

The review examiner could not verify the claimant's Social Security number because he did not present documentation confirming this number. On remand, 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 matched the information used to file the unemployment claim. This is substantial evidence which verifies the claimant's identity as required under G.L. c. 151A, § 25(a).

**Board of Review**  
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**Issue ID: 0082 2376 38**

### 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 February 11, 2024, which was denied in a determination issued on March 8, 2024. 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 April 9, 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 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 verify his identity because he did not provide evidence of a Social Security number or other form of government-issued identification, 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. An individual (Individual 1) filed a 2024-01 claim for unemployment insurance benefits. The effective date of the claim is 2/11/2024. Individual 1 reported his identity as [Claimant's name]. Individual 1 reported an address for [Claimant's name].
2. The U.S. government issued a Social Security card for [Claimant's name] (Social Security Card 1). The name on the card is [Claimant's name with initial]. The last four digits of the Social Security number on the card are [XXXX]. The card was issued on 4/17/2024. The card is not signed.
3. Massachusetts issued a driver's license for [Claimant's name] (Driver's License 1). The name on the license is [Claimant's name with initial]. The license features an address. This address matches the address used to file the 2024-01 claim for unemployment insurance benefits under the name [Claimant's name].
4. The name on Social Security Card 1 matches the name on Driver's License 1.
5. The DUA sought to determine whether Individual 1 is in fact [Claimant's name]. The DUA prompted Individual 1 to submit identification documents. Individual 1 did not submit any documentation prior to 4/7/2024. The DUA again prompted the claimant to submit identification documents. The claimant submitted color photographs of Social Security Card 1 and color photographs of Driver's License 1.
6. Individual 1 attended a virtual remand hearing on 6/10/2024. Individual 1 appeared on camera. Individual 1's appearance in the hearing resembled the image on Driver's License 1.

### 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 appeared virtually before the review

examiner and presented his Massachusetts Driver's License and a bank statement. However, he did not present any documentary evidence to verify his Social Security number. Accordingly, the review examiner denied the claimant benefits.

On appeal to the Board, the claimant submitted a copy of his Social Security card. We remanded the case to the review examiner to assess this new evidence.

The record now includes Remand Exhibit 7, a color copy of the front and back of the claimant's Social Security card. *See Consolidated Finding # 2.* The review examiner confirmed that the name on the claimant's Massachusetts Driver's license matches the name on the Social Security card that the claimant presented at the virtual remand hearing. Consolidated Finding # 4. The name and birthdate on the claimant's Massachusetts Driver's license also match the name and birthdate listed on his United States Passport, which was admitted into evidence as Remand Exhibit 9. The review examiner also confirmed that the person appearing at the hearing resembled the individual pictured on the Massachusetts Driver's license. Consolidated Finding # 6. Finally, the claimant's bank statement, which was admitted into evidence at the initial hearing as Exhibit 9, bears the same name and address as the claimant's Massachusetts Driver's License. As the address and Social Security number listed on the aforementioned documentation also matched the information the claimant used to file this claim for benefits, we are satisfied that he has met his burden to confirm that he is the person who filed a claim and not an imposter. *See Consolidated Findings ## 2 and 3.*

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 February 11, 2024, and for subsequent weeks if otherwise eligible.

**BOSTON, MASSACHUSETTS**  
**DATE OF DECISION - June 28, 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