

**The claimant produced an updated Social Security card and Massachusetts I.D., and the review examiner determined that he resembled the person in the photograph. He has verified his identity, as required under G.L. c. 151A, § 25(a), and is eligible for PUA benefits.**

**Board of Review  
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**Issue ID: N6-FDKV-8L4T**

### 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 Pandemic Unemployment Assistance (PUA) benefits. We review, pursuant to our authority under G.L. c. 151A, § 41, and reverse.

The claimant filed a claim for PUA benefits with the DUA, effective March 8, 2020, which was denied in a determination issued on September 14, 2020. 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 PUA benefits in a decision rendered on December 4, 2020. 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 PUA claim, and, thus, the claimant 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 additional documents, which the claimant provided with his appeal to the Board. 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 the claimant was ineligible for PUA benefits, because the name on the claimant's Social Security card is different from the name on the other government-issued documents, 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 Pandemic Unemployment Assistance (PUA) which was determined to be effective March 8, 2020.

2. On September 14, 2020, the Department of Unemployment Assistance (DUA) issued a Notice of Non-Monetary Issue Redetermination – Identity Verification to the claimant, stating that he was not eligible for PUA benefits.
3. The claimant had a Temporary Massachusetts Identification Card, valid from January 14, 2020 through February 13, 2020 and displaying in lettering outlined in red, “NOT VALID FOR IDENTIFICATION. You applied for a Standard Credential.”
4. The claimant obtained a new Massachusetts Identification Card, issued on November 27, 2020, with his photo and date of birth. The card is valid through June 9, 2023. The claimant’s address on his Massachusetts Identification Card is the claimant’s address in the DUA’s records.
5. The claimant has a birth record from the Commonwealth of Massachusetts, Department of Public Health, Registry of Vital Records and Statistics, issued on October 30, 2017, showing his full name and date of his birth. The claimant’s mother’s maiden name as it appears in this birth record is the name which appeared on the claimant’s replacement social security card issued on May 11, 2017.
6. The claimant’s name and birth date from his birth record appears on his Massachusetts Identification Card.
7. The claimant has an unsigned replacement social security card issued on May 11, 2017. This card has the claimant’s mother’s maiden name as his family name. The U.S. Social Security Administration issued a replacement social security card in the claimant’s birth name, [Name A], on December 8, 2020. The social security number on each of these cards is the same.
8. After receiving the Appeal Hearing Results, the claimant appealed to the Board of Review. In his appeal, he identified himself as [Name B].

#### Credibility Assessment:

The claimant provided additional evidence at the remand hearing record that corroborated his testimony from the original hearing concerning his application for a Massachusetts Identification Card. The claimant also obtained a replacement social security card, revised with his birth name under the same social security number as the previous document he presented at the original hearing.

The claimant provided clarification regarding the name discrepancy from his earlier issued social security card. He stated that when he was placed in a foster home, the case worker asked which name he would prefer to use, and he chose his mother’s name because he expected to be living with her. According to the claimant, the case worker obtained a social security card for him using the mother’s maiden name. More recently, the claimant obtained a new replacement card which was issued on

December 8, 2020 and shows the claimant's birth name as it appears in his birth record. The social security number on each of these cards is the same. There does not appear to have been any alteration to the cards.

The temporary ID that the claimant provided at the original hearing had a data discrepancy concerning the claimant's height. He acknowledged this and noted it was a clerical error. The claimant stated that he is six feet tall and not six feet and nine inches tall as his temporary ID indicated. Photos that the claimant provided of himself for the hearing record show a significant change in weight. The claimant stated that he was homeless for a period and lost a great deal of weight which he is now gaining back. The claimant resembles the person in these photos.

In the claimant's appeal to the Board of Review, he identifies himself as [Name B]. This is deemed to be an oversight attributable to the recency of the claimant's use of his birth name.

### 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 original 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, based upon the consolidated finding, we disagree with the review examiner's original legal conclusion that the claimant failed to provide substantial and credible evidence validating his identity for purposes of meeting the registration and filing requirements under G.L. 151A, § 25(a).

The claimant in this case seeks PUA benefits, a new unemployment benefit program provided under the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020, and administered by the U.S. Secretary of Labor.<sup>1</sup> In order to obtain PUA benefits, the claimant must follow many of the terms and conditions of state law that apply to claims for regular unemployment benefits.<sup>2</sup> This includes 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.

Also under the PUA program, the Secretary of Labor, through U.S. Department of Labor (DOL) advisories, directs states to disqualify any individual who makes a material misrepresentation in order to obtain the benefit.<sup>3</sup> To detect and prevent fraud, states are to use "such methods of administration as are, within reason, calculated (1) to detect benefits paid through error by the

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<sup>1</sup> Pub. L. 116-136 (Mar. 27, 2020), § 2102.

