BAM Program Operation Questions and Answers

A. FPUC Payments

1. Question: If the BAM unit finds the Key Week (KW) is totally overpaid (that is, (h2) Amount That Claimant Should Have Been Paid is $0 for regular UC and element (ei2) =10, 11, or 12) after investigation due to earnings or failure to meet other eligibility requirements, is the claimant still eligible for FPUC for the KW?

   Answer: No. The claimant must be eligible for at least $1 of underlying state benefits for the KW to be eligible to receive the FPUC payment for that week (see UIPL No. 15-20 Change 1, Attachment, Section A. Issuing Payments Q&As). If the amount due to the claimant for regular UC is zero dollars, the BAM unit must ensure the agency also addresses the FPUC dollars for the period of denial. This should be addressed in the case summary and recorded appropriately in element (h3). Note that FPUC is not treated as deductible income.

   If the BAM unit is reviewing a denied claim and finds that the claimant is eligible for at least $1 of underlying benefits, then the FPUC payment is also due for the weeks affected by the denial. This information should be resolved by the BAM unit or referred to the appropriate department to ensure payment is made when it is due.

2. Question: How should FPUC payments be handled within the BAM program?

   Answer: FPUC dollars are from a temporary federally-funded program and must be excluded from the BAM population. Therefore, elements (e9) Weekly Benefit Amount Before Investigation, (e10) Weekly Benefit Amount After Investigation, (f13) Original Amount Paid and/or Offset for Key Week, (h2) Amount That Claimant Should Have Been Paid, (h5) Total Overpayment Amount for the Key Week, (h6) Total Underpayment Amount for the Key Week, and (ei1) Dollar Amount of Key Week Error will exclude the amount of FPUC dollars paid. Similarly, the coding for improper denials which result in payment will exclude the FPUC dollars paid.

   However, FPUC dollars paid must be recorded into elements (h3) Total Whole $ Amount of Overpayments (include Key Week) and (h4) Total Whole $ Amount of Underpayments (include Key Week). The case summary should include a brief statement on FPUC dollars paid.

   Effective with the release of the revised BAM software by the Department announced in this UIPL, the state must enter the FPUC dollar amount in the newly-defined element (d7) Federal Supplemental Payment, described in section 4.b.i. of this UIPL. For any cases that include FPUC payments that a state has already closed (*e.g.*, generally all cases with a key week on or after week-ending April 4, 2020), the state must reopen and update the record using Reopen Code '9'. As stated in this UIPL, BAM units will no longer record the tax rate in the BAM PCA investigation.

3. Question: Should the amount of FPUC dollars paid be included in the comparison tables (b_comparison) elements (cm3) Sample Dollars Paid and element (cm4) Population Dollars Paid?

   Answer: No. FPUC dollars are from a temporary federally-funded program and should be excluded from the BAM population and sample. Pursuant to UIPL No. 15-20, Attachment I, the FPUC amount paid is also excluded from the ETA 5159 report (*i.e.*, ar5159).

   The BAM sfsum file must exclude these FPUC dollars in these positions:

50^6	Sample – Amount Paid	5	202-206
51^6	Population – Amount Paid	9	207-215

   These fields are used in calculating the weighted dollars paid for estimates.

   Additionally, the rec1.dat file should exclude the FPUC amount from DCI elements prepopulated. For example, it may prepopulate elements (e9), (e11), and (f13) (etc.).

29	WBA (Before Investigation)	4	99-102	4 digits (whole dollars) or Blank
30	MBA (Before Invest.)	5	103-107	5 digits (whole dollars) or Blank
62	Amount Paid and/or Offset	5	175-179	5 digits (whole dollars) or Blank

   If the record includes FPUC dollars in any of these fields, then the BAM unit must update such elements using the appropriate BAM application.

B. PEUC and PUA Claims in BAM

4. Question: Should UC claims filed for the sole purpose of checking eligibility for Pandemic Emergency Unemployment Compensation (PEUC), Pandemic Unemployment Assistance (PUA), Extended Benefits (EB), and Trade Readjustment Allowances (TRA) be included in the BAM samples?

   Answer: No. UC claims filed for the sole purpose of checking eligibility for PEUC, PUA, EB, and TRA should not be included in the BAM samples.

5. Question: Are PEUC and PUA claims excluded from the BAM samples? How should PEUC/PUA claims be handled if selected in the BAM sample?

