

ET HANDBOOK NO. 384
UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEMBERS (UCX)

CHAPTER III - TAKING AND PROCESSING CLAIMS

1. Intrastate Initial Claim - New. A claimant cannot be in an active duty status with a branch of the U.S. Armed Forces and file a "first claim" for purposes of UCX benefits or UCX wage assignment, even though the unemployment insurance laws of some States do not require a claimant to be unemployed at the time an initial claim is filed. A "first claim" for such purposes may be filed only after separation from the most recent period of service.

To identify potential UCX claimants and/or the need for assignment of Federal military service and wages, the State's UI new claim form should contain a question asking about prior military service, e.g., "Have you performed any active military service in the last (number) months?" (This question could be combined with a question concerning civilian employment with the Federal Government.) When this question is answered "yes", the claims interviewer should obtain a legible, Copy 4 of the ex-servicemember's DD Form 214 (and corresponding DD Form 215, if any) and identify all periods of active military service in the claim's base period and the lag period. The claimant's social security number should be verified from a signed social security card. If the social security card is not signed, the claims interviewer should ask the claimant to sign the card. The claims interviewer should question the claimant about pensions, disability payments, and his/her application for, or intention to apply for, certain educational benefits under laws administered by the Department of Veterans Affairs.

A claimant who qualifies for UCX benefits in one State and is also separately eligible for UI or UCFE in another State, may elect to file an intrastate UCX claim or an interstate claim against the separate eligibility under the other State's law or file under the Interstate Arrangement for Combining Employment and Wages (hereafter referred to as combined-wage claim (CWC)). The claims interviewer should discuss these options with the claimant and allow the claimant to make the choice. If the claimant chooses to file under the CWC program, the "first claim" may be an interstate combined wage claim if the claimant is monetarily ineligible in the filing State on the basis of combining. See Items 10 and 11 of this Chapter and Refer to ET Handbook Nos. 392 and 399.

2. Required DD Form 214 Validation Against UCX Claims Control at LCCC. State agencies are required by 20 CFR 614.1(d)-(2)(ii) to use in a timely manner, the DD Form 214 validation

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crossmatch with the LCCC. If it is found that a State agency is not using the validation crossmatch with the LCCC, the Secretary may require the State reimburse the Federal funds under the provisions of 20 CFR 614.1(d)(4)(ii).

For each new "first claim" taken, without regard to the program type and whether intrastate or interstate, the State agency will electronically communicate a UCX inquiry (or send a machine readable inquiry via magnetic tape) to the LCCC, in the prescribed format, to verify the validity of the DD Form 214 presented and simultaneously record a wage assignment.

Therefore, an inquiry will be sent to the LCCC for each claimant with active military service in the base period of the "First claim" filed, whether or not the claimant presents a DD Form 214 and whether or not a UCX determination is made. Only one claims control inquiry should be submitted to the LCCC with respect to UCX service and wages for each new claim, except, in cases where the claimant has two or more social security numbers.

3. Additional and Reopened Claims. Additional and reopened claim forms and procedure used for State UI claims should be used for taking and processing additional and reopened UCX claims, as appropriate. Such claim forms should be identified as UCX.

Additionally, if the claimant had intervening civilian employment with a branch of service, the Form ES 931 (Refer to ET Handbook No. 394) will be used to obtain the reason for separation. If under the State UI law, receipt of a lump-sum payment for accrued leave would cause a denial or reduction of UCX benefits, the claimant's Standard Form 50 should be reviewed to determine if such a payment was received.

4. Weeks Claimed. Continued claim forms and procedures used for State UI claims will also be used for taking and processing continued UCX, or joint claims involving UCX benefits, except that the continued claim must also contain the following certification:

"I have not applied for, and I am not receiving a subsistence allowance for vocational rehabilitation training, or a survivor's or dependent's educational assistance allowance or special assistance for the educationally disadvantaged from the Department of Veterans Affairs (38 U.S.C. Ch. 31 & 35)."

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This certification may be printed on or attached to the form. If the State uses electronic filing procedures (e.g., Voice Response System, etc.), a question(s) which satisfies the requirement for the above certification must be included in the record of the claim certification. Depending on the manner in which the certification is made, further factfinding may be necessary to determine if the claimant has applied for or is receiving disqualifying income.

5. Partial or Part-Total Benefits. The State's UI law, rules and regulations to which military service and wages are assigned, or to which such service and wages are transferred, apply to UCX claimants who are partially unemployed. Earnings not used in computing weekly State UI benefit payments for less than fulltime work under a State law are also not used in computing weekly UCX benefit payments. The State's provisions for rounding benefit payments to an even dollar amount also applies to UCX benefits.

