



September 22, 2008

DIRECTOR'S MEMORANDUM NO. 12 -08

TO: ALL VETS STAFF

FROM: RUTH M. SAMARDICK  
Director of Compliance and Investigations

A handwritten signature in black ink, appearing to read "R. Samardick", written over the printed name and title.

SUBJECTS:

1. New **“Duplicate Claim” Case Closure Code** for the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Veterans' Employment Opportunities Act (Veterans' Preference – VP)
2. **“Other” Issue Code Text Field** for USERRA Cases
3. New **“Conflict Codes” for Post-9/11** USERRA Cases
4. **“ESGR Contact Date”** – Temporary Date Entry in USERRA Cases

I. Purpose: To establish various new data fields and associated instructions, for application in the USERRA Information Management System (UIMS) and/or VP Information Management System (VPIMS).

II. Background:

**Subject #1 – “Duplicate Claim” Case Closure Code:** In its July, 2007 report “Military Personnel – Improved Quality Controls Needed over Servicemembers' Employment Rights at DOL” (GAO-07-907), the U.S. Government Accountability Office said, “We found that DOL overstated the number of [USERRA] claims filed against federal executive branch agencies because it did not account for duplicate...cases.” To improve VETS' tracking of duplicate cases, the following new closure code has been added to both the USERRA and VP Information Management Systems (UIMS and VPIMS):

### **Duplicate Claim**

**Subject #2 – “Other” Issue Code Text Field:** Many cases entered into the UIMS since its inception in Fiscal Year 1997 have included the issue code “Other.” To describe such “Other” issues more definitively, a narrative description will henceforth be required whenever the “Other” issue code remains in the UIMS when a case is closed.

**Subject #3 – New “Conflict Codes” for Post- 9/11:** UIMS Conflict Code choices need to be updated to add several codes for the post-9/11 Iraq/Afghanistan/Global War on Terror (GWOT) war efforts.

**Subject #4 – “ESGR Contact Date”:** This date field must be completed when opening a case in the UIMS or Electronic 1010 (E-1010), if the claimant previously contacted the Employer Support of the Guard and Reserve (ESGR) about the claim. Procedures are needed for temporary date entry when the case is opened, if the claimant has not yet identified an ESGR Contact Date.

III. Action:

1. **Subject #1 – “Duplicate Claim” Case Closure Code:**

A. Effective immediately, the assigned Investigator should enter the newly-established “Duplicate Claim” closure code into the UIMS or VPIMS “Close a Case” function when closing a case because it is a duplicate of a previously opened case. (Please note that cases reopened using the IMS “Reopen a Closed Case” function, and cases reassigned to a different State using the IMS “Reassign a Case Out of the Office” function, are not considered “duplicate” cases.) Closures as “Duplicate Claim” require two steps in the UIMS or VPIMS:

1. Before closing the case, add the following note (along with any other notes that might be relevant) to the Investigator’s “Case Notes” section, using either the “Open a New Case”, “Update Case Data” or “Update Case Notes” functions:

**This case is a duplicate of [fill in case number of the previously opened case].**

2. After completing Step 1., above, use the “Close a Case” function to enter the “Duplicate Claim” close code.\*

B. VETS’ Senior Investigator (SI) in each Region should assure that every USERRA and VP case already closed in Fiscal Year 2008 (i.e., with closure date on/after

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\* Note: When this “Duplicate” closing action is entered, the UIMS or VPIMS will automatically remove all previously entered Issue Codes for that duplicate case, and will automatically enter instead the new issue code “IN” (None) for that case. The “IN” issue codes will appear in a new column on the right-hand side of the UIMS/VPIMS Case Log Exports, but the “IN” issue code will not be counted in Issue Code sections of the various reports available via the UIMS/VPIMS “Generate Reports” outputs.

10/1/2007) is reviewed, to determine if any of those closed case(s) were duplicates. For any duplicate(s) found among FY 2008 closures, the SI or assigned Investigator should send an email to the Atlanta Regional Lead Center (RLC) **by Monday, October 6, 2008**, at:

VETS-ATL-RLC@dol.gov (which is found in DOL's Global email list as: "zzVETS-ATL-RLC")

asking the RLC to "un-close" the duplicate case(s). Once the RLC reports that each duplicate case has been un-closed, the assigned Investigator should then close that duplicate as described in item A. above, completing this closure action in the IMS **no later than Monday, October 27, 2008**.

- C. In cases involving the same individual & same employer that are NOT duplicates (or reopenings or reassignments to a different State), the Investigator should ensure that the IMS Case Notes clearly indicate that they are unique cases, with a description of why each of these cases is unique and not a duplicate of another case for that claimant/employer (e.g., multiple yet unique VP claims that are based on different job announcements).

