

The review examiner could not verify the claimant's identity because he did not appear on video at the initial hearing. At an in-person remand hearing, the claimant presented a valid Massachusetts driver's license, U.S. passport, and Social Security card. The person appearing at the hearing matched the picture on the license and passport, and the name, address, and Social Security number in the documents presented at the remand hearing matched the information used to file the instant claim. This evidence 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: 0081 2125 78

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 January 29, 2023, which was denied in a determination issued on October 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 January 5, 2024. 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 verify that he was the person pictured on the documents submitted at the hearing. 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 verify his identity because he did not appear on video at the initial or continued hearing and the review examiner could not confirm he was the person pictured in the documentation submitted to the DUA, 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 are set forth below in their entirety:

1. On February 10, 2023, the claimant filed a claim for unemployment insurance benefits with the Department of Unemployment Assistance (DUA) with an effective begin date of January 29, 2023, and an effective end date of January 27, 2024.
2. On October 17, 2023, pursuant to Massachusetts General Laws Chapter 151A, § 25(a), the DUA sent the claimant a Notice of Disqualification determining he failed without good cause to present proper identification, and therefore he did not meet the filing and registration requirements and was not entitled to receive benefits beginning 1/29/2023 and for an indefinite period of time thereafter until he meets the filing and registration requirements.
3. The Social Security Card submitted by the claimant and presented in the in-person remand hearing sets forth the same name on the Massachusetts Driver's License submitted by the claimant issued on September 25, 2020, with an expiration date of July 23, 2025.
4. The Social Security Card submitted by the claimant and presented in the in-person remand hearing has the same Social Security number the claimant used to file this claim for benefits.
5. The United States Passport submitted by the claimant and presented in the in-person remand hearing sets forth the same name and date of birth (July 23, 1995) as the Massachusetts Driver's License.
6. A utility bill submitted by the claimant has the same name as the Massachusetts Driver's License, Social Security Card, and United States Passport submitted by the claimant and presented in the in-person remand hearing and has the same address as stated in the Massachusetts Driver's License.
7. The Massachusetts Driver's License submitted by the claimant and presented in the in-person remand hearing has the same address the claimant used to file this claim for benefits.
8. The individual viewed in the in-person remand hearing resembles the pictures of the individual on the Massachusetts Driver's License and United States Passport.

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. 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 initially provided documentary evidence of his identity but did not appear on video at the virtual hearing. Accordingly, the review examiner denied the claimant benefits.

On appeal to the Board, the claimant explained that he did not appear on video because he was having technical issues with the DUA's virtual hearing system. We remanded the case for an in-person hearing.

The review examiner confirmed that the individual appearing at the in-person hearing resembled the images of the person on the Massachusetts driver's license and United States passport. Consolidated Finding # 8. Additionally, the review examiner confirmed that the name and birthdate on the claimant's Massachusetts driver's license matched the name and birthdate on the United States passport and the name on the Social Security card that the claimant presented at the in-person remand hearing. Consolidated Findings ## 3 and 5. As the address and Social Security number listed on the documentation provided by the claimant also matched the information used to file this claim for benefits, 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. Consolidated Findings ## 4 and 7.

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 January 29, 2023, and for subsequent weeks, if otherwise eligible.

BOSTON, MASSACHUSETTS
DATE OF DECISION - April 26, 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

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