If the payment is from a joint claim, the amount of UCX benefits payable for the week represents the same ratio to the total amount paid as the UCX wages represent to the total base period wages used in the monetary determination (i.e., if the base period wages are \$6,000 State-UI and \$4,000 Federal-UCX, the ratio of the claimant's Federal base period wages to total amount of all his/her base period wages is $\frac{2}{5}$ or 40 percent. Therefore, the UCX portion is 40 percent of the partial benefit payment.).

6. Benefits Rights Information for UCX Claimants. The procedure used for a State UI claimant will also be used for conducting a benefit rights interview (BRI) for a claimant filing a UCX or joint claim involving UCX benefits. In addition to the information furnished to State UI claimants, for each new UCX claimant, the BRI information should include, orally or in writing, at the time of the new claim or later at a timely benefit rights interview, the additional information listed below:

a. An explanation of the method of determining Federal military wages based on the Federal Schedule of Remuneration (Refer to Chapter IV, page IV-14 of this Handbook);

b. The effect of the receipt of an allowance on entitlement to UCX benefits, e.g., subsistence allowance for vocational rehabilitation training, or a war orphan's (or widow's) educational assistance allowance, payable by the Department of Veterans Affairs;

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c. How all Federal military service and wages are assigned to the State in which the UCX claim is filed (whether or not a benefit year is established in that State), and about the possibility of using unused UCX employment and wages for a later claim;

d. That the Federal findings of the branch of service are final and must be accepted by the State and its administrative appellate authority as correct, and that only the branch of service may issue a corrected DD Form 214 (5 U.S.C. 8523(b));

e. That the ex-servicemember may request correction of information contained on the form DD Form 214 from the branch of service when he/she considers such data incorrect or incomplete;

f. As pertinent, depending on the application of State law, the following items should also be included: the effect of, a lump-sum payment for accrued leave, retirement, educational assistance allowances, and disability payments, on entitlement/eligibility determinations.

7. Information Pamphlet. A UCX Information Pamphlet should be given to each UCX claimant or the State agency should include adequate information concerning the UCX program in its regular claimant information pamphlet. If the UCX information pamphlet is prepared separately, it should include information needed under the State's law to file for weeks of unemployment compensation and, at a minimum, the additional information outlined above for the BRI.

8. Conducting UCX Eligibility Review Interviews. The same forms and procedures used for claimants filing for State UI will also be used for conducting ERP interviews for claimants filing UCX, or joint claims involving UCX, except as described in this section.

Each claimant will be asked about school attendance and the possible receipt of subsistence allowances for vocational rehabilitation training or a survivor's or dependent's educational assistance allowance or special assistance for the educationally disadvantaged from the Department of Veterans Affairs. If State law provides that education assistance allowances provided under the Veterans Readjustment Assistance Act of 1966, as amended (38 U.S.C. Ch. 34), are disqualifying or deductible from UCX benefits, such claimants will be asked about receiving such allowances.

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States that deduct U.S. military and veterans' retirement and pension payments or other private or governmental pensions from benefits should also ask UCX claimants about a change in the status of any such payments (e.g., receipt, discontinuance, or change in rate, after filing new, additional, or reopened claims).

9. Transferring UCX Claims. Transfer of UCX claim records within a State should be done according to regular State procedures. When a UCX claimant moves to another State, the claim will be handled according to interstate procedure as published in ET Handbook No. 392.

10. Interstate UCX Claims. The standard interstate claim forms and procedures for claims filed under the Interstate Benefit Payment Plan, published in ET Handbook No. 392, will be used for filing interstate UCX claims.

a. Interstate Initial Claim - New. An interstate initial UCX new claim will rarely occur. The claimant will have to be separately eligible against a State (including the District of Columbia, the Commonwealth of Puerto Rico, or the Virgin Islands) other than the filing State based on previously assigned UCX wages.

A claimant who has sufficient military service and wages to qualify for UCX benefits in one State (State A), and also sufficient UI and/or UCFE employment and wages in another State (State B), may choose to file the UCX claim against State A or a UI/UCFE claim against State B or a combined-wage claim; in any case, intrastate or interstate rules and procedures apply. Following the interstate initial claimstaking procedures as published in ET Handbook No. 392, the agent State will complete the interstate initial claims application and other necessary documents and properly identify the type of claim as UCX. If the claimant has a copy of the DD Form 214 at the time of filing, a copy should be attached to the initial claim. In the "Remarks", the agent State should include a statement of why the claim is filed as an interstate claim, e.g., "Service and wages assigned to your State at the time of the first benefit-year". The agent State will also electronically communicate the initial claims data using a TC-IB1.

