B. Purpose

The data reported on the ETA 207 provides current information on the volume and nature of nonmonetary determinations and denials under state, UCFE and UCX unemployment insurance programs. Agencies use the data to budget workloads, evaluate law changes, and appraise disqualification processes that relate to benefit appeals. The National Office uses it to determine workload counts, to analyze the ratio of disqualifications to determinations, and to examine and evaluate the program effect of nonmonetary activities. The regular report (ar207) will include data from the regular program and the Short Time Compensation (STC) program also known as Workshare. The regular report will not include workload under the Additional Benefits (AB) program. The ET 301 Handbook UI Performs: Benefits Timeliness and Quality Handbook contains specific instructions on how to adjudicate nonmonetary issues that are reported on the ETA 207.

C. Due Date and Transmittal

The report is due in the ETA National Office on the 15th day of the month following the quarter to which it relates. Both the regular and Extended Benefits (EB) versions will be submitted electronically. Each report should include only those determinations, redeterminations, and denials dated during that calendar quarter. For reporting purposes, the date of determination is defined as the date printed on the determination notice, or, if no notice is required, (i.e., an approved "informal" determination), the date payment is authorized, waiting week credit is given, or an offset is applied.

Note: For an informal determination to be reported, it must satisfy nonmonetary determination criteria found in the Employment Security Manual (ESM), Claim Determination Standards, Part 5, Section 6013 (Appendix B to 20 C.F.R. Part 614); all fact-finding and justification to support the decision must be documented in the case file.

D. General Reporting Instructions

A claim must be monetarily eligible before a nonmonetary determination can be reported on the ETA 207 Report. Nonmonetary determinations will be classified by the eligibility issue involved. A count will be taken for each issue determined. Exclude conditions described in Section E. l. a. below.

Multiple issues may be raised and addressed by the same set of facts:

Note: Only one Able and Available (A&A) issue may be reported per week. It is possible to report both an A&A and a Refusal of Suitable Work issue for the same week based on the same set of facts.

If the state issues multiple determinations based on the same set of facts, but each issue is adjudicated under different sections of law, then each determination shall be reported as a separate count because each issue adjudicated represents an official action taken by the state agency. (See Section E.5. Single Claimant Determination).

Entries must be made for all required items. Enter a zero when the item is not applicable or no activity corresponding to the items occurred during the report period. A report containing missing data cannot be sent to the National Office but can be stored on the state's system. See Handbook 402, Appendix C for detailed edits.

E. Definitions

1. Nonmonetary Determination. A determination of eligibility made by the initial authority based on facts related to an "issue":

   - which had the potential to affect the claimant's past, present, or future benefit rights; and

   - for which a determination of eligibility was made. This includes reporting when such nonmonetary determinations are made by organizational units such Benefits Accuracy Measurement (BAM) and Benefit Payment Control (BPC).

   Note: If a disqualification would never be imposed under a state's law and there would be no potential to affect the claimant's past, present, or future benefit rights, an issue would not exist.

   For example, an issue does not exist if the employer indicates the claimant's separation was due to "unintentional performance issues not involving misconduct" and the state's misconduct law never disqualifies for poor work performance; there would be no potential to affect the claimant's benefit rights. However, if an adjudicator has to apply the state's law and policy to determine entitlement to benefits, whether the issue is approved or denied, a nonmonetary determination with the potential to deny benefits did exist and a formal or informal determination (as defined in the ETA 301 Handbook) must be included/or documented in the case file and reported on the ETA 207.

   a. The following situations do not constitute nonmonetary determinations and should not be reported:

      (1) Determinations made solely to decide whether charges should be made to an employer's experience-rating account.

      (2) A claimant's separation for "lack of work". A lack of work is often referred to as "laid-off", "no work available", "reduction in force", or a separation because the "business is slow".

      (3) Uncontested earnings identified through a crossmatch.

      Note: Earnings detected in a crossmatch are considered 'contested' if the claimant and/or the employer provide a response to the state's reasonable attempt to verify wages, and due to the amounts reported by the parties, a controversy exists that requires adjudication.

