ETA 5130 - BENEFIT APPEALS REPORT

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A. Facsimile of Form

ETA 5130 - BENEFIT APPEALS REPORT

STATE	REGION	REPORT FOR PERIOD ENDING

SECTION A. SINGLE and MULTICLAIMANT APPEALS CASE DECISIONS BY PROGRAM AND OTHER DISPOSITION

Line No.	UI DECISIONS		UCFE-NO UI DECISIONS		UCX ONLY DECISIONS		Other Dispositions
	Lower Authority	Higher Authority	Lower Authority	Higher Authority	Lower Authority	Higher Authority	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
100							

SECTION B. CLAIMANTS INVOLVED IN STATE UI APPEALS CASES BY STATUS OF APPEALS

Line No.	STATUS OF APPEALS	SINGLE-CLAIMANT APPEALS		MULTI-CLAIMANT APPEALS	
		Lower Authority	Higher Authority	Lower Authority	Higher Authority
		(8)	(9)	(10)	(11)
200	Filed During Month				
210	Disposed of During Month				

SECTION C. STATE UI APPEALS DECISIONS BY TYPE OF APPELLANT

Line No.	APPEALS DECISIONS	ALL UI DECISIONS		CLAIMANT		EMPLOYER		OTHER	
		Lower	Higher	Lower	Higher	Lower	Higher	Lower	Higher
		(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
300	Total								
310	In Favor of Appellant								

SECTION D. NUMBER OF LOWER AUTHORITY STATE UI APPEALS DECISIONS BY TYPE OF ISSUE

Line No.	TOTAL UI DECISIONS	VOLUNTARY QUIT	MIS-CONDUCT	REFUSAL OF SUITABLE WORK	NOT ABLE or AVAILABLE	LABOR DISPUTE	OTHER
	(20)	(21)	(22)	(23)	(24)	(25)	(26)
400							

Comments

OMB No.: 1205-0172 Expiration Date: xx/xx/xxxx **OMB Burden Hours:** 60 minutes

OMB Burden Statement: These reporting instructions have been approved under the Paperwork reduction Act of 1995. Persons are not required to respond to this collection of information unless it displays a valid OMB control number. Public reporting burden for this collection of information includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Submission is mandatory under SSA 303(a) (6). Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Labor, Office of Unemployment Insurance, Room S-4524, 200 Constitution Ave., NW, Washington, DC, 20210, or email at eta-ui-inquiries@dol.gov.

B. Purpose

The ETA 5130 report is the basic source of information on the appeals case workload in each state under the regular programs of state unemployment insurance, Unemployment Compensation for Federal Employees, and Unemployment Compensation for Ex-Servicemembers (referred to as UI, UCFE, and UCX respectively). This report shall include appeals of determinations under any short time compensation (STC) program, also known as workshare, where applicable. State Additional Benefits (AB) data will not be included in this report. The data on this report show how appeals are being handled, the issues involved, and the extent to which appeals authorities' decisions reverse or sustain determinations or decisions previously made. The report is used to evaluate the appeals function, to develop plans for remedial action when unreasonable backlogs develop, and to support and justify the allocation of funds to service this functional area.

A separate ETA 5130 report is required whenever appeals are filed relative to claims under extended benefit duration provisions of the Federal State Extended Compensation Program (EB). See Section G.

C. Due Date and Transmittal

The report for each calendar month is due in the National Office the 20th day of the month following the month to which it relates. This report will be transmitted electronically for the regular program.

D. General Reporting Instructions

All entries are to include only those activities occurring during the month reported. Entries should be made for all items. If no activity corresponding to the items occurred during the report period, a zero should be entered. A report containing missing data cannot be sent to the National Office but can be stored on the state's system. Edit checks can be found in Handbook 402, Unemployment Insurance Required Reports User's Manual, Appendix C.

E. Definitions

1. Appeals Authority. For purposes of this report:

   a. A lower authority is the lower of two administrative authorities provided by the state unemployment insurance law to make decisions with respect to appealed determinations. A state agency with only one appeals authority should consider that as a lower appeals authority.

   b. A higher authority is the higher of two administrative authorities provided by the state unemployment insurance law to make decisions with respect to appealed decisions of the lower authority.

2. Appeals Case. Count as an appeals case any of the instances listed below occurring with relation to a new, additional, or continued claim for benefits.

a. A request to either the lower or the higher appeals authority to review a determination or decision made by an authority other than the reviewing body, regardless of whether the review actually takes place, the manner in which the request is disposed of, or which appeals authority in the agency disposes of it.

b. A review by an appeals authority made at the request of or the direction of another appeals authority, of a decision made by an authority other than the reviewing body. For example: When the higher appeals authority remands a case to the lower appeals authority for a decision or a hearing and a decision, the lower appeals authority should count it as a new appeals case. Similarly, the higher appeals authority would count a case remanded to it by a court for a decision as a new higher authority appeals case.

c. A review by either the lower or the higher appeals authority of a decision made previously by the reviewing body but which has been reopened or remanded for a rehearing and decision.

d. A decision by either the lower or the higher appeals authority ruling on an issue not previously considered by a lower body.

