

The claimant presented a new Social Security card to verify his identity and show that he is the person who filed an unemployment claim. He has met the eligibility requirements pursuant to G.L. c. 151A, § 25(a).

**Board of Review
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Issue ID: 0078 9080 83

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 December 18, 2022, which was denied in a determination issued on January 19, 2023. 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 February 24, 2024. 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 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 an effective date of December 18, 2022. The claimant filed a new claim for unemployment benefits with an effective date of December 17, 2023.

2. The claimant possesses a valid driver's license issued by the Commonwealth of Massachusetts on February 14, 2020, with an expiration date of November 2, 2024.
3. The address listed on the claimant's driver's license does not match the residential address he used to file his unemployment claim.
4. The claimant possesses a 2023 1099 form addressed to him at the address he used to file his unemployment claim.
5. The claimant possesses a valid Massachusetts birth certificate. The date of birth on the claimant's birth certificate matches the date of birth on his driver's license.
6. The claimant possesses a valid Social Security card issued by the Social Security Administration on March 1, 2024. The card contains the claimant's full name, the card is signed by the claimant, and the name on the Social Security card matches the name on the claimant's driver's license.

Credibility Assessment:

The claimant submitted valid documents to demonstrate he is the person who filed the claim for unemployment benefits with an effective date of December 18, 2022. The information on the documents is consistent with each other, as well as consistent with the information on the claimant's unemployment claim. As such, the evidence was accepted as credible and forms the basis of the consolidated findings of fact.

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 original 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. As discussed more fully below, we reject the review examiner's original 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 and presented documentation to verify his identity, including a driver's license verifying his name, a tax document verifying his address and a birth certificate verifying his date of birth. However, he did not present a Social Security card or any other documentary evidence of his Social Security number, which was necessary to verify his identity. Consequently, the review examiner denied the claimant benefits.

On appeal to the Board, the claimant stated that he had obtained a new Social Security card. We, therefore, remanded the case for the review examiner to assess this new evidence.

After reviewing the claimant's documents, the review examiner concluded that the claimant presented a valid driver's license and a valid birth certificate, both issued by the Commonwealth. Consolidated Findings ## 2 and 5. The review examiner further found that the date of birth on the claimant's birth certificate matches the date of birth on his driver's license. Consolidated Finding # 5. The review examiner found that the claimant possesses a valid Social Security card, and the name on the Social Security card matches the name on the claimant's driver's license. Consolidated Finding # 6. Finally, the review examiner found that the claimant presented a 2023 tax document containing the same address that appears on the claimant's unemployment claim. Consolidated Finding # 4. In her credibility assessment, the review examiner noted that the other information in the claimant's documents, such as his name, matches the information on the claimant's unemployment claim. In light of the above consolidated findings and credibility assessment, we are satisfied that the claimant has met his burden to confirm that he is the person who filed an unemployment 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 beginning December 18, 2022, and for subsequent weeks if otherwise eligible.

BOSTON, MASSACHUSETTS
DATE OF DECISION - June 14, 2024



Paul T. Fitzgerald, Esq.
Chairman



Charlene A. Stawicki, Esq.
Member

Member Michael J. Albano 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.

SVL/rh