Uncontested means that all parties agree on the facts under review and the result. That is, both claimant and employer have responded, the amounts reported by the claimant and the employer are identical, and the deduction from the weekly benefit is not in dispute. Since there is no dispute, if the state issues a determination to the parties, it is not reportable on the ETA 207 report.

Note: Non-response from either party does not mean the issue is uncontested. There must be an affirmative acceptance of the facts for an issue to be uncontested.

(4) Overpayments, whether fraud or non-fraud, associated with a nonmonetary determination. This includes overpayments established due to uncontested/or undisputed earnings detected by any method (e.g. claimant error or crossmatch). The underlying nonmonetary issue that causes the overpayment is, however, reportable (i.e., able and available, unreported earnings, separations, etc.). The dollar amount of the overpayment is reported on the ETA 227, not the ETA 207 report.

(5) Routine exploration of facts or questioning claimants in association with the claims taking process except under circumstances of disagreement. Examples of routine questioning or decisions **not** giving rise to a nonmonetary count are:

(a) Claimant's acceptance of the claims taker’s (claims benefits system’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 a stated period of time elapsed since a disqualifying act, satisfying the disqualification. This is part of the function of taking claims.

(d) A determination on whether the claimant meets the minimum wage and employment requalifying requirement to establish a benefit year. This is part of the monetary determination function and under no circumstances should be reported as a nonmonetary determination.

(e) A determination on the existence of and/or number of dependents. This is part of the monetary determination function and under no circumstances should be reported as a nonmonetary determination.

(f) A determination 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.

2. Past, Present, or Future Benefit Rights. The following are examples for assessing whether the issue has the potential to affect present, past, or future benefit rights.

   a. **The issue is reportable.** In response to a charge statement, an employer protests that the claimant recently refused a job. A determination is made on the issue of refusal of suitable work. This meets the criterion of having the potential to affect past, present, or future benefit rights if the maximum period of disqualification which could be imposed has not elapsed and/or the claimant has not exhausted benefit rights.

   b. **The issue is reportable.** The claimant states the reason for separation is "layoff" and the employer does not furnish any contradictory information on the separation notice. As a result, the claimant receives benefits for four weeks before ceasing to file. The employer protests the charge notice for the four weeks of benefits, stating that the claimant quit. The state agency determines that the claimant, in fact, voluntarily quit his/her job without good cause and is disqualified until reemployed for at least four weeks. This determination meets the requirement of affecting past, present, or future benefit rights regardless of whether the claimant was filing at the time. If fraud is determined and state policy allows, an Administrative Fraud Penalty determination can also be issued and reported.

   c. **The issue is not reportable.** On the application for initial claims, the claimant indicated receiving a pension. After obtaining the facts from the applicable parties, the adjudicator determined the pension was from a non-base period employer and issued an informal allow determination that no deduction to the weekly benefit is necessary. Since there was no potential to affect the claimant's past, present, or future benefit rights, no issue exists.

3. Nonmonetary Determination Issues. The following separations and nonseparations constitute nonmonetary determination issues and **should be reported:**

   a. Voluntary Leaving Work. Leaving work without good cause is reason for disqualification. There are two broad provisions for leaving work with good cause. In some states, good cause for leaving must be connected to the work. In other states, good cause for leaving may be either personal or work connected. For reporting purposes, include under this category all voluntary leaving issues including those involving marital, paternal, family or personal obligations, and attendance at school or training. Report voluntary leaving determinations in column 8 of the report.

   b. Discharge. Employer initiated separations occurring for reasons other than lack of work must be adjudicated to determine if the claimant was discharged for reasons that constituted misconduct in connection with the work. Misconduct is defined as a willful or controllable breach of a claimant's duties, responsibilities, or behavior that the employer has a right to expect. It is a deliberate or substantially negligent act or an omission which adversely affects the employer's legitimate business interests. Simple negligence with no harmful intent, inefficiency, unsatisfactory conduct beyond the claimant's control, or good faith errors of judgment or discretion are not misconduct. However, for reporting purposes, all determinations involving discharge including those resulting in a finding of no misconduct should be reported. Also include under this category issues involving a discharge for "gross" or "aggravated" misconduct, as defined under some state laws. Report discharge determinations in column 9 of the report.