   Answer: Yes. All paid and denied PEUC and PUA claims will be excluded from the BAM Paid Claims Accuracy (PCA) and Denied Claims Accuracy (DCA) sampling frames. This is consistent with the policy followed for previous temporary programs. Per the instructions in ET Handbook 395, Chapter III, the State UI Transaction file, Program Type (Data Element 11) must be coded "8" (Other) and Unemployment Duration Code (Data Element 12) must be coded "5" (Other federal extended benefits program).

If a PEUC or a PUA claim is selected for the BAM sample (PCA or DCA) because it was not properly coded in the State UI Transaction file, it must be coded as such: PCA data element (c1) Program Code equals "8" or DCA data element (22) Program Code equals "8". Such cases will not be investigated by the BAM unit and the BAM supervisor will not sign-off on them. The BAM unit must sample additional cases in subsequent batches to compensate for the number of PCA and DCA sample cases deleted due to improper coding of a PEUC or PUA claims in the State UI Transaction file.

C. Impacts following Temporary BAM Suspension

6. Question: My state received approval from the Department to suspend the BAM program for Batch Range 202014 through 202026 so that BAM investigators could help process initial claims and adjudication in Operations. Now that the BAM investigator has returned to the BAM unit, what should happen if he or she is assigned one of the cases he or she processed while helping in Operations?

   Answer: Any case that an individual BAM investigator handled while helping in Operations should be assigned to another BAM staff member to complete the investigation.

7. Question: My state received approval from the Department to suspend BAM investigations for the quarter-ending June 30, 2020. How does this suspension affect the minimum annual sampling number of cases?

   Answer: If the state received approval from the Department to temporarily suspend BAM investigations, the state is not be expected to make-up cases for the period to which the suspension applies. The minimum annual sampling requirement is reduced by the total number of cases that would have been sampled during the period that the approved temporary suspension covered.

8. Question: My state received approval from the Department to suspend BAM investigations for the quarter-ending June 30, 2020. How does this suspension affect the timeliness performance measures?

   Answer: The state is expected to complete sampled PCA cases, Batch 201927 through Batch 202013, no later than September 30, 2020. Additionally, BAM units must complete outstanding open (Batch range 201927 through 202013) DCA cases by October 28, 2020. If the state experiences any timeliness issues in completing BAM cases, the Department will consider the circumstances, including the approved BAM suspension, when determining the state's corrective action as part of the State Quality Service Plan activities.

D. Work Search Verifications

9. Question: Given the economic effects of COVID-19, my state is having challenges in receiving responses to requests for information when conducting work search

verifications. In some cases, the businesses are closed. In many others, checking to see if someone applied for work in prior weeks is not a priority for the business. Is there a possibility of modifying the verification requirement for the current time?

Answer: An employer statement that providing the information is not a priority is not the same as the employer indicating no information will be provided. The BAM unit must make an exhaustive attempt to obtain information from an employer listed as a contact. If the employer responds that the entity does not have the information or does not know whether the claimant made a contact, then the investigator has met the exhaustive attempt requirement and the contact should be coded as unverifiable. If the business is closed, then the investigation could conclude the contact is unverifiable once the exhaustive attempt has been made.

10. Question: My state allowed for permissible flexibilities in determining whether an individual met the able to work and available to work requirements during periods of the pandemic. The state also modified and suspended the work search requirements. How should a BAM investigator account for these temporary policy changes?

Answer: Section 4102(b) of the Families First Coronavirus Act, specifically Division D, the Emergency Unemployment Insurance Stabilization and Access Act of 2020 (EUISAA) (Public Law 116-127), provides states with emergency temporary flexibility to modify or suspend the work search requirement in response to the spread of COVID-19. *See* UIPL Nos. 10-20, 13-20, and 13-20 Change 1 for additional details. If the state chooses to exercise such flexibility regarding work search, the BAM unit should apply the law and policies in effect in the state during the temporary emergency in evaluating able, available and work search compliance. If the claimant's satisfaction of the work search requirement is established under such a provision, the case file must have a copy of the emergency declaration or applicable official policy (See ET Handbook 395 Chapter VI, p. VI-4) as supporting documentation for the determination made as a result of the BAM investigation. However, if the key week was paid prior to the start of or after the lapse of state's emergency temporary modification, then the investigation must enforce established law during the period of payment and follow normal BAM investigative procedures. (See UIPL No. 13-20, Change 1, Attachment 1, Q&A #8).