Court will not substitute its judgment for that of the Board as to the weight of the evidence on questions of fact. *Cahoone v. Bd. of*

[6] The acceptance of my Findings and Recommendations in this case will obviate the need for us to decide whether Mr. Santurri's appeal to this Court, which was filed four and a half months *after* the expiration of the 30-day appeal period set by statute, should be permitted. *See* G.L. 1956 § 42-35-15(b).

Review of the Dep't of Emp't Sec., 104 R.I. 503, 506, 246 A.2d 213, 214-15 (1968). Stated differently, the findings of the agency will be upheld even though a reasonable mind might have reached a contrary result. *Cahoone,* 104 R.I. at 506, 246 A.2d at 215. *See also D'Ambra v. Bd. of Review, Dep't of Emp't Sec.,* 517 A.2d 1039, 1041 (R.I. 1986).

The Supreme Court of Rhode Island recognized, in *Harraka v. Bd. of Review of Dep't of Emp't Sec.,* 98 R.I. 197, 200, 200 A.2d 595, 597 (1964), that a liberal interpretation shall be utilized in construing the Employment Security Act:

> * * * eligibility for benefits is to be determined in the light of the expressed legislative policy that "Chapters 42 to 44, inclusive, of this title shall be construed liberally in aid of their declared purpose which declared purpose is to lighten the burden which now falls upon the unemployed worker and his family." G.L. 1956, § 28-42-73. The legislature having thus declared a policy of liberal construction, this court, in construing the act, must seek to give as broad an effect to its humanitarian purpose as it reasonably may in the circumstances. Of course, compliance with the legislative policy does not warrant an extension of eligibility by this court to any person or class of persons not intended by the legislature to share in the benefits of the act; but neither does it permit this court to enlarge the exclusionary effect of expressed restrictions on eligibility under the guise of construing such provisions of the act.

III

Applicable Law

In this case Mr. Santurri failed to participate in two hearings scheduled before the Referee. As a result, his appeal was dismissed. And so, we must ask — Is the Board of Review or one of its referees authorized to dismiss unemployment appeals where the Claimant has, in the absence of excusable neglect, failed to appear at a scheduled hearing? The answer to this question is yes. Defaults are permitted under a provision of

the Administrative Procedures Act (APA), G.L. 1956 § 42-35-9(d), which states:

> Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

Thus, there is no question that a referee is empowered to enter a default against claimants who do not appear for their hearings.

IV

Analysis

Rhode Island's Employment Security Act has included, since its adoption, an administrative hearing process to adjudicate disputes regarding, *inter alia,* whether a claimant should be disqualified from receiving unemployment benefits — with the opportunity for judicial review held in abeyance. But, this administrative process, while customarily eschewing the kinds of formality associated with judicial proceedings, does nonetheless require litigants to adhere to regular, established procedures.

Among these is the expectation that, upon receiving a decision, an aggrieved party will file his or her appeal in a timely manner; indeed, the Act provides that non-compliance will result in the Director's decision becoming final. Claimants are also expected to participate in hearings when they are notified to do so. At the hearing, which was scheduled to focus on (1) whether Claimant Santurri should be denied unemployment benefits because he was discharged for misconduct and (2) whether he should be denied benefits because he failed to participate in the adjudicator's interview, Claimant failed to participate and his absence was completely unexplained. He was, in the phrase is commonly employed, a no-call, no-show. Thus, he was properly defaulted.

Of course, after Mr. Santurri failed to appear at the first Referee hearing, it was decided that a new hearing should be scheduled — to give him the opportunity to explain his absence. And so, when the second hearing was conducted, this third issue — that is, whether he should be granted permission to reopen his case despite the entry of default — needed to be addressed. And it was.

In fact, Claimant's failure to prosecute his appeal (on April 10, 2025) was the only issue analyzed by the Referee. And, as we know, she found that good cause to reopen had *not* been shown and dismissed Mr. Santurri's appeal for want of prosecution. She did *not* address the substantive issue of disqualification because he was discharged for misconduct and the procedural issue of Mr. Santurri's failure to participate in an interview with the adjudicator.

And it is solely the rectitude of that decision (to deny the Motion to Reopen) which we must evaluate. In my estimation, I believe the decisions of the Board declining to allow Mr. Santurri to reopen his case are based on competent evidence of record and permissible inferences drawn therefrom. *First*, the Board's retained copies of the Notice show that he was directed to appear telephonically at 9:00 a.m. *See ER I* at 21-23; *ER II* at 22-24. *Second*, the Employer's Notices were also correct. And *third*, Claimant did not provide the Notice generated for the failure-to-be-interviewed case, only for the discharge-for-misconduct case. This is significant, because, if the second notice said 9:00 a.m., his entire argument is undermined — because, if either Notice was correct, Claimant had a duty to call-in as directed and cannot allege that he was misled.

And even if it is stipulated, *arguendo,* that Appellant's assertion has some

residual vitality, his argument is also undercut by the principle, which the Referee invoked, that a computer system into which data (such as an address) has been entered, will, when asked, remit that same data — until, at some future time, additional or different data is entered. But a computer, on its own cannot change its data and publish it to multiple entities differently unless it's instructed to do so. And there's no suggestion of such manipulation herein.

V
Conclusion

Upon careful review of the record, I recommend that this Court find that the decision of the Board of Review is neither clearly erroneous nor affected by error of law, procedural or substantive. G.L. 1956 § 42-35-15(g)(3)-(5). Moreover, it cannot be said to be arbitrary, capricious, or an abuse of discretion. G.L. 1956 § 42-35-15(g)(6). Accordingly, I recommend that the decision of the Board of Review be AFFIRMED.

/s/
Joseph P. Ippolito
MAGISTRATE

MAY 28, 2026