

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. On remand, he presented a valid Social Security card. He has now presented substantial evidence to verify his identity, as required under G.L. c. 151A, § 25(a).

**Board of Review
100 Cambridge Street, Suite 400
Boston, MA 02114
Phone: 617-626-6400
Fax: 617-727-5874**

**Paul T. Fitzgerald, Esq.
Chairman
Charlene A. Stawicki, Esq.
Member
Michael J. Albano
Member**

Issue ID: 0081 3383 44

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 October 15, 2023, which was denied in a determination issued on November 9, 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 December 5, 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 and credibility assessment. 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. The claimant filed a claim for unemployment benefits with an effective date of October 15, 2023.

2. The claimant possesses a valid driver's license, issued by the Commonwealth of Massachusetts on June 3, 2021, with an expiration date of May 4, 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 United States Passport, issued by the United States Department of State on September 12, 2017, with an expiration date of September 11, 2027.
5. The date of birth on the claimant's U.S. Passport matches the date of birth on the claimant's driver's license.
6. The claimant possesses a valid Social Security card issued by the Social Security Administration on December 11, 2023. The card contains the claimant's full name, the card is signed by the claimant, and the name on the Social Security card matches the name on the driver's license and U.S. Passport Card.

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 October 15, 2023.

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 initial 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 card and valid Massachusetts driver's license. Consolidated Findings ## 2 and 4. 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 contended that he had obtained a replacement of his previously stolen Social Security card. Accordingly, we remanded the case for the review examiner to assess this new evidence.

The record now includes a color copy of the front and back of the claimant's Social Security card. 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 his U.S. passport card. *See Consolidated Finding # 6.* Additionally, the review examiner confirmed that the address and date of birth listed on the documentation provided by the claimant matches the address and date of birth he provided when filing his claim for unemployment benefits. Consolidated Findings ## 3 and 5. As the information on all three documents matches 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 October 15, 2023, and for subsequent weeks if otherwise eligible.

BOSTON, MASSACHUSETTS
DATE OF DECISION - March 18, 2024



Charlene A. Stawicki, Esq.
Member



Michael J. Albano
Member

Chairman Paul T. Fitzgerald, 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.

JPCA/rh