

BTO QUESTIONS - ISSUE DETECTION DATE

QUESTION: What is the issue detection date as it relates to information received by the state agency?

ANSWER: The issue detection date is the day that the state agency first became aware, or should have been aware, of the issue to which the nonmonetary determination applies. It is the date the state agency can view the information on its automated system and, therefore, begin working on resolving the issue. For example: A claimant certifies on the Interactive Voice Response (IVR) system on 10/24/2007 that they were not A&A for work during the week ending 10/20/2007. The state agency's automated system processes the certification responses from the IVR through a daily overnight batch process on 10/24/2007. During the batch process information related to the day's transactions is compiled and any resulting issues are posted to the state agency's automated system the next day, 10/25/2007. The issue detection date would be 10/25/2007 since this is the first working day that the information is posted on the automated system and, therefore, the first working day the state agency became aware or should have been aware of the issue. This interpretation would also apply if the claimant were filing an internet initial claim (IC).

Note that the agency's suspension of operations or processing delay does not change the issue detection date. The issue detection date would still be determined based on when the information should have been available to the state following filing of the certification.

REFERENCE SOURCE: ET HANDBOOK No. 301, p. V-8; ET HANDBOOK No. 401, p.V-3-6

QUESTION: If a state agency's automated system processes certification responses from an Interactive Voice Response (IVR) system through an overnight batch process which occurs Monday - Wednesday, how does the limited number of batching days affect the issue detection date of issues?

ANSWER: The issue detection date is the day that the state agency first became aware or should have been aware of the issue to which the nonmonetary determination applies. Although the state agency may limit the number of days that transactions are processed, the next business day after the certification filing would be the issue detection date, even though the batch date may be later. This is the first day the agency should have been aware of the issue.

REFERENCE SOURCE: ET HANDBOOK No. 301, p. V-8; ET HANDBOOK No. 401, p.V-3-6

QUESTION: If a state agency instructs a claimant to report to the UI office for an Eligibility Review Interview (for example on June 13th by 3 p.m.) and the claimant fails to report, what is the issue detection date for the reporting requirement issue?

ANSWER: In certain limited circumstances, the issue detection date is not necessarily exclusively the date the agency was, or should have been aware of the issue. It can also be determined by whether the agency is actually able to not only receive the issue, but to also process and assign the issue to an adjudicator. If the claimant fails to report by the 3 p.m. deadline referred to in this question, and the agency's policy is to assign any issues received after this deadline the following day, the issue detection date would then be the following business day - even though the agency might be open for other functions.

REFERENCE SOURCE: ET HANDBOOK No. 301, p. V-8; ET HANDBOOK No. 401, p.V-3-6

QUESTION: What is the issue detection date on fraud administrative penalty issues? Is the date the agency receives information from the employer or the date that fraudulent activity is confirmed?

ANSWER: The issue detection date for a fraud administrative penalty issue is the date that the agency became aware or should have been aware of the issue. The issue detection date is the date that the agency received the potentially disqualifying information from the employer.

REFERENCE SOURCE: ET HANDBOOK No. 301, p. V-8; ET HANDBOOK No. 401, p.V-3-6

QUESTION: A claimant filed a claim on 1/4/05 and began receiving unemployment benefits as of the effective date of the claim, 1/2/05. On 3/7/05, a fraud administrative penalty issue was detected based on wage information, submitted by a former employer, indicating unreported earnings. Although detected, this fraud issue was not adjudicated by the agency during the benefit year of the 2005 claim. The claimant filed a subsequent claim effective 8/5/07. On 10/3/07, the agency detected another fraud administrative penalty issue, again based on unreported earnings while receiving benefits, during the 2007 claim. The agency adjudicated both the 2005 and 2007 fraud administrative penalty issues under the same nonmonetary determination.

What is the issue detection date of the fraud administrative penalty? Was the SWA correct in combining the fraud administrative penalty issues (2005 and 2007) in the same nonmonetary determination?

ANSWER: The issue detection date for a fraud administrative penalty issue is the date that the agency became aware, or should have been aware, of the issue to which the nonmonetary determination applies. In the example above, the issue detection date is 3/7/05. This is the

earliest date that the state agency was in possession of information indicating the existence of a nonmonetary issue. The state agency's decision to combine the fraud administrative penalty issues (2005 and 2007), in the same nonmonetary determination, does not alter the issue detection date and is irregular. Preferably, each fraud administrative penalty issue should have been adjudicated under separate nonmonetary determinations, since each determination is attached to a separate benefit year.

REFERENCE SOURCE: ET HANDBOOK No. 301, p. V-8; ET HANDBOOK No. 401, p.V-3-6

QUESTION: The case investigation material (or case review file) for an initial claim contains numerous errors, discrepancies, and other contradictory information. The SWA identified the issue detection date as April 2nd, according to an automated screen print of the claim. However, the case review file does not contain any information indicating that this is the correct issue detection date or, what the correct issue detection date should actually be. The only document in the file, prior to the issuance of the determination, that relates to the origin of the issue under investigation (fraud administrative penalty) is a document requesting wage and employment information, mailed to the employer on March 20th, and signed by the employer on March 22nd.

In the absence of any other incontrovertible evidence to the contrary, can the issue detection date in this case be established as March 22nd? Also, what is the best approach to establishing the issue detection date, in the face of contradictory information.

ANSWER: The issue detection date for a fraud administrative penalty issue is the date the agency became aware, or should have been aware of the issue. In this case, it is unclear when the SWA first became aware of the fraud administrative penalty issue. It is clear, however, based on available information, that the SWA's use of the date of April 2nd as the issue detection date is not substantiated. Based on the circumstances of this case, the issue detection date should be March 22nd, because that is the earliest point in time that there is an identifiable issue; i.e., underreported earnings.

Identifying the issue detection date (Element 17) and validating the issue detection date (Element 18 and 19) are achieved through a thorough examination of the case review file. However, in situations like this one, where it is impossible to validate the identified issue detection date with any degree of confidence, the reviewer must use his/her best judgment with the best information available, depending on the individual circumstances of the case. The reviewer should further provide an explanation of the comments section on the Data Collection Instrument (DCI), regarding the reason the issue detection date was corrected under element 19 - Corrected Issue Detection Date.

REFERENCE SOURCE: ET HANDBOOK No. 301, p. V-8; ET HANDBOOK No. 401, p.V-3-6

QUESTION: Some states permit their UI staff to work overtime on some holidays. In these instances, would the holiday be considered a business day when determining the issue detection date?

ANSWER: A holiday is not a business day. Therefore, the issue detection date would be the first business day after the holiday.

REFERENCE SOURCE: ET HANDBOOK No. 301, p. V-8; ET HANDBOOK No. 401, p.V-3-6

QUESTION: Who is included in the definition of the state agency (i.e. Job Service, Benefit Payment Control [BPC] unit, etc.) for purposes of determining the issue detection date?

ANSWER: Defining the state agency in relation to the issue detection date depends on the organizational structure. Non UI-departments that might receive information that raises a potential issue in connection with a claimant's UI benefits are considered analogous to the agency first being in possession of information indicating an issue. This can be the state's Employment Service, BPC Unit, etc., depending on the organizational structure of that state.

REFERENCE SOURCE: ET HANDBOOK No. 301, p. V-8; ET HANDBOOK No. 401, p.V-3-6