c. Able and Available (A&A). Being able to work means that an individual has the physical and mental capacity to perform work. Being available for work means that an individual has potential for employment and is ready (e.g., has childcare, transportation, necessary licenses, etc.) and is willing to accept employment. Each worker falls somewhere between available, that is, willing and able to perform any job, at any time, under any conditions, and being unavailable, that is, being unwilling, not ready, or unable to accept or perform any job, under any conditions. Report A&A determinations in column 12 of the report. Only one nonmonetary count may be taken for a given week for an able/available issue.

Availability is lessened by circumstances that decrease an individual's chances of becoming employed and is increased by circumstances that enhance chances for becoming employed. Ineligibility occurs when there are undue problems, unreasonable or unrealistic restrictions regarding wages, hours of work, or travel that are a barrier to accepting work or there is a lack of significant interest in employment. For reporting purposes, include under this category all able and available issues including those involving marital, parental, family or personal obligations, and attendance at school or training.

Note: Availability issues relating to an expired / revoked authorization to work in the United States during the benefit year (Alien Able / Availability) are reported in column 20 of the report. See 3.k. below.

d. Work Search/Actively Seeking Work. Federal law requires that recipients of unemployment insurance benefits actively seek work each week as a condition of eligibility to receive those benefits. Actively seeking work is a weekly eligibility requirement. Individuals claiming unemployment benefits must engage in concerted and effective efforts to find suitable reemployment on a weekly basis in the shortest period of time that is practicable in order to meet the requirements of Section 303(a)(12), of the Social Security Act (SSA).

States have significant discretion to define what activities constitute an acceptable search for work. Actively seeking work may include, but is not limited to, contacting potential employers and generally attempting to find work in ways that any reasonably prudent person attempts to secure work. States must take all reasonable measures to ensure that individuals are made aware of the requirement to search for work each week and the specific tasks required to satisfy that obligation. (See Employment Security Manual, Section 6011A). Report work search determinations in column 21 of the report.

e. Disqualifying or Deductible Income. This category includes determinations relating to the effect upon benefit entitlement of payments such as workers' compensation, Old Age and Survivors Insurance (OASI) benefits, unemployment benefits under another state or Federal law, dismissal payments or wages in lieu of notice, severance pay, vacation or holiday pay, and payments made under an employer's pension plan. Report deductible income determinations in column 13 of the report.

f. Suitable Work Refusals. A claimant's refusal of suitable work or an offer of referral to a job without good cause is reason for disqualification. For an issue to exist, it must first be established that a bona fide job offer or an offer of referral to a job existed. If a bona fide job offer existed and the claimant provided good cause for refusing to accept the position, the informal determination documented in the file can be reported on the ETA 207 Report. All suitable work determinations will be reported in column 8.

g. Reporting Requirements: Failure to Respond or Report (FTR). Issues involving reporting requirements include failing to respond as required to requests to provide claims information needed to determine eligibility, including failure to respond or report to a request for identity verification; late filing of continued claims; and requests for backdating new or additional claims.

A failure to respond or report in and of itself is insufficient to make a finding as to whether any prior weeks of benefits were improperly paid or to determine if fraud occurred. Since overpayments cannot be established retroactively for failing to respond timely, the FTR disqualification must always be prospective (with the exceptions noted below), beginning from when the claimant failed to respond or report as required.

Note: If the claimant does not respond to the request to provide proof of identity and the state is unable to verify the claimant's identity; or the claimant does not respond to a request for information necessary to properly assess eligibility, **and no payments have been made on the claim**, the state may disqualify the claimant for failure to respond to a request for information from the beginning of the claim. Such denial may continue indefinitely until the individual reports or provides information as directed.

