

**While the claimant presented a valid driver's license at the initial hearing, the address listed on the license did not match the address the claimant used to file his claim for benefits. Additionally, the claimant did not present documentation verifying his Social Security number. On remand, he presented statements from his debit card company verifying the address he used to file his claim and a valid Social Security card confirming the Social Security number used to file the claim. This documentation verifies the claimant's identity as required under G.L. c. 151A, § 25(a).**

**Board of Review  
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Michael J. Albano  
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**Issue ID: 0080 8414 37**

#### 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 July 23, 2023, which was denied in a determination issued on August 11, 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 September 16, 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 did not provide any documents verifying his Social Security number or the address he used to file his claim for benefits, 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 7/23/2023.
2. On 8/11/2023, the DUA issued the claimant a Notice of Disqualification for failing to present proper identification.
3. The claimant has a Rhode Island Driver's License issued on 12/19/2022 and expiring on 9/17/2024. The Rhode Island Driver's License bears a former address the claimant had not resided in since 7/4/2021, different than the address used to file his unemployment claim.
4. The claimant's original [Social Security] card was stolen approximately one year ago. The claimant's mother had a photocopy of the claimant's original [Social Security] card in her records. The claimant submitted a photocopy of a [Social Security] card to the DUA and it was not legible.
5. The claimant obtained a new [Social Security] card from the Social Security Administration bearing the claimant's first name and last name.
6. The new [Social Security] card was issued on 10/10/2023.
7. The claimant signed the new [Social Security] card.
8. The first and last name on the new [Social Security] card matches the first and last name on the claimant's Rhode Island Driver's License.
9. The claimant has a photograph of mail from a card company bearing his first name, last name, and address. The address does not include the word "Street" or abbreviation "St."
10. The claimant has mail from the Social Security Administration bearing his first name, last name, and address matching that used to file his claim for benefits.
11. The claimant has mail from debit card company A bearing his first name, last name, and address. The address also includes "#3." The claimant lives on the third floor of the address used to file his claim.
12. The claimant has mail from debit card company B bearing his first name, last name, and address matching that used to file his claim for benefits.

Credibility Assessment:

The claimant's testimony about his [Social Security] number is credible given that it was corroborated by the claimant's presentation of a new [Social Security] card from the Social Security Administration containing information consistent with his testimony. The claimant's testimony about the address used to file his claim is

credible given that it was corroborated by the claimant's presentation of 1) a photograph of mail from a card company, 2) mail from debit card company A, 3) mail from debit card company B, and 4) mail from the Social Security Administration. While the address on some of this documentation varied slightly, (one item missing the word "Street" or abbreviation "St" and another including #3), these documents are largely consistent and represent the same physical address.

### 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. To authenticate his identity, he presented a valid Rhode Island driver's license. *See Consolidated Findings # 3.* However, the review examiner denied the claimant benefits, because the address on the claimant's license was not the same as the one used to file his claim, and because he did not present any documentation verifying his Social Security number. On appeal to the Board, the claimant submitted a scanned copy of his Social Security card and proof of his address. Accordingly, we remanded the case for the review examiner to assess this new evidence.

The record now includes Remand Exhibits 2 and 8, which include a color copy of the front and back of the claimant's Social Security card, a statement from a debit card company bearing the claimant's name and address, and mail from the Social Security administration also bearing the claimant's name and address. *See Consolidated Findings ## 5, 10, and 11.* The review examiner confirmed that the name on the Social Security card matches the name listed on the claimant's Rhode Island driver's license and the statement from the debit card company. *Consolidated Findings ## 9 and 11.* Additionally, the review examiner confirmed that the address listed on the documentation provided by the claimant matches the address he provided when filing his claim for unemployment benefits. *Consolidated Findings ## 10–12.* As the information on the documentation provided by the claimant matches the identifying information he used to file his claim, 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 July 23, 2023, and for subsequent weeks, if otherwise eligible.

**BOSTON, MASSACHUSETTS**  
**DATE OF DECISION - February 8, 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](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