

While the claimant presented a valid driver's license and U.S. Passport card at the initial hearing, he did not have documentation verifying his Social Security number or documentation of the Massachusetts address he used to file his claim. On remand, he presented a valid 2022 Form W-2 listing his Social Security number, a vehicle registration, insurance certificate, and 2022 Form 1099-HC, each confirming the address the claimant used to file his claim. This documentation verifies the claimant's identity as required under G.L. c. 151A, § 25(a).

**Board of Review**  
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**Issue ID: 0080 8701 86**

### 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 separated from his position with the employer on July 23, 2023. He filed a claim for unemployment benefits with the DUA, effective July 23, 2023, which was denied in a determination issued on August 17, 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 provide sufficient documentation to verify his identity because he did not provide any evidence 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. Prior to filing for benefits, the claimant worked as a general manager for the employer, a cannabis cultivation company. The claimant began working for the employer on 8/20/2020. He worked a full-time schedule, approximately sixty to seventy hours per week.
2. On 2/3/2023, the employer went into receivership.
3. On 7/23/2023, the receiver laid off the claimant because funding had run out.
4. In July of 2023, the claimant filed for unemployment benefits with the Department of Unemployment Assistance (DUA), effective 7/23/2023.
5. The claimant possesses a driver's license, issued by the State of Colorado on 9/4/2022, with an expiration date of 9/4/2027.
6. The claimant uses his prior address in Colorado as his permanent residence. The claimant owns the property in Colorado.
7. The address listed on the claimant's Colorado Driver's License does not match the address he used to file his unemployment claim.
8. The claimant has lived at the same address in Massachusetts for approximately two years, since moving to the Commonwealth to work for the instant employer.
9. The claimant is currently working on a lease-to-purchase arrangement with his landlord in the Commonwealth.
10. The claimant holds a passport issued on 7/14/2023 by the government of the United States of America, [Passport ID number], with an expiration date of 7/13/2033.
11. The claimant possesses a 2022 W-2 and Earnings Summary displaying a [Social Security] number ending in [XXXX] and the name [claimant].
12. The claimant has a 2022 Massachusetts Nonresident/Part-Year Resident Income Tax Return showing a social security number ending in [XXXX] and the name [claimant].
13. The full name and address on the 2022 W-2 and Earnings Summary and the 2022 Massachusetts Nonresident/Part-Year Resident Income Tax Return matches the address on the claimant's Colorado Driver's License.
14. The full name on the 2022 W-2 and Earnings Summary and the 2022 Massachusetts Nonresident/Part-Year Resident Income Tax Return matches the name on the claimant's United States of America passport.

15. The claimant has a Certificate of Registration issued by the Massachusetts Department of Transportation on 8/10/2023.
16. The claimant has a Verification of Insurance issued by an automobile insurance company.
17. The claimant has a 2022 Form 1099-HC issued by a health insurance company.
18. The claimant holds two Dental Pre-Certification of Benefits documents provided by the claimant's dental coverage provider.
19. The address listed on the Certificate of Registration, Verification of Insurance, Form 1099-HC, and the Pre-Certifications of Benefits matches the address the claimant used to file his unemployment claim.
20. The claimant filed a Certificate of Organization for a limited liability company (LLC) with the Secretary of State of the Commonwealth of Massachusetts on 7/21/2022. The name of the registered agent and manager of the LLC matches the claimant's name. The address of the LLC, its registered agent and manager matches the address the claimant used to file his unemployment claim.
21. The claimant's name is the same among all of the documents the claimant provided to the DUA.
22. On 8/17/2023, the DUA issued the claimant a Notice of Disqualification within Section 25(a) of the Law. The claimant's appeal is from this Notice.

Credibility Assessment:

During the remand hearing, additional evidence was added to the record, including screenshots of a Certificate of Organization from the Secretary of State of the Commonwealth of Massachusetts for a limited liability company (Certificate of Organization), a 2022 W-2 and Earnings Summary (W-2 Form), a 2022 Massachusetts Two Year Comparison tax document, and a 2022 Massachusetts Nonresident/Part-Year Resident Income Tax Return (2022 Form 1-NR/PY). The full name appearing on each of the documents matches the name the claimant used when filing for benefits. The name on each of the documents matches the name on the claimant's Colorado Driver's License and US Passport. The address on the W-2 Form and the 2022 Form 1-NR/PY matches the address on the claimant's Colorado Driver's License. A comparison of the Social Security number listed on each form shows that the Social Security number matches the Social Security number the claimant used when filing his claim for benefits. At the remand hearing, the claimant stated that he owns the property at the address in Colorado and retrieves his mail from Colorado in person. The address on the Certificate of Organization matches the address the claimant used when he filed for benefits with the DUA. The claimant's images on the Colorado Driver's License and US Passport

match the person at the first hearing and at the remand hearing. The claimant was consistent and candid throughout his testimony at both hearings. As such, 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 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 United States passport and valid Colorado driver's license. Consolidated Findings ## 5 and 10. However, the review examiner denied the claimant benefits because he did not present any documentation verifying his Social Security number. On appeal to the Board, the claimant submitted a copy of his 2022 Form W-2 and his 2022 Massachusetts income tax returns. Accordingly, we remanded the case for the review examiner to assess this new evidence.

The record now includes Remand Exhibit 11, a copy of the claimant's 2022 Form W-2 bearing his Social Security number. The review examiner confirmed that the name on the Social Security card matches the name listed on the claimant's Colorado driver's license and his U.S. passport card. *See Consolidated Findings ## 13 and 14.* Additionally, the review examiner confirmed that the name and address listed on the Certificate of Registration issued by the Massachusetts Department of Transportation, the Verification of Insurance from an automobile insurance company, and the 2022 Form 1099-HC issued by a health insurance company match the name and address the claimant provided when filing his claim for unemployment benefits. Consolidated Findings ## 3 and 5.

Finally, while not in the consolidated findings, the review examiner noted in her credibility assessment that the individual appearing at the hearing resembled the images of the person on the Colorado driver's license and U.S. Passport. As the name, address, and Social Security number on the documents presented by the claimant at the remand hearing match the identifying

information the claimant 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 - January 30, 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](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