Examples:

(1) The claimant requested the initial claim be backdated to allow benefits for the prior four weeks. When questioned as to the reason for the delay in filing, the claimant stated they anticipated being recalled to work and would not need the benefits. The state determined the claimant had not established good cause for the delay in filing and issued a Reporting Requirements nonmonetary determination denying the request.

(2) During the bi-weekly certification the claimant reports they refused an offer of

work. The agency requests the claimant to respond within ten days to a request to provide employer contact details so the state can ensure it was a bona fide, suitable offer of work and advises that failure to respond by the deadline will result in a decision being made on the facts available. The claimant does not respond to the request and the state issues a FTR/Reporting Requirements nonmonetary denial beginning from when the claimant fails to respond to the request and continuing indefinitely, or until such time as the claimant provides the requested information and is otherwise proven eligible.

(3) Same facts as Example 2. above, except the bi-weekly certification is the first certification and the claimant has not yet been paid. The state is unable to verify when the claimant refused the offer of work or the unsuitability of the offer as the claimant has failed to respond to requests for information. The state may issue a FTR denial from the beginning of the claim to prevent payment.

Note: Do not include failure to report for reemployment/profiling services in this category. See Section 3.i. for instructions on how to appropriately report these occurrences.

h. Labor Disputes. These are issues arising from state law on unemployment resulting from labor disputes and are generally multi-claimant. All labor dispute determinations should be reported in the multi-claimant category in column 5; all other multi-claimant determinations (separations or nonseparations), excluding Labor Disputes are reported in column 6 (Multi-claimant Other). Initially, some multi-claimant determinations can be construed as single claimant determination or the proper category is initially indiscernible (e.g., some interstate claims); in these cases, a notice issued to one claimant is usually based on a set of facts which inherently has potential applicability to other claimants involved who may file later.

i. Failure/or Refusal to Participate in Reemployment or Profiling Services. Section 4 of the Emergency Unemployment Compensation Amendments of 1993 established a program to profile UC claimants as to their likelihood of exhausting benefits and to refer to reemployment services those most likely to exhaust benefits. Refusal to accept referral or failure to participate in these services without justifiable cause is grounds for denial of benefits. Determinations made because of a claimant's refusal or failure to participate in reemployment/profiling services will be reported in column 16 of the report.

j. Alien Legal Status/ Base Period (BP) Eligibility. Section 3304(a)(14), FUTA, provides that compensation shall not be payable on the basis of services performed by an alien unless the alien was in one of three eligibility categories at the time such services were performed. The categories include aliens who were lawfully admitted for permanent residence at the time the services were performed, lawfully present for purposes of performing the services, or permanently residing in the U.S. under color of law at the time the services were performed.

Determinations concerning an alien's legal status during the base period will result in a nonmonetary determination which may also affect the claimant's monetary determination. Any wages earned in the base period when the claimant was not legally authorized to work must be deleted from the monetary determination. When this occurs, the state will report only the original monetary determination on the ETA 218, Benefit Rights and Experience report, and report the nonmonetary determination in column 19, Alien/ Base Period Eligibility, of the ETA 207. A monetary redetermination issued as a result of the nonmonetary determination is not reportable on the ETA 218.

k. Alien A&A/ Benefit Year (BY) Eligibility. An alien must be "able and available" for work while claiming benefits in the benefit year. This means the claimant must have current work authorization during the claim series. This is a separate issue from legal status during the base period; benefit year alien A&A determinations will be reported in column 20, Alien A&A/ Benefit Year Eligibility. The claimant may have been legally authorized to work during the base period, establish a monetarily eligible claim, but later disqualified in the benefit year if the alien's authorization was no longer valid (e.g., expired or ended).

l. Professional Athlete. Section 3304(a)(13), FUTA, requires that compensation shall not be payable to any individual on the basis of services, substantially all of which consist of participating in sports or athletic events (or training or preparing to participate), for any week between two successive sport seasons, if the individual performed services in the first season and there is reasonable assurance that the individual will perform services in the second season. The term "athlete" may include, at state option, ancillary personnel involved with the team or event such as managers, coaches, and trainers employed by professional teams, and referees and umpires employed by professional leagues or associations. This section of Federal law requires the state to determine whether substantially all the athlete's base period services were earned from participating in sporting events and whether the athlete is "between seasons." "Substantially all" is defined as 90% or more of the total base period wages.

