

The claimant has submitted an unexpired Massachusetts Identification card with a photograph resembling the person at the hearing and her name and current address, as well as a valid Social Security card with a name that matches her identification card. Held she presented substantial credible evidence to verify her 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: 0082 8754 63

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 May 26, 2024, which was denied in a determination issued on June 5, 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 November 2, 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 requirements to verify her identity as the person who filed this claim for unemployment insurance benefits, and, thus, she 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 her identity. The claimant attended the remand hearing. Thereafter, the review examiner issued his 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 claimant did not verify her identity because she did not provide any evidence verifying her 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 insurance benefits with the Department of Unemployment Assistance (DUA) with an effective date of May 26, 2024.

2. The claimant was issued a Notice of Disqualification – Identity Verification dated June 5, 2024.
3. The claimant has a valid Massachusetts Identification Card with an expiration of April 22, 2028, issued on February 1, 2024. The address on the card matches the address the claimant used to file their claim for benefits.
4. The claimant has a Social Security Card showing an issue date of August 22, 20[23]. The card shows the claimant’s full name and matches their Massachusetts Identification Card. The card is signed by the claimant.

Credibility Assessment:

The claimant attended the initial hearing. The claimant attended the remand hearing.

In the initial hearing, the claimant did not have proof of their Social Security number. The record was left open for the claimant to submit documentation after the hearing with a deadline of October 25, 2024. As of November 1, 2024, the claimant had not submitted the additional documentation.

The claimant submitted their Social Security Card to the remand hearing. The document appears to be authentic and matches the Social Security number and name used by the claimant in filing their claim. The claimant resembles the person pictured on their Identification Card.

The claimant’s testimony that they are the person named in the unemployment claim 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 state, 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 documents that verified the Social Security number used to file her claim. After remand, the record now includes both the claimant's Massachusetts Identification card with her 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. Additionally, the review examiner noted in his credibility assessment that the picture on the Massachusetts Identification card resembles the claimant.

Inasmuch as the information on these two documents matches the identifying information the claimant used to file her claim, and the person appearing for the hearing resembles the photograph on her identification card, we are satisfied that she has met her burden to show that she is the person who filed the unemployment claim and not an imposter.

We, therefore, conclude as a matter of law that the claimant has produced substantial and credible evidence to verify her identity. She 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 May 26, 2024, and for subsequent weeks if otherwise eligible.

BOSTON, MASSACHUSETTS
DATE OF DECISION - January 30, 2025



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.

DY/rh