



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TALENT AND ECONOMIC DEVELOPMENT
UNEMPLOYMENT INSURANCE

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Subject: Backdating Review and Reasonable Suspicion Protocol

At the recommendation of DOL, UIA previously implemented a Benefit Payment Review process focused on ensuring that high-dollar payments are proper. Based on your feedback, UIA is revising this policy to ensure that staff have clarity on how these claims should be evaluated.

Going forward, UIA will treat a backdate request of greater than four weeks, defined as a commence date that is 28 days or more prior to the application date, as a non-monetary issue requiring adjudication. This review focuses on both identity and eligibility, as defined in the guidelines that follow. **This process replaces the Benefit Payment Review as a safeguard against high-dollar improper payments, particularly for PUA claims.**

This guidance also contains guidelines on how staff should resolve the backlog of Benefit Payment Review work items, which differ slightly to expedite work on this backlog.

Many of the go-forward policies posed in this guidance require technical changes that are being evaluated now. The Agency will issue subsequent guidance with additional detail.

UI CLAIMS

Identity Review

Going forward, all claimants who seek to backdate by more than four weeks will have an identity verification issue opened on the claim and will be issued Form UIA 6347, *Request for Identity Verification*. This is a response to ongoing attempts to defraud the agency by sophisticated criminal actors, using stolen identities from third party data breaches.

As part of the claimant's identity verification process, they will be asked to submit identifying documentation and [REDACTED]

[REDACTED] As part of the Benefit Payment Review, UIEs should adjudicate the identity verification non-monetary issue by reviewing submitted documentation, according to standard procedures.

As an extra safeguard, UIA is asking that claimants submit a close-up photo (think "selfie" style) of themselves with their photo identification to ensure a match. Given the sophistication of the fraudulent schemes during the COVID-19 crisis period, UIEs should approve payment if a qualifying photo has been submitted. If not, the payment should not be approved.

Eligibility Review

An eligibility review should also be completed, if there have been any issues adjudicated on the claim, UIEs should review fact finding and supporting documentation to ensure that the issue was adjudicated appropriately before approving the payment.

Good Cause Review

Per updated policy, UIA is not considering good cause for backdate requests that exceed 28 days. As such, no good cause review is necessary.

PUA

Identity Review

Identity review for PUA claims is identical to the amended identity review for UI claims.

Going forward, all claimants who seek to backdate by more than four weeks will have an identity verification issue opened on the claim and will be issued Form UIA 6347, *Request for Identity Verification*. This is a response to ongoing attempts to defraud the agency by sophisticated criminal actors.

As part of the claimant's identity verification process, they will be asked to submit identifying documentation and [REDACTED]

[REDACTED] As part of the Benefit Payment Review, UIEs should adjudicate the identity verification non-monetary issue by reviewing submitted documentation, according to standard procedures.

As an extra safeguard, UIA is asking that claimants submit a close-up photo (think "selfie" style) of themselves with their photo identification to ensure a match. Given the sophistication of the fraudulent schemes during the COVID-19 crisis period, UIEs should approve payment if a qualifying photo has been submitted. If not, the payment should not be approved.

Eligibility Review

PUA's reliance on self-attestation to establish eligibility and requirement to backdate without considering good cause means that Benefit Payment Review for PUA looks different than for standard claims. The purpose of this guidance is to clarify what UIEs should look for when evaluating whether approving the payment is appropriate.

While self-attestation is sufficient to establish eligibility and there is no documentation standard for Pandemic Unemployment Assistance, UIA does have the ability to request documentation while investigating "reasonable suspicion of fraud." [REDACTED]

Good Cause Review

Per statute, PUA claims must be backdated to the date when the individual became unemployed, underemployed, or unable or unavailable to work due to a COVID-19 related reason, within the pandemic assistance period dating back to February. This must be approved without regard for good cause for late filing, per statute.

[REDACTED]

[REDACTED]

Treatment of Current Backlog

To deal with the current backlog, exceeding 85,000 benefit payment reviews, UIA will proceed with an expedited review. This process is described below.

Identity Review

[REDACTED]

[REDACTED]

Eligibility Review

For UI claims, the appropriateness of any previously adjudicated non-monetary issues should be reviewed. If adjudicated appropriately payments can be issued, pending approval after identity and good cause reviews.

If the UI claim has no previously adjudicated non-monetary issues, then no review is necessary.

For PUA claims, the reasonable suspicion standard described above should be applied. [REDACTED]

[REDACTED]

If review leads to reasonable suspicion then the benefit payment review should be completed in accordance with the standards described in this release, timeline pending implementation of new fact-finding forms by Agency Services.

Good Cause Review

No good cause review is necessary for either UI or PUA claims in current backlog. This change will be applied on a go-forward basis.

Additional Review

[REDACTED]

If you have any questions, please contact the Benefit & Tax Procedures Unit by email @ hilld12@michigan.gov.