Note: If state procedure permits recourse to the appeals authorities by employers or employer representatives desiring to appeal a state agency decision which did not directly affect the benefit rights of a specific claimant or claimants (e.g., appealing a benefit charge by a non-separating employer), such appeals should be excluded from this report. Hearings of interstate appeals held by agent states should not be counted as appeals case dispositions or decisions by the agent state.

3. Single Claimant Appeals Case. A single claimant appeals case is one which, at the time of reporting, involves only one claimant. A single claimant appeals case should be reported for each claimant involved in an appeal and for whom a separate hearing may be scheduled. A "test" appeal is a single claimant appeals case although the decision may affect many other claimants. The count of cases and claimants will generally be identical for single claimant cases.

4. Multi claimant Appeals Case. A multi claimant appeals case is one which, at the time of reporting, involves more than one claimant. A multi claimant case should be reported whenever a group hearing is held and the resulting decision is applicable to more than one claimant.

5. Dispositions. Section B requires information on the number of claimants involved in appeals cases. All dispositions of appeals cases should be reported on line 210. A disposition does not occur if the higher authority remands the appeals case to the lower authority for the taking of additional evidence which will be transmitted back to the higher authority for its decision. A disposition will occur when a decision is made. Below is an explanation of how to count dispositions, along with examples of situations that may occur.

a. Disposed of by Decision. Count as disposed of by decision an appeals case disposed of by a written ruling that is issued to one or more parties. In a multi-claimant case, only one disposition by decision would be counted regardless of the number of claimants to which it applies.

1) A disposition by decision would occur in the case of an appellant's withdrawal if a hearing officer reviews the case and issues a written ruling to the interested parties allowing the withdrawal.

2) A disposition by decision of an appeals case would occur if the appellant files an appeal after the allowable time period has elapsed; a hearing is scheduled on the issue of timeliness; the case is resolved; and a written ruling is issued to the interested parties. If the issue of timeliness is resolved in favor of the appellant and the merits of the appeals case are resolved on the basis of a single hearing, only one disposition may be counted and reported.

3) A disposition by decision of an appeals case would occur if the appellant fails to appear at the scheduled hearing and a written ruling to dismiss the case is issued to the interested parties.

4) A disposition by decision of an appeals case would occur when a higher authority issues a decision to the interested parties that remands the appeals case to the lower authority for a hearing and decision. The higher authority would count a disposition by decision at the time of the remand decision. The lower authority would count a disposition by decision when the appeals case is disposed of by a decision of the lower authority. Likewise, a disposition by decision would occur if the lower authority remands the appeals case to the agency for additional fact finding and a new determination or redetermination.

b. Disposed of Other Than by Decision. Count as a disposition by other than decision an appeals case disposed of by other than by a decision as defined above.

1) A disposition by other than decision would occur in the case of withdrawal by the appellant if a hearing officer does not review the case and issue a written ruling allowing the withdrawal.

2) A disposition by other than decision would occur if the appellant files an appeal after the allowable time period has elapsed and, without a hearing being scheduled, the appeal is denied by letter which shows the right to request a hearing, and no such request is made; or a clerical or appeals authority issued a written ruling which merely counts the number of days between the starting date of the appeal period and the filing date; or appellant requests the appeals authority to reopen or remand an appeals case and the request is disposed of by a written ruling denying the request without a hearing being scheduled.

6. Claimants. The number of claimants reported on this form should represent all claimants whose claim determinations or lower authority appeals decisions have been appealed, or

whose claims are decided by an appeals authority when no previous decision has been made by a lower body. For instance, if an employer files an appeal from an initial determination or a lower authority decision involving the claims of 50 claimants, each of the 50 claimants should be reported. If, as in the case of a labor dispute, only one claimant appeals as a "test" appeal, only one claimant should be reported as a single claimant case.

7. Status of Appeals.

   a. Status of Appeals is intended to reflect appeals caseload and how well states are able to keep up with the counts of claimants by status of appeals should include all appeals cases which have been filed with the appeals authorities in the month.

   b. The designation of a case as multi-claimant at the time of filing may change at the time of disposition. A case is defined at the time of disposition in terms of the action taken. For instance, an appeal filed by an employer against the claims of 50 claimants may be considered one case at the time of filing. Later, the 50 claimants may be split into several groups and a decision made for each group. Accordingly, the single case at filing becomes several cases at disposition. On the other hand, in multi-claimant cases where units within an employing unit are broken out for separate consideration, what was originally classified as two employer appeals (one employer appealing cases involving two units of claimants) may later be reclassified as one case at the time of disposition. A single claimant case at the time of filing may be combined later with other cases and be a multi-claimant case at the time of disposition.