Determinations concerning a professional athlete's status during the base period could result in a nonmonetary determination which may affect the claimant's monetary determination. Report only the original monetary determination on the ETA 218, Benefit Rights and Experience report, and the nonmonetary determination in column 22 of the ETA 207. A monetary redetermination issued as a result of the nonmonetary determination is not reportable.

m. Reasonable Assurance/Educational Employee Claimant "Between" and "Within" Terms. Section 3304(a)(6)(A), FUTA, requires that a state law provide benefits be payable based on services performed for state and local government entities and certain nonprofit organizations in the same amount, on the same terms, and subject to the same conditions as benefits payable on the basis of other covered service. The only permitted exceptions to the "equal treatment" requirement are specified in clauses (i) through (v) of the same paragraph. These exceptions are referred to as the "between" and "within" terms denial provisions.

These exceptions provide that employees of educational institutions, educational service agencies, and certain other entities are ineligible for benefits based on such services between academic years or terms and during vacation periods and holiday recesses within terms if they have a "reasonable assurance" of performing in the same or similar capacity in the following year, term, or remainder of the term. This section of Federal law requires a state to apply these denial provisions also to employees of state and local governments and nonprofit organizations if they provide service to or on behalf of an educational institution.

In applying this section of Federal law, a state agency must first issue a monetary determination containing all the claimant's covered services during the base period. A nonmonetary determination must then be made as to whether the "between" and "within" terms educational denial provisions apply, and if so, the agency must also issue a monetary redetermination excluding such non-allowable services.

Therefore, determinations regarding whether the "between" and "within" terms educational denial provisions apply will result in a nonmonetary determination which may affect the claimant's monetary determination. Report only the original monetary determination on the ETA 218, Benefit Rights and Experience report, and the nonmonetary determination in column 18 of the ETA 207. A **monetary redetermination** issued as a result of the nonmonetary determination is not reportable.

Separation and/or nonseparation issues which occur at times **other than** between academic years or terms, during vacation periods, or holiday recesses within terms involving employees of educational institutions, educational service agencies, and certain other entities should be adjudicated under the regular provisions of state law and reported accordingly.

n. <u>Fraud Administrative Penalty Weeks</u>. Most states have laws which provide for additional administrative penalty weeks to be applied when an individual commits fraud by willfully misrepresenting or concealing material facts in order to obtain benefits to which they are not legally entitled. Misrepresentation or concealment of material facts commonly relates to the following list, but are not limited to unreported earnings, misinformation about employment or separation from employment, availability, ability, efforts to obtain work, dependents, vacation pay, pension, concurrent filing for benefits in two or more states, collusion with an employer on exaggerated or unreported earnings, identity fraud, or fictitious employment.

It is not necessary for an individual to have received any benefits under fraudulent conditions to be disqualified for fraud (i.e., serve penalty weeks).

Generally, the most common type of fraud occurs during a continued claims series when the claimant fails to correctly report earnings. These incidents are most frequently detected by the benefit wage crossmatch, interstate benefit (IB) crossmatch, or the directory of new-hire crossmatch. If the adjudicator reviews the information and issues an administrative penalty due to fraud or concealment by the claimant, these determinations should be reported.

Issues of Fraud Administrative Penalty Weeks will be reported in the applicable row of the column representing the underlying issue, e.g., column 8, 9, or 10 for separation issues; columns 12 – 26 for the applicable nonseparation issues.

Only count the number of fraudulent determinations issued, not the number of penalty weeks associated with the determination for the respective issue.

- Example 1: The claimant was determined to have misreported earnings for several weeks. The state issues a single determination assessing the claimant 13 penalty weeks. Report only one fraud administrative penalty count.
- Example 2: The claimant misrepresents their separation and, under state law is determined to have committed fraud and the state issues a fraud determination. Separately, the claimant is determined to have misreported earnings, and a second fraud determination is issued by the state assessing penalties from the misreported earnings. The state may report both determinations under their respective sections of law because fraud is assessed per issue.

