

CHAPTER II

SCOPE OF THE QUALITY REVIEW

II. SCOPE OF THE QUALITY REVIEW

The quality review will focus on a quarterly sample of nonmonetary determinations drawn from the universe (i.e., the sample frame) of determinations reported on the Employment and Training Agency (ETA) 9052, Nonmonetary Determinations Timeliness report. Nonmonetary determinations from all "mainstream" UI programs (see "A" below) are included in the review. Nonmonetary redeterminations and those determinations from episodic programs, such as Trade Readjustment Allowances (TRA), Disaster Unemployment Assistance (DUA), and Extended Benefits (EB), are not within the scope of the review. The SWA should ensure that determinations from these program areas are excluded from the AR 9052 reports so that the integrity of the data are not compromised. A procedure has been developed (see Chapter IV, B) to address those rare instances where some of these transactions are included in the sample frame and are drawn in the quality review sample(s).

The review also includes another component. The review sample is used to determine the validity of nonmonetary determinations reported for timeliness on the ET 9052, Nonmonetary Determination Timeliness report. The sample is drawn from the universe of nonmonetary determinations reported for time lapse in the review quarter. Therefore, by using the same sample to validate the accuracy of reporting those determinations in required Federal reports, both tasks can be accomplished efficiently during the review.

All determinations selected in the sample are subject to the tripartite quality review system described in Chapter IV.

A. UI Programs Included in the Quality Review.¹

Nonmonetary determinations from the following claims categories are included in the quality review:

1. Intrastate UI, Unemployment Compensation for Federal Employees (UCFE), Unemployment Compensation for Ex-Servicemen (UCX), Combined Wage Claims (CWC)
2. Interstate UI, UCFE, UCX, CWC claims

¹ Because of limited sample sizes, determinations associated with some of the programs and nonmonetary issues cited may not be sampled for quite some time. The sample is randomized and is stratified by separation and nonseparation issues only. Some program types and issue types do not occur in significant numbers; hence the probability of them being sampled is greatly reduced. See Chapter VII, Glossary, for definition of each program.

3. Multi-claimant Labor Dispute Determinations
4. Multi-claimant "Other" Determinations, i.e., determinations which do not involve a labor dispute but affect a class of claimants from the same employer with a common issue.

The category will be recorded on the quality data collection instrument and entered into the Unemployment Insurance Reports (UIR) database by SWA staff.

B. Types of Determinations Sampled.

A random sample of all separation and nonseparation determinations issued in a given calendar quarter will be reviewed for quality based on the evaluation criteria contained in this handbook. SWAs are encouraged to develop their own internal guides to complement the guidance contained in this handbook. The use of a SWA's guide during the review will promote greater consistency among reviewers.

The nonmonetary issues included in the quality review are:

1. Separation issues related to circumstances surrounding the claimant's separation from his/her job. Both "voluntary quits" and "discharges" fall under this category.
2. Nonseparation issues related to the requirements for continuing eligibility for unemployment benefits. Examples of such requirements are: being able to and available for work, SWA work search requirements, filing claims and reporting as directed by the SWA. All issues except voluntarily leaving work and discharges from work fall under this category. Nonseparation issues include alien status, school employees between/within terms, professional athletes, disqualifying/deductible income, unemployment status, issues identified and adjudicated by Benefit Payment Control (BPC) (except uncontested earnings identified through crossmatch), labor disputes, other multi-claimant issues, refusal of profiling services, and others that are considered to be special statutory categories.
3. The nonmonetary codes required for the review (listed below) may not match the internal codes used by the SWA; however the state selection routine is programmed to roll all state specific codes into the appropriate codes required by the review.

Separation Issues:

- 10 Voluntary Quit
- 20 Discharge

Non-Separation Issues:

- 30 Able/Available
- 31 Reporting Requirements
- 40 Work Search
- 50 Disqualifying or Deductible Income
- 60 Refusal of Suitable Work/ Failure to Apply/Accept Referral
- 70 JS Registration
- 73 Worker Profiling and Reemployment Services
- 80 School Employee Between/Within Terms
- 81 Alien Status
- 82 Professional Athlete
- 83 Unemployment Status
- 84 Seasonality
- 85 Removal of all or part of a disqualification
- 86 Fraud Administrative Penalties

Multi-claimant

- 90 Labor Dispute
- 99 Other Multi-claimant

C. Identifying Nonmonetary Issues

A nonmonetary issue is: "An act or circumstance which, by virtue of state law, is potentially disqualifying." The circumstances which constitute issues to be adjudicated and reported on the AR207 and AR9052 are identified in ET Handbook 401.* Generally, it is only with reference to these circumstances that the word "issue" is used in connection with a UI nonmonetary determination. It is important not to confuse questions normally asked during the claimstaking process with the factfinding done in association with a nonmonetary determination issue.

