

With a replaced Social Security card and current Massachusetts driver's license, the claimant has presented substantial and credible evidence to verify his identity, as required pursuant to G.L. c. 151A, § 25(a).

**Board of Review
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Issue ID: 0081 0509 71

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 August 27, 2023, which was denied in a determination issued on September 21, 2023. The claimant appealed the determination to the DUA hearings department. Following a hearing on the merits, the review examiner affirmed the agency's initial determination and denied benefits in a decision rendered on November 3, 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 consider a new document submitted with the claimant's Board appeal. The claimant attended the remand hearing, and, 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 documents 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 August 27, 2023.

2. The claimant possesses a valid driver's license, issued by the Commonwealth of Massachusetts on November 1, 2019, with an expiration date of October 28, 2024.
3. The address listed on the claimant's driver's license matches the residential address he used to file his unemployment claim.
4. The claimant possesses a valid Social Security card issued by the Social Security Administration on November 3, 2023. The card contains the claimant's full name, the card is signed by the claimant, the name on the Social Security card matches the name on the 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 August 27, 2023. 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 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 consolidated findings, we reject the review examiner's original legal conclusion that the claimant is ineligible for benefits.

In order to obtain benefits, the claimant must satisfy the requirement 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.

During the original hearing, the claimant did not have any document that verified the Social Security number used to file his claim. After remand, the record now includes both the claimant's Massachusetts driver's license with his photograph and a valid Social Security card. The information on these documents matches the information used to file this unemployment claim.

See Consolidated Findings ## 3 and 4. As such, the claimant has met his burden to show that he is the person who filed the unemployment claim and not an imposter.¹

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

BOSTON, MASSACHUSETTS
DATE OF DECISION - March 18, 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.

AB/rh

¹ We note that the claimant appeared for a virtual hearing and his driver's license includes a photograph. We attribute the review examiner's failure to render a finding that the person appearing at the hearing resembled the image in the photograph to be an oversight.