      Because the case units for any specified workload of multi-claimant cases may vary between the time of filing and the time of disposition, no valid comparison of the count of multi-claimant cases between the two points of time can be made. While counts of cases decided are required in line 100, designation of claimants in a case at each stage is required for lines 200 and 210 even if that designation changes.

F. Item by Item Instructions

1. Section A. Single-Claimant and Multi-Claimant Appeals Case Decisions by Program and Other Dispositions.

   a. Line 100. Report in items 1 through 6 the number of single-claimant and multi-claimant decisions, classified by program.

   b. Line 100, Item 7. Cases Disposed of Other than by Decision. The entry in this item should include all state UI, UCFE, and UCX cases disposed of other than by decision during the month.

2. Section B. Claimants Involved in State UI Appeals Cases by Status of Appeals. The entries in items 8 through 11 should refer to the number of claimants (not the number of cases) involved in appeals under the state UI program. All claimants involved in appeals

cases, including the cases which were later disposed of before reaching the appeals authority, should be included. A claimant involved in more than one case should be counted once for each case. Claimants appealing decisions involving "UCFE no UI", or "UCX only" benefit rights should not be included even though they may be represented by a multi-claimant case which also includes reportable UI claimants.

a. Line 200. Filed During Month. In columns 8 and 9, distribute by type of authority, the number of state UI claimants involved in single-claimant appeals cases received during the month. In columns 10 and 11, distribute by type of authority the number of claimants represented by the multi-claimant appeals cases filed. A claimant filing a "test" appeal should be classified as a "single-claimant" rather than a "multi-claimant.

b. Line 210. Disposed of by Decision During the Month. Distribute as in a. above, the number of state UI claimants involved in single and multi-claimant appeals cases which were disposed of by decision during the month.

3. Section C. State UI Appeals Decisions by Type of Appellant.

   a. Line 300, Total. Enter in columns 12 and 13 the total number of state UI appeals cases decided during the month by authority level. Distribute these totals in columns 14 through 19 according to type of appellant and authority level. Entries for appellants other than claimants or employers (columns 18 and 19) should be explained in the comments section.

   b. Line 310, in Favor of the Appellant. Enter in each of columns 12 through 19 the number of appeals decisions in the respective column for line 300 which were in favor of the appellant. These decisions will consist of all decisions which reverse the lower body's decisions or decrease the extent to which the decisions of the lower body were against the interest of the appellants. Decisions involving multi-claimant cases should be classified as in favor of appellant if the decisions are in favor of one or more of the appellants involved.

4. Section D. Number of Lower Authority State UI Appeals Decisions by Issue. Enter in item 20 the total number of decisions reported in line 100, column 1, and distribute that number by issue in the respective categories. A decision should be reported under only one of the issue categories, even though it involves multiple issues. Per UI Report Handbook 401 Section D, if a decision involves separation (voluntary quit, misconduct, etc.) and another issue(s), the decision should be reported under the separation issue. If more than one separation issue is involved in the decision, only the most recent separation should be reported. Per UI Report Handbook 401 Section D, if a decision does not involve a separation issue but does involve a refusal of suitable work and another issue(s), the decision should always be reported under the common issue which caused the case to be disposed of by one decision, without regard to corollary issues involving only a few claimants.

5. Comments. Comments are appropriate under the following circumstances:

   a. Administrative Factors Affecting Data Reported. Describe any administrative factors, such as changes in operating procedures, issuance of rules and regulations, staff turnover, change in administrative policies, precedent decisions, and increase or decrease in initial determinations, which may affect the data reported in such a way that they will lack comparability with data submitted by other state agencies.

   b. Legal Provisions Affecting Data Reported. Describe any legal factors, such as new laws or amendments or change in interpretation of existing laws, which may affect the data reported in such a way that they will lack comparability with data submitted on prior reports or on current reports submitted by other state agencies.

   c. Economic Factors Affecting Data Reported. Describe any economic factors which may affect data reported.

G. Special Program Reporting

1. Reporting Under EB Provisions. When a state begins an extended benefit period under the EB provision of its state law, appeals related to this program will be reported separately from regular UI appeals activities. A separate ETA 5130 report screen for EB should be keyed and transmitted each month in which the program is operative. Definitions are the same as those for the regular report. If one case involves both the regular program and the EB program, the case will be classified as regular, not EB.