Circumstances Requiring Controversy to be an Issue. The following nonseparation categories (**unemployment status**, **seasonality**, and **removal of all or part of a disqualification**) are reportable issues **only when a disagreement** arises on facts or application of the law. In the absence of disagreement, these situations generally only require action of a clerical nature such as reducing that particular week's benefit amount, noting earnings used to lift a disqualification, or changes in circumstances that might remove or satisfy a previous denial. In these cases, the claimant agrees to the facts and the situation does not constitute an issue.

If, however, after a discussion of the facts, benefits are denied through a written determination, then the resulting determination should be reported as a nonmonetary determination for the following issues:

o. Unemployment Status. A nonmonetary determination may be reported in column 24 when a party contests/or controversy exists on whether for a particular week:

- the claimant's activities or status constitutes "service" or "employment," or
- the claimant earns "wages" or receives "remuneration," which could result in ineligibility as "not unemployed," or only partially unemployed.

Unemployment Status nonmonetary determinations that result from a disagreement regarding a claimant’s wages differ from situations where the wages are not being disputed/contested. While situations where the claimant’s receipt of wages may require an exploration of facts, if there is no disagreement about the outcome (i.e., the wages are uncontested), a reportable nonmonetary determination does not exist.

Note: Unemployment Status does not include determinations concerning the effect of payments such as worker's compensation, Old Age and Survivors Insurance (OASI) benefits, unemployment benefits under another state or Federal law, dismissal payments or wages in lieu of notice, vacation or holiday pay, and payments made under an employer's pension plan. These issues are reported under the category of disqualifying or deductible income. See Section E.3.e.

Example: Based on the claimant's self-certification of earnings/or no earnings, a claimant is awarded partial/or full benefits for a specified week. The employer objects to the amount earned on the grounds that the claimant's statement is incorrect. Because of disagreement over the accuracy of the claimant's statement, the state issues a nonmonetary determination based on the information obtained (either allowed or denied). The resulting determination is reportable (provided the other nonmonetary requirements in this section are met). If the employer had agreed with the claimant's information, (i.e. uncontested) a determination would not be needed as no reportable issue exists.

p. Seasonality. A nonmonetary determination may be reported in column 23 when there is a question on whether special statutory provisions under which seasonal workers may be denied benefits should apply.

q. Removal of All or Part of a Disqualification. A nonmonetary determination may be reported in column 25 when there is a question on whether specific requalifying requirements are met, e.g., until employed for a specified period of time or until specified amounts are earned.

Example: The claimant is required to earn $500 to lift a disqualification but presents evidence of earning $450. The claimant contends there were more earnings but has no evidence. A question exists; further inquiry with the employer and/or the claimant may be necessary. After resolving the issue and making the determination, the determination should be reported.

Note: Any other reportable nonseparation issue not referenced above will be reported in column 26, "Other," of the report.

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

Nonmonetary Redeterminations are reportable in column 3 if ALL of the following conditions are met:

a. The need for reconsideration arises as the result of a protest by an interested party requiring actual review of all facts on which the determination was based or from the agency's own initiative based upon new or additional information.

b. All pertinent evidence and records are actually re-examined; and

c. A written redetermination notice is issued to the claimant and any other interested party and is recorded.

A redetermination will always relate to the benefit period applicable to the original determination. (Facts concerning a different period or different circumstances may raise new issues calling for a new nonmonetary determination).

Redeterminations do not include determinations which are changed due to periodic supervisory reviews in which errors may be corrected. These corrected determinations are not based on new or additional information or protest and should not be reported as redeterminations. Also, if the claimant objects to a nonmonetary determination, listening to a repeated earlier statement and explaining the determination does not constitute a redetermination.

A redetermination can only be issued if it is 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 written determination upon reconsideration of the original determination which affirms, reverses, or modifies the original determination.