<sup>2</sup> See U.S. Department of Labor (DOL) Unemployment Insurance Program Letter (UIPL) 16-20 (Apr. 5, 2020), Attachment I, C(11)(c).

<sup>3</sup> See CARES Act § 2102(h); UIPL 16-20 (Apr. 5, 2020), 3, p. 2 and Attachment I, 13(h), pp. 1-12 ; 20 C.F.R. § 625.14(i)(I)(i).

agency or through willful misrepresentation or error by the claimant or others, and (2) to deter claimants from obtaining benefits through willful misrepresentation.”<sup>4</sup>

In this case, the issue presented to the review examiner was whether the claimant could demonstrate that he was the person who filed a claim and not an imposter, who may have borrowed or stolen an identity to fraudulently collect PUA benefits. The claimant appeared in-person before the review examiner.

To authenticate his identity, the claimant showed the review examiner a birth record showing his full birth name, a temporary Massachusetts identification card with the same name, which expired on February 13, 2020, a Social Security card with a different family name, and a receipt from the Social Security Administration office showing that the claimant applied for a new Social Security card on January 10, 2020. For some reason, the review examiner did not enter these documents into the record as exhibits at the original hearing. During the hearing, the claimant explained that the name on his Social Security card is different from his birth name, because he changed his family name to his mother’s maiden name as a teenager. Regarding the expired temporary Massachusetts identification card, the claimant testified that, although he received the physical card, he had lost it. The claimant further testified that getting a replacement identification card has been difficult due to the pandemic, but that the appointment with the Massachusetts Registry of Motor Vehicles was scheduled for the week after the hearing. Because the claimant’s name on the Social Security was different from other government-issued documents, the review examiner did not find the claimant’s testimony to be credible and concluded that the evidence was not sufficient to show through substantial and credible evidence that the claimant is the person stated in his application for PUA benefits.

With his appeal to the Board of Review, the claimant submitted a new Massachusetts identification card with an expiration date of June 9, 2023, and a new Social Security card showing the same name as the name on the identification card.

We remanded this case for the review examiner to make consolidated findings based upon the additional documents. As a result of considering the information presented in these additional documents, the review examiner’s consolidated findings now provide additional evidence to confirm the claimant’s identity. The claimant’s new Massachusetts identification card, with a photo of the claimant, is valid through June 9, 2023, and the claimant’s address on his Massachusetts Identification Card is the claimant’s address in the DUA’s records. *See Consolidated Finding # 4.* The claimant has a new Social Security card with the same name as the one that appears on his identification card. *See Consolidated Finding # 7.* The findings further provide that the claimant’s mother’s maiden name as it appears in this birth record is the name which appeared on the claimant’s previous Social Security card, which corroborates and supports the claimant’s explanation regarding his changed family name. *See Consolidated Finding # 5.*

Finally, we asked the review examiner to consider whether the photograph shown on the claimant’s documents looks like the claimant who is participating at the hearing, and if the documents the claimant presented appear to be altered in any way.

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<sup>4</sup> Appendix C to [20 C.F.R.] Part 625 – Standard for Fraud and Overpayment Detection, paragraph 7511.

In rendering his consolidated findings, the review examiner provided a detailed credibility assessment. In said assessment, the review examiner determined that the new Social Security card and Massachusetts Identification card are authentic, and that the claimant resembles the person in the identification photos. Such credibility assessments are within the scope of the fact finder's role, and, unless they are unreasonable in relation to the evidence presented, they will not be disturbed on appeal. See School Committee of Brockton v. Massachusetts Commission Against Discrimination, 423 Mass. 7, 15 (1996). "The test is whether the finding is supported by "substantial evidence." Lycurgus v. Dir. of Division of Employment Security, 391 Mass. 623, 627 (1984) (citations omitted). "Substantial evidence is 'such evidence as a reasonable mind might accept as adequate to support a conclusion,' taking 'into account whatever in the record detracts from its weight.'" Id. at 627-628, quoting New Boston Garden Corp. v. Board of Assessors of Boston, 383 Mass. 456, 466 (1981) (further citations omitted). We believe that the conclusions drawn in the credibility assessment are reasonable in relation to the evidence presented.

We, therefore, conclude as a matter of law that, in light of the new documents and consolidated findings, the claimant has produced substantial and credible evidence to verify his identity. He has met the registration and filing requirement for PUA benefits, as required under G.L. c. 151A, § 25(a).

The review examiner's decision is reversed. The claimant is entitled to receive PUA benefits for the week beginning March 8, 2020, and for subsequent weeks if otherwise eligible.

**BOSTON, MASSACHUSETTS**  
**DATE OF DECISION - May 21, 2021**



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.

KB/rh