

Claimant established that she is the parent of the minor child she is claiming for a dependency allowance, as she has produced documentation to verify this relationship and his identity. She is, therefore, entitled to a dependency allowance under G.L. c. 151A, § 29(c).

**Board of Review
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Issue ID: 0068 3453 38

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 the claimant a dependency allowance. We review, pursuant to our authority under G.L. c. 151A, § 41, and reverse.

On July 16, 2021, the agency determined that the claimant was not entitled to a dependency allowance. 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 in a decision rendered on August 25, 2022. We accepted the claimant's application for review.

The review examiner concluded that the claimant failed to provide adequate identification for her dependent and, therefore, was not entitled to a dependency allowance under G.L. c. 151A, § 29(c). 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 assess additional documentation included in the claimant's appeal to the Board. The claimant attended the remand hearing. Thereafter, the review examiner issued her consolidated findings of fact.

The issue before the Board is whether the review examiner's decision, which concluded that claimant is not entitled to a dependency allowance because she failed to provide her son's Social Security card, is supported by substantial and credible evidence and is free from error of law in light of the additional evidence produced after remand.

Findings of Fact

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

1. On March 22, 2019, the claimant filed a claim for unemployment benefits with an effective date of March 17, 2019.
2. During the pendency of her claim, the claimant gave birth to a son, [Child's Name], and wanted to add him as a dependent on her claim.

3. [Child's Name]'s date of birth is February 24, 2020 and the last four digits of his social security number are [aaaa].
4. The claimant is [Child's Name]'s natural parent.
5. [Child's Name] lives with the claimant in [City A], Massachusetts.
6. The claimant provides 100% of the financial support for [Child's Name].

Credibility Assessment:

The claimant provided credible testimony and corroborating documentary evidence—in the form of a birth certificate and social security card—to establish the existence of and confirm her relationship to her son, [Child's Name].

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 a dependency allowance for her son.

G.L. c. 151A, § 29(c) provides, in pertinent part, as follows:

An individual in total or partial unemployment and otherwise eligible for benefits shall be paid for each week of such unemployment, in addition to the amount payable under subsections (a), (b) or (d) as the case may be, the sum of twenty-five dollars for each unemancipated child of such individual who is in fact dependent upon and is being wholly or mainly supported by such individual, and who is under the age of eighteen, or who is eighteen years of age or over and incapable of earning wages because of mental or physical incapacity, or who is under the age of twenty-four and is a full-time student at an educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, or who is in his custody pending the adjudication of a petition filed by such individual for the adoption of such child in a court of competent jurisdiction, and for each such child for whom he is under a decree or order from a court of competent jurisdiction to contribute to such child's support and for whom no other person is receiving allowances hereunder; provided, that such child is domiciled within the United States or the territories or possessions thereof

Under G.L. c. 151A, § 29(c), a claimant may receive a dependency allowance of twenty-five dollars per qualified dependent. The claimant was initially disqualified from receipt of the

dependency allowance because she did not provide the requested identification to verify the existence of [Child's Name] and his relationship to the claimant.

On appeal to the Board, the claimant submitted a copy of [Child's Name]'s birth certificate and Social Security card. After remand, the review examiner has found that the documentation provided by the claimant confirms [Child's Name]'s Social Security number and establishes that he is the claimant's minor son.

We, therefore, conclude as a matter of law that the claimant has met all the requirements of G.L. c. 151A, § 29(c), and is entitled to a dependency allowance.

The review examiner's decision is reversed. The claimant is entitled to a dependency allowance beginning the week of February 23, 2020, and for subsequent weeks if otherwise eligible.



BOSTON, MASSACHUSETTS
DATE OF DECISION - December 15, 2022

Charlene A. Stawicki, Esq.
Member



Michael J. Albano
Member

Chairman Paul T. Fitzgerald, 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

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