Note: Although reportable on the ETA 207 report, Nonmonetary Redeterminations are excluded from the ETA 9052 *Nonmonetary Detection Timelapse Detection Report*, which is the Benefits, Timeliness, and Quality (BTQ) sample universe.

5. Single-Claimant Nonmonetary Determination. A nonmonetary determination based upon facts which relate to an individual situation and issued to a single claimant. If two or more issues were raised and determined, based on the same set of facts, report each determination as a separate single-claimant nonmonetary determination.

   Example: A claimant voluntarily quits a job and files for unemployment. A statement is taken regarding the separation issue. During the interview, the claimant reveals that he/she quit due to a lack of transportation. Two issues have now been raised by the same set of facts. Two nonmonetary determinations, one separation issue and one nonseparation issue, may be reported based on the one set of facts if all the facts to support each determination are contained in the statement; (for A&A issues, refer to Section E. 3.c).

6. Multi-Claimant Nonmonetary Determination. A nonmonetary determination based upon a set of facts which apply to two or more similarly situated individuals and which may result in the issuance of one or more notices (approvals or denials), depending upon the number of individual claimants involved.

   Example/Part 1: In a labor dispute involving 600 persons, three multi-Claimant claims were filed, each representing a different shift of 200 workers (morning shift; day shift; and overnight shift.). Nonmonetary determination notices were issued disqualifying two of the three claims (morning and day shift workers); the overnight shift was determined eligible for benefits. One multi-claimant determination should be reported for each of the three determinations in line

101, since identical notices were issued to, or applied to, two or more claimants in a labor dispute.

7. Denial of Benefits. Action imposed by a nonmonetary determination which cancels, reduces or postpones a claimant's benefit rights. Under a multi-claimant determination denying benefits, the count is reflective of the number of individuals impacted, by the one multi-claimant determination. A denial is reported for each claimant whose claim is canceled, benefits reduced, or payments postponed. Therefore, the number of denials on line 102, columns 4, 5, and 6 can be greater than the number of determinations on line 101 for the same columns.

   Example/Part 2: In the labor dispute referenced above, because the overnight shift has a different contract and was determined to be eligible for benefits, only 400 of the 600 workers from the three determinations were issued denials that are reported on line 102.

8. Total Allowed Determinations. This is the total count of allowed determinations for each issue type. Enter in lines 107, 205, 303, and 308 the total number of allowed determinations reported for each respective column. To be reported, allowed determinations must meet the requirement for all nonmonetary determinations set forth in this report as having had the potential to affect past, present or future benefits.

F. Item by Item Instructions

1. Section A. Determinations, Redeterminations, and Denials

   a. Single-Claimant Totals.

      (1) Column 1 - Total Determinations and Redeterminations. Enter the total number of single claimant nonmonetary determinations, redeterminations, and denials by appropriate program (UI, UCFE, UCX). For UI claims, this is the sum of columns 2 and 3.

         a. Lines 107 and 108. Enter the total number of allowed determinations and fraud administrative penalties as defined in Section E.

      (2) Column 2 - Total Determinations. Enter the number of single-claimant nonmonetary determinations as defined in section E. 5. This total is the sum of columns 7 and 11.

      (3) Column 3 - Total Redeterminations. Enter the number of single-claimant redeterminations, as defined in Section E. 4. A redetermination of a single-claimant nonmonetary determination should be counted only once. The count of denials imposed in redeterminations should consist only of **those imposed for the first time** through the redetermination process. Thus, if a redetermination merely upholds a denial initially imposed in an initial determination, do not include the denial in the count in columns 1 and 3, line 102, or in the case of

UCFE and UCX, column 1, lines 104 and 1 06.

b. Multi-Claimant Totals.

(1) Column 4 - Total Multi-Claimant Determinations. Enter the number of determinations which actually or potentially involve benefit rights of more than one claimant as defined in section E.6, in row 101. Count a denial for each claimant disqualified under a multi-claimant determination in row 102. These totals are the sum of columns 5 and 6, Labor Dispute and Multi-claimant Other Issues.