The liable State will process the claim under its procedures. If the wages are not stored on the wage file, the liable State must

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review its records or the DD Form 214/215/Form ETA 841 and post the appropriate wages to its file. Note: No request to the LCCC is necessary when the subsequent claim as the wages were previously assigned at the time of the "first claim".

b. Interstate Initial Claim - Additional and Reopened.

Regular interstate procedures will be followed by the agent State in taking an additional or reopened UCX claim. When a break in the claims series has occurred, the agent State will question the claimant to determine if an additional or reopened claim is to be filed.

(1) Additional. An additional interstate claim is a claim filed by an interstate claimant within the existing benefit year established by the liable State after a break in the continued claims series due to intervening employment. Individuals filing additional claims will be asked about all intervening employment, including active U.S. military service and receipt of lump-sum payments for military accrued leave. If intervening active military service has occurred, obtain a copy of the individual's DD Form 214/215 for the liable State's review. If the individual is receiving a pension, information concerning any change in the status of such payments after establishing the benefit year should be provided to the liable State.

(2) Reopened. A reopened interstate claim is a claim filed by an interstate claimant within the existing benefit year established by the liable State after a break in the claims series not due to intervening employment. This designation is also to identify the first claim filed in a new agent State within the existing benefit year when there was no intervening employment. These claims will be handled under the regular interstate procedures.

c. Interstate Weeks Claimed. Regular interstate weeks claimed procedures will followed for UCX or joint (UI-UCX, UCX-UCFE or UI-UCX-UCFE) claims.

d. Benefit Rights Information for Interstate Claimants. Each interstate UCX claimant must be provided with the regular benefit rights information for interstate claimants and the additional information on UCX as outlined in Item 6 of this Chapter.

e. Eligibility Review of Interstate Claimants. The regular interstate procedure for selecting claimants for eligibility

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reviews and for conducting interviews applies to a claimant filing UCX or joint (UI-UCX, UCX-UCFE, or UI-UCX-UCFE) claims. State's eligibility review questionnaires should ask if there has been any change in the claimant's receipt or non-receipt of VA allowances, retirement pay or pensions since the initial claim was filed.

11. Combined Wage Claims.

a. Use of UCX Wages. When a claim is filed under the combined wage arrangement, all available military service and wages in the base period of the paying State must be used in the determination to the same extent and in the same manner as State-covered employment and wages. The State to which such service and wages are assigned may use or transfer for use, all or part of such service and wages, as appropriate, in a combined-wage benefit determination. If the State to which the wages are assigned is not the paying State on a combined wage claim, the paying State may request a transfer of military service and wages even if such service and wages are not in the base period of the transferring State.

When the UCX first claim is an interstate combined wage claim, military service and wages are assigned to the State in which the claim is filed and transferred to the paying State. In such case, the State of assignment, should submit an inquiry to the LCCC. When the filing State has issued an ineligible determination and no benefit year is established, the State will cancel the wage assignment with a subsequent LCCC cancellation record.

On the initial claims form, enter information for active U.S. military service in reverse chronological order, by separation dates, as shown in item 12b of the claimant's DD Form(s) 214, if one or more days occurred after the beginning of the State's base period for the effective date of the claim filed, whether intrastate, including combined or interstate. If the first claim is filed as an interstate combined wage claim, record all the military service and wages occurring on and after the beginning of the base period of the "paying State". In some instances, only day(s) of military accrued leave for which a lump-sum was paid, as allocated under law of the State of assignment, will occur in this period.

To request a transfer of UCX wages, the paying State should prepare a TC-IB4 in the usual manner and identify the request as pertaining to UCX wages by placing an "X" in military field.

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If the military wages were not stored on its wage file at the time of assignment, the transferring State will locate its copy of the claimant's DD Form 214 (or request a copy from the claimant, if necessary) and other necessary documents to determine which service and wages are available for transfer. Note: Military service and wages that have been previously used in the determination of entitlement may not be used or transferred for use on a combined wage claim.

b. Determination of Combined Wage Claims. When a monetary determination is issued on a Joint UCX/UI/UCFE claim, the paying State will send a TC-IB5 to the transferring State to advise the State of the disposition of the transferred wages. If the wages are used, the potential benefit charges that will accrue (to the Federal agency) as a result of the transferred wages will be shown.

If the wages are not used, the wages will be returned to the transferring State for restoration to its files as available for use.

c. Determination and Billing of Federal Share of Combined Wage Benefit Cost. When military service and wages are used in the determination of combined wage entitlement, Federal cost will be determined according to procedure outlined in Chapter II. The Federal benefit cost will not be included on the Statement of Benefits Paid, Form IB-6, to obtain reimbursement from the transferring State. The paying State will charge the Federal share directly to the appropriate Federal agency using the ETA 191.