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## 2. Subject #2 – "Other" Issue Code Text Field:

- A. If the "Other" issue code is entered into the UIMS for a case, then – before the case is closed – a brief text description of that issue will also need to be entered into the UIMS' newly-established open text field:

**Description of "Other" Issue(s):** \_\_\_\_\_

- B. This text field is limited to 255 characters, so the issue should be summarized to fit this text size. If for any reason more than 255 characters of text is needed to accurately summarize the "Other" issue(s), the issue summary should be started in the **Description of "Other" Issue(s)** text field, and "See Investigator's Case Notes" should be put at the end of this text field; then the issue summary should be completed in the Investigator's Case Notes field.
- C. If the exact nature of the "Other" issue(s) cannot be accurately summarized when the "Other" issue code is first entered into the UIMS, then temporarily leave the **Description of "Other" Issue(s)** text field blank. Do not enter "To be determined" or any similar text in such situations; rather, just leave the text field blank. As soon as the "Other" issue(s) can be accurately summarized, complete the **Description of "Other" Issue(s)** text field, using the UIMS "Update Case

Data” function. If the nature of the issue changes thereafter, update the **Description of ”Other” Issue(s)** text to reflect those changes, using the UIMS “Update Case Data” function, so that at all times this text field will contain the best description of the issue(s). Or, if it turns out that one or more of the other established UIMS Issue Codes is/are adequate to describe the case issue(s) without using the “Other” Issue Code, then simply delete the “Other” Issue Code and replace it with the appropriate alternative Issue Code(s), using the Update Case Data function.

- D. If the “Other” Issue Code is still appropriate and necessary at the time the case is closed, be sure the **Description of ”Other” Issue(s)** text accurately describes the issue(s) before closing the case. The UIMS will no longer allow a case to be closed if the “Other” Issue Code remains in the case without an accompanying text description. If the issue needs to be updated before closure, first do the update of the **Description of ”Other” Issue(s)** field in the UIMS “Update Case Data” function, and then close the case.

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3. **Subject #3 – New “Conflict Codes” for Post-9/11:** Four new “Conflict Codes” have been added to the UIMS, for use when opening a new case. If a post-9/11 claim involves in-country mobilization to Iraq &/or Afghanistan, or GWOT support, select the most closely applicable “Conflict Code” in the UIMS when opening the case, from among these four options:

- A. Conflict Code title: **Iraq Tour (9/01-)** Case Number Abbreviation: **IRQ**  
*For those claimants on active duty after 9/11/01 whose claim involves a period when actually mobilized in-country to Iraq*
- B. Conflict Code title: **Afg Tour (9/01-)** Case Number Abbreviation: **AFG**  
*For those claimants on active duty after 9/11/01 whose claim involves a period when actually mobilized in-country to Afghanistan*
- C. Conflict Code title: **Iraq & Afg (9/01-)** Case Number Abbreviation: **I&A**  
*For those claimants on active duty after 9/11/01 whose claim involves period(s) when actually mobilized in-country to both Iraq and Afghanistan*
- D. Conflict Code title: **GWOT Support (9/01-)** Case Number Abbreviation: **GWT**  
*For those claimants on active duty since 9/11/01 whose claim involves Global War On Terror (GWOT) support, but no Iraq or Afghanistan tours.*
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4. **Subject #4 – “ESGR Contact Date”:**

A. If the claimant acknowledges having contacted ESGR previously about a new Form 1010 USERRA claim, but has not yet identified or estimated a date for this initial “ESGR Contact Date” by the time the Investigator opens the case via the E-1010 or UIMS system, the Investigator should follow this two-part procedure:

1. If you don't know the ESGR Contact Date, just enter it in the E-1010 Management screen, or in the UIMS Open a Case function, as the temporary date entry "99/99/9999"
2. When you find out the date, go to UIMS "Update Case Data" and enter the correct date, in lieu of 99/99/9999 -- being sure to do so before closing the case.

The ESGR contact response should remain as "Yes."

B. To track such cases (to ensure that these temporary date entries are updated with an accurate or estimated date), a case log export can be generated at any time in the UIMS, which will have a column labeled "ESGR Date of Initial Contact." That column will show any cases that still have the ESGR date as 99/99/9999.

IV. Effective Date: Immediately

V. Inquiries: Direct questions on this Memorandum to Rob Wilson (202) 693-4719 or Bo Wroble (404) 562-2368.

Expiration Date: Until rescinded.