

The claimant presented a Social Security card and, on remand, presented a current driver's license with the same name and address used to file this claim. As the photograph of the license resembles the person appearing at the hearing, the claimant has verified his identity as the person who filed the claim.

**Board of Review**  
**100 Cambridge Street, Suite 400**  
**Boston, MA 02114**  
**Phone: 617-626-6400**  
**Fax: 617-727-5874**

**Paul T. Fitzgerald, Esq.**  
**Chairman**  
**Charlene A. Stawicki, Esq.**  
**Member**  
**Michael J. Albano**  
**Member**

**Issue ID: 0080 4223 43**

### 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, which was denied in a determination issued on June 20, 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 July 20, 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 his 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 provide sufficient documentation to verify his identity because he provided an expired driver's license that also did not list the address the claimant used to file his claim, 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 effective 5/28/2023.

2. The Department of Unemployment Assistance issued the claimant a Notice of Disqualification dated 6/20/2023 for failing without good cause to present proper identification, and therefore not meeting the filing and registration requirements.
3. In or about 7/2022, the claimant relocated from Maryland to Massachusetts for work.
4. At the hearing held on 7/18/2023, the claimant possessed a Maryland Driver's License that expired on 9/20/2021.
5. The expired Maryland Driver's License listed the claimant's address as:  
[Address 1]  
[City A], MD [Zip code A].
6. When the claimant relocated to Massachusetts for work, he rented a residence in Maryland at the address:  
[Address 2]  
[City A], MD [Zip code A].
7. The claimant continued to rent the residence in [City A], MD when he relocated to Massachusetts. The [City A], MD address is the claimant's mailing address.
8. At the initial hearing held on 7/18/2023, the claimant provided a USAA credit card arrival letter, undated, to the address of:  
[Address 2]  
[City A], MD [Zip code A].
9. At the initial hearing held on 7/18/2023, the claimant possessed a Citi Bank credit card statement dated 4/2/2021, to the address of:  
[Address 2]  
[City A], MD [Zip code A].
10. At both hearings, the claimant possessed rental agreements with a bed and breakfast named [Business A] located at:  
[Address 3]  
[City B], MA [Zip code B].
11. At the remand hearing on 9/5/2023, the claimant provided a rental agreement with the bed and breakfast he signed on 9/1/2023. The claimant resides at the bed and breakfast while living in Massachusetts.
12. At the remand hearing held on 9/5/2023, the claimant possessed a Maryland Driver's License issued on 7/25/2023, that expires on 9/20/2031.
13. The Maryland Driver's License listed the claimant's address as:  
[Address 2]

[City A], MD [Zip Code A].

14. The claimant's full name and date of birth on his valid Maryland Driver's License match the information in his application for unemployment benefits.
15. The photograph on the claimant's Maryland Driver's License resembles the person who appeared at both hearings.
16. The claimant renewed his Maryland Driver's License because he intends to return to Maryland if he cannot find employment in Massachusetts.
17. The claimant has a social security card, issued 4/4/2008, showing a social security number of XXX-XX-[aaaa]. The card is signed.

Credibility Assessment:

The claimant provided an updated, valid Maryland Driver's License, with a photo that looks like the claimant. Further, the claimant's testimony that he resided in Massachusetts while he continued to rent the Maryland address was reasonable given that he moved to Massachusetts for employment and intends to return to Maryland if he does not find new employment in Massachusetts. Given the totality of the claimant's testimony over both hearings, his documentation provided at both the initial and the remand hearing, the claimant's testimony is deemed credible.

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. Based upon the new evidence and these consolidated findings, we disagree with the review examiner's original conclusion that the claimant failed to verify his identity.

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 could demonstrate 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. To authenticate his identity, he presented a signed social security card, a rental agreement for a bed and breakfast in Massachusetts, and an expired Maryland driver's license.

Consolidated Findings ## 3, 6, and 8. He also presented a credit card bill with his name and a Maryland address. The review examiner denied benefits because the driver's license presented by the claimant had expired and the address listed on the credit card bill did not match the address on the claimant's driver's license. *See* Consolidated Findings ## 5 and 8. However, on appeal to the Board, the claimant submitted documentation indicating that he applied to renew his license. Accordingly, we remanded the case for the review examiner to assess this new evidence.

The record now includes Remand Exhibits 9 and 10, color copies of the front and back of the claimant's up-to-date Maryland driver's license. *See* Consolidated Finding # 12. The review examiner confirmed that the photograph in the Maryland Driver's license issued in the claimant's name resembles the person who appeared at the remand hearing. Consolidated Finding # 15. Additionally, the driver's license lists the same mailing address that the claimant used for his claim, which is the claimant's permanent residence in Maryland. Consolidated Findings ## 6-9 and 13. The name and birthdate listed on the driver's license also match the information the claimant provided on his application for benefits. Consolidated Finding # 15. With two valid government-issued identification cards matching the identifying information used to file the claim and confirmation that the claimant resembles the photograph in the driver's license, we are satisfied that the claimant 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 unemployment insurance benefits as required under G.L. c. 151A, § 25(a).

The review examiner's decision is reversed. The claimant is entitled to receive benefits for the week beginning March 22, 2020, and for subsequent weeks, if otherwise eligible.



Charlene A. Stawicki, Esq.  
Member

**BOSTON, MASSACHUSETTS**  
**DATE OF DECISION - December 20, 2023**



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](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