(2) Columns 5 and 6 - Labor Dispute and Multi-claimant Other Issues. Enter the number of determinations which result from a labor dispute issue (see section E.6.), in column 5, row 101. Enter the number of multi claimant determinations which do not involve a labor dispute issue in column 6, row 101. Count a denial for each claimant disqualified under a Labor Dispute in column 5, row 102; and each claimant disqualified under Multi-claimant Other Issues in column 6, row 102.

2. Section B. Determinations Involving Separation Issues, Single Claimant.

a. Lines 201 and 203. Enter the number of determinations for state UI and UCFE respectively for the appropriate issue.

b. Lines 202 and 204. Enter the number of denials for state UI and UCFE respectively for the appropriate issue.

c. Lines 205 and 206. Enter the total number of allowed determinations and fraud administrative penalties as defined in Section E. for each respective issue.

3. Section C. Determinations Involving Nonseparation Issues, Single Claimant.

a. Lines 301 and 306. Enter the number of determinations for state UI, UCFE and UCX made for each of the various issue types. (See section E.)

b. Lines 302 and 307. Enter the number of denials for state UI, UCFE and UCX made for each of the various issue types. (See section E.)

c. Lines 303, 304, 308 and 309. Enter the total number of allowed determinations and fraud administrative penalties as defined in Section E. for each respective issue.

4. Comments. Describe in the Comments section, any administrative, legal, or economic factors which may result in data that lack comparability with data submitted on prior reports. Include changes in procedure, administrative policies, precedent appeals determinations, or mass or prolonged unemployment factors which may significantly increase or decrease the number of denials. For example, in describing mass unemployment or prolonged unemployment, give the cause, number, size of establishments, industry(s), and area(s) involved.

G. Special Program Reporting

1. Reporting Under the Extended Benefit (EB) Program. When a SWA begins an extended benefit period, submit separate electronic reports for nonmonetary determinations relating to claims filed under the EB provisions of the state law. Continue reporting for as long as activity is likely to occur. Due dates and submittal instructions are the same as for the regular report. Include in each EB report the following items:

   a. Column 1, lines 101 through 108. Definitions are the same as for the regular report.

   b. Column 7, lines 201 and 202. Enter the total number of determinations and the denials which involve separation issues under state provisions and the sum of columns 8, 9, and 10. Columns 8 plus 9 plus 10 should be equal to column 7.

   c. Column 8, lines 201 and 202. Enter the total number of determinations and denials under the EB program, as appropriate, that resulted due to a disqualification during the regular benefit period for voluntary quit which was terminated for reasons other than employment. (i.e., state law did not require employment to remove the disqualification).

   d. Column 9, lines 201 and 202. Enter the total number of determinations and denials under the EB program, as appropriate, that resulted due to a disqualification during the regular benefit period for discharge for misconduct which was terminated for reasons other than employment. (i.e., state law did not require employment to remove the disqualification).

   e. Column 10, lines 201 and 202. Enter the total number of determinations and denials under the EB program, as appropriate, that resulted due to a disqualification during the regular benefit period for refusal of suitable work which was terminated for reasons other than employment. (i.e., state law did not require employment to remove the disqualification).

   f. Column 11, lines 301 and 302. Enter the total number of determinations and denials which involve nonseparation issues under state provisions and the sum of columns 12, 14, and 26. Columns 12 plus 14 plus 26should be less than column 11.

   g. Column 21, lines 301 and 302. Enter the number of determinations, allows and denials relating to the requirement to actively seek work under Section 202 of the Federal State Extended Unemployment Compensation Act of 1970.

   h. Column 14, lines 301 and 302. Enter the number of determinations, allows and denials for refusal of work deemed suitable under Section 202 of the Federal State Extended Unemployment Compensation Act of 1970.

   i. Column 26, line 302. Enter the total number of denials of EB due to the agent state of an interstate claim not being in an EB period.

2. Reporting Under the Short Time Compensation (STC) Program. Nonmonetary determination activity under the Short Time Compensation program, also known as Workshare, is not to be reported separately but is to be included on the regular version of this report.