

The claimant did not present any documentary evidence of his identity at the initial hearing. On remand, he presented a valid Massachusetts driver's license and Social Security card 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: 0080 5451 42

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 July 6, 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 November 25, 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 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 provide sufficient documentation to verify his identity because he did not provide evidence of a Social Security number or other form of government-issued identification, 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 (UI) benefits effective August 27, 2023.

2. On July 6, 2023, the claimant was issued a Notice of Disqualification under Section 25(a) of the law, related to an Identity Verification.
3. On October 10, 2023, the claimant appealed the Notice of Disqualification.
4. The claimant has a current Massachusetts driver's license that expires on November 21, 2025. The Massachusetts driver's license shows two surnames for the claimant.
5. The two surnames shown on the driver's license match the Social Security card and birth certificate provided to the DUA by the claimant.
6. The claimant's name shown on his driver's license differs from the name used to file his claim for UI benefits in that he did not include his second surname on his UI claim.
7. The address and birth date on the driver's license matches the address and birth date the claimant used in his application for UI benefits.
8. The photograph on the driver's license matches the countenance of the claimant in the hearing.
9. The claimant has a Social Security card bearing his signature and both surnames. The Social Security card was issued on October 7, 2022.
10. The Social Security number matches the Social Security number used to apply for UI benefits.
11. The claimant has a birth certificate from the Dominican Republic showing both the claimant's surnames. The date of birth on the birth certificate is the same as the birth date shown on the claimant's Massachusetts driver's license.

Credibility Assessment:

During the hearing, the claimant provided direct and credible evidence to support a finding that he is the person who filed the claim for unemployment benefits. The claimant explained, with candor, why he failed to include his second surname on his application for UI benefits and why his identity documents show two surnames.

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 to verify his identity. Accordingly, the review examiner denied the claimant benefits.

On appeal to the Board, the claimant submitted a copy of his Massachusetts driver's license and his Social Security card. We remanded the case for the review examiner to assess this new evidence.

The record now includes Remand Exhibit 5, a color copy of the front and back of the claimant's Massachusetts driver's license and a color copy of the front and back of the claimant's Social Security card. *See Consolidated Findings ## 4 and 9.* The review examiner confirmed that the name on the Social Security card matches the name listed on the claimant's Massachusetts driver's license, and the Social Security number listed on the card matches the number the claimant used to file his claim for benefits. *Consolidated Finding # 5.* Additionally, the review examiner confirmed that the birthdate and address listed on the claimant's Massachusetts driver's license match the birthdate and address that the claimant provided when filing his claim for unemployment benefits. *Consolidated Findings # 7.* As the review examiner also found that the individual appearing at the hearing resembled the images of the person on the Massachusetts driver's license, we are satisfied that he has met his burden to confirm that he is the person who filed a claim and not an imposter. *See Consolidated Finding # 8.*

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 August 27, 2023, and for subsequent weeks, if otherwise eligible.

BOSTON, MASSACHUSETTS
DATE OF DECISION - February 28, 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

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