

**The claimant presented a Social Security card and a current driver's license with the same name and address used to file this PUA claim, and which has a photograph that resembles the person appearing at the hearing. This verifies the claimant's identify as the person who filed the claim.**

**Board of Review  
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**Issue ID: N6-FN5R-L88D**

### 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 we reverse.

The claimant filed a claim for PUA benefits with the DUA, effective March 22, 2020, which was denied in a determination issued on November 2, 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 February 18, 2021. 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 afford the claimant an opportunity to present additional documentary proof of his 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 the claimant failed to verify his identity as the individual who filed a claim due to insufficient corroborating documentary evidence, is supported by substantial and credible evidence and is free from error of law, where the record after remand includes a new Social Security card.

### Findings of Fact

The review examiner's consolidated findings of fact are set forth below in their entirety:

1. The claimant filed a Pandemic Unemployment Assistance (PUA) claim with an effective date of March 22, 2020.

2. On November 2, 2020, the Department of Unemployment Assistance (DUA) issued a Notice of Non-Monetary Issue Determination – Identity Verification to the claimant, stating that he was not eligible for PUA benefits.
3. The claimant has a valid Massachusetts Driver’s License issued by the Registry of Motor Vehicles with an expiration date of January 22, 2022. The claimant resembles the photograph on the Driver’s License.
4. The claimant has a valid Social Security card issued by the United States Social Security Administration. The Social Security card shows the same number used to file his Pandemic Unemployment Assistance claim.

### 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. Based upon the new evidence and these consolidated findings, we disagree with the review examiner’s original conclusion that the claimant failed to prove his identity.

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 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>

At the original hearing, the claimant appeared in person and produced a valid driver’s license. *See* Exhibits 4 and 5. However, because he could not present any document which confirmed 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, 3, p. 2 and Attachment I, 13(h), p. I-12; and 20 C.F.R. § 625.14(i)(1)(i).

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

Social Security number used to file this PUA claim, the review examiner concluded that he had failed to present substantial credible evidence to verify his identity. We remanded the case to allow the review examiner to review a new Social Security card that was presented to the Board with the claimant's appeal.

The record now includes Remand Exhibit 1, a Social Security card with the claimant's name and the same Social Security number that was used to file his claim. *See Consolidated Finding # 4.* Additionally, the review examiner has confirmed that the photograph in the Massachusetts Driver's license issued in the claimant's name resembles the person who appeared at the remand hearing. *See Consolidated Finding # 3.* We also note that the driver's license contains the same home address that the claimant used for his PUA claim.<sup>5</sup> With two government-issued identification cards matching the identifying information used to file the claim, and confirmation that the claimant resembles the photograph in the driver's license, 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.

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 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 22, 2020, and for subsequent weeks if otherwise eligible.

**BOSTON, MASSACHUSETTS**  
**DATE OF DECISION - October 26, 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:

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<sup>5</sup> *See* Exhibit 4. We have supplemented the findings of fact, as necessary, with the unchallenged evidence before the review examiner. *See* Bleich v. Maimonides School, 447 Mass. 38, 40 (2006); Allen of Michigan, Inc. v. Deputy Dir. of Department of Employment and Training, 64 Mass. App. Ct. 370, 371 (2005).

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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.

AB/rh