

**The claimant did not present any documentary evidence of his identity at the initial hearing. On remand, he presented a valid Massachusetts ID card, Social Security card, birth certificate, and paystub confirming the claimant's name, birthdate, address, and Social Security number. This documentation is sufficient to verify the claimant's identity as required under G.L. c. 151A, § 25(a).**

**Board of Review  
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**Issue ID: 0063 0266 32**

### Introduction and Procedural History of this Appeal

The claimant appeals a decision by a review examiner of the Department of Unemployment Assistance (DUA) to deny unemployment benefits. We review, pursuant to our authority under G.L. c. 151A, § 41, and reverse.

The claimant filed a claim for unemployment benefits with the DUA, effective January 17, 2021, which was denied in a determination issued on February 18, 2021. The claimant appealed the determination to the DUA hearings department. Following a hearing on the merits attended by the claimant, the review examiner affirmed the agency's initial determination and denied benefits in a decision rendered on November 21, 2023. We accepted the claimant's application for review.

Benefits were denied after the review examiner determined that the claimant did not meet the filing and registration requirement to verify his identity as the person who filed this claim for unemployment insurance benefits, and, thus, he was disqualified under G.L. c. 151A, § 25(a). After considering the recorded testimony and evidence from the hearing, the review examiner's decision, and the claimant's appeal, we remanded the case to the review examiner to afford the claimant an opportunity to present additional documentary proof of his identity. The claimant attended the remand hearing. Thereafter, the review examiner issued her consolidated findings of fact. Our decision is based upon our review of the entire record.

The issue before the Board is whether the review examiner's decision, which concluded that the claimant did not present sufficient evidence to verify his identity because he could not present documentation at the hearing verifying his name, birthdate, address, or Social Security number, is supported by substantial and credible evidence and is free from error of law.

### Findings of Fact

The review examiner's consolidated findings of fact and credibility assessment are set forth below in their entirety:

1. The claimant filed a claim for unemployment benefits with the Department of Unemployment Assistance (DUA) with an effective date of January 17, 2021 (2021-01 claim).
2. The claimant used address A (address A) on the 2021-01 claim application.
3. The claimant was residing at address A temporarily with a family member in 2021.
4. The claimant has a pay statement issued to him at address A.
5. The claimant then moved to address B (address B).
6. The claimant later updated his address in the UI Online system to address B.
7. At the time of the claimant's hearing, January 16, 2023, the claimant was still residing at address B.
8. The claimant possesses a Massachusetts Identification Card issued on October 19, 2021, with an expiration date of July 20, 2026.
9. The name on the Identification Card matches the name the claimant used to file his 2021-01 claim.
10. The address on the Identification Card does not match the address used on the 2021-01 claim.
11. The address listed on the claimant's Identification Card is address C (address C), where the claimant resided before he moved to address B.
12. The claimant possesses a signed Social Security Card issued on October 13, 2023, with a Social Security Number of XXX-XX-[Numbers] listed.
13. The name on the Social Security Card matches the number [sic] the claimant used to file his 2021- 01 claim.
14. The claimant possesses a State of New Hampshire Certificate of Birth.
15. The name on the birth certificate matches the name on the Identification Card and the Social Security Card.
16. The birthdate listed on the birth certificate matches the birthdate listed on the Identification Card.

Credibility Assessment:

The documents the claimant presented at the remand hearing appear to be authentic.

## Ruling of the Board

In accordance with our statutory obligation, we review the record and the decision made by the review examiner to determine: (1) whether the consolidated findings are supported by substantial and credible evidence; and (2) whether the review examiner's conclusion is free from error of law. Upon such review, the Board adopts the review examiner's consolidated findings of fact and deems them to be supported by substantial and credible evidence. We further believe that the review examiner's credibility assessment is reasonable in relation to the evidence presented. However, as discussed more fully below, we reject the review examiner's legal conclusion that the claimant is not entitled to benefits.

In order to obtain benefits, the claimant must follow the provisions of G.L. c. 151A, § 25(a), which provides, in relevant part, as follows:

No waiting period shall be allowed and no benefits shall be paid to an individual under this chapter for—(a) Any week in which he fails without good cause to comply with the registration and filing requirements of the commissioner. . . .

In this case, the issue presented to the review examiner was whether the claimant demonstrated that he was the person who filed a claim and not an imposter, who may have borrowed or stolen an identity to fraudulently collect benefits. The claimant appeared virtually before the review examiner. However, he did not present any documentary evidence at the hearing to verify his identity. Accordingly, the review examiner denied the claimant benefits.

On appeal to the Board, the claimant submitted a copy of his birth certificate, Massachusetts identification card, Social Security card, and other relevant documentation. We remanded the case for the review examiner to assess this new evidence.

The record now includes Remand Exhibits 2 and 5, which contain a color copy of the front and back of the claimant's Massachusetts identification card, a color copy of the front and back of the claimant's Social Security card, the claimant's birth certificate, and a paystub from one of the claimant's previous employers. Additionally, the claimant was able to present each of these documents at the remand hearing. *See Consolidated Findings ## 4, 8, 12, and 14.*

The review examiner confirmed that the name and birthdate listed on the Massachusetts identification card matches both the name and birthdate on the birth certificate and the name and birthdate the claimant provided when filing his claim for unemployment benefits. Consolidated Findings ## 9, 13, 15. Additionally, the review examiner confirmed that the name on the Social Security card matches the name listed on the claimant's Massachusetts identification card, and that the address listed on the claimant's paystub matches the address he used to file his claim for benefits. Consolidated Findings ## 2, 4, 12, 13. While the review examiner failed to make any findings about whether the claimant had verified his Social Security number, a review of UI Online, the DUA's electronic recordkeeping system, confirms the number listed on the claimant's

Social Security card matches the Social Security number he used to file his claim.<sup>1</sup> As the review examiner concluded that the documents the claimant presented at the hearing were authentic, we are satisfied that he has met his burden to confirm that he is the person who filed a claim and not an imposter.

We, therefore, conclude as a matter of law that the claimant has produced substantial and credible evidence to verify his identity. He has met the registration and filing requirements for benefits pursuant to G.L. c. 151A, § 25(a).

The review examiner's decision is reversed. The claimant is entitled to receive benefits for the week of January 17, 2021, and for subsequent weeks if otherwise eligible.

**BOSTON, MASSACHUSETTS**  
**DATE OF DECISION - April 10, 2024**



Paul T. Fitzgerald, Esq.  
Chairman



Michael J. Albano  
Member

Member Charlene A. Stawicki, Esq. did not participate in this decision.

**ANY FURTHER APPEAL WOULD BE TO A MASSACHUSETTS  
STATE DISTRICT 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.

LSW/rh

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<sup>1</sup> This information from Remand Exhibits 2 and 5, while not explicitly incorporated into the record, are part of the unchallenged evidence introduced at the hearing and placed in the record and are thus properly referred to in our decision today. See Bleich v. Maimonides School, 447 Mass. 38, 40 (2006); Allen of Michigan, Inc. v. Deputy Dir. of Department of Employment and Training, 64 Mass. App. Ct. 370, 371 (2005).