*The following excerpt from ET Handbook No. 401 is cited below for ease of reference:

AR207, NONMONETARY DETERMINATION ACTIVITIES²

1. Nonmonetary Determinations. A decision made by the initial authority based on facts related to an "issue" detected:

² Excerpt from ET Handbook 401, 2nd Edition, Change 3, Section I. (E) (1a&b), pp. I-4-3 to I-4-5.

- which has the potential to affect the claimant's past, present, or future benefit rights; and
 - for which a determination of eligibility was made
- a. The following situations constitute nonmonetary determinations and should be reported:
- (1) Determinations made because of misrepresentation, fraud, and/or overpayments, reportable on form ETA 227, Overpayment Detection/Recovery Activities,. **Note:** Overpayment Notices on uncontested earnings detected by any method (e.g., crossmatch) are not reportable.
 - (2) A claimant's separation for a reason "other than lack of work" (such as "laid off, too slow, or failed to perform") that results in a nonmonetary determination.
 - (3) If controversy exists as to whether the claimant satisfies the conditions of an indefinite disqualification (i.e., until re-employed for a specific period or has earned a specific sum of money) that results in a nonmonetary determination.
 - (4) Investigation of a claimant's explanation for late reporting that results in a nonmonetary determination.
- b. The following situations do not constitute nonmonetary determinations and should not be reported:
- (1) Determination, relative to issues, made solely for deciding whether charges should be made to an employer's experience-rating account.
 - (2) Routine exploration of fact or questioning claimants associated with the claimstaking process except under circumstances of controversy. Examples of routine questioning or decisions not giving rise to a nonmonetary count are:
 - (a) Claimant's acceptance of the claimstaker's conclusion that the week's earnings require a reduction in the benefit amount for that week.
 - (b) Claimant's acceptance of benefits for only a portion of a week claimed, when the state law provides for reduced benefits in cases where the claimant was ill or otherwise unavailable for work during part of the week.
 - (c) A determination on whether or not a stated period of time elapsed since a disqualifying act, satisfying the disqualification. This is part of the function of taking claims.
 - (d) A decision on whether or not the claimant meets the minimum wage and employment qualifying requirement to establish a benefit year. This is part of the monetary determination and under no circumstances is it reported as a nonmonetary determination.
 - (e) Determinations on the existence of and/or number of dependents. These are part of the monetary determination and no separate count should be taken as either a nonmonetary or monetary determination.
 - (f) A decision on whether the claimant meets state requirements for establishing a subsequent benefit year (e.g., 30 days of bona fide work since exhausting a benefit series). This is part of the monetary determination function.

Nonmonetary redeterminations are outside the scope of the review. A nonmonetary redetermination is defined in ET Handbook 401 as:

A determination made under statute, regulation, or well defined policy specifically requiring the reopening of a nonmonetary determination prior to the administrative appeal stage, and which affirms, reverses, or modifies a determination.

Nonmonetary Redeterminations are made under the following conditions:

- a. The need for reconsideration arises as the result of a protest by an interested party, or from the agency's own initiative based upon new or additional information.
- b. All pertinent evidence and records are actually re-examined.
- c. A written redetermination notice is issued to the claimant and/or any other interested party and is recorded.

A redetermination will always relate to the benefit period covered by the prior determination. (Facts concerning a different period or involving a change in circumstances may raise new issues calling for a new nonmonetary determination, i.e., increases in pensions as a result of a cost-of-living adjustment.)

Redeterminations do not include decisions which are changed due to periodic supervisory reviews in which errors may be corrected. Also, if the claimant objects to a nonmonetary determination, listening to a repeated earlier statement and explaining the decision does not constitute a redetermination. A redetermination can only be made as a result of either the receipt of new or additional information or a protest by the employer or claimant and must always result in a reconsideration of the original decision.

D. Elements to be Reviewed.

Twenty-four elements comprise the review of nonmonetary determinations for quality, time lapse, and validity of reports data. Five of the review elements focus on the quality of the nonmonetary determination. All elements are addressed in more detail in Chapter V.