



**Improving the Capabilities of the HR Workforce**

**DCPAS VIRTUAL BENEFITS SYMPOSIUM**

**Unemployment Compensation Forms  
and Appeals**

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Derrick Holmes | September 25, 2024

# Agenda

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- SF-8: Notice to Employee about Unemployment Insurance
- ETA-931: Request for Wage and Separation Information
- ETA-931A: Request for Information on an Additional Claim
- State Notices
- Department of Defense (DoD) Notices
- Appeals Process



# Overview

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At the end of this course, attendees should be able to:

- Understand the purpose of the ETA-931 and ETA-931A
- Know the requirements of the ETA-931 and ETA-931A forms
- Recognize the different types of State Unemployment Compensation (UC) notices
- Know the types of notices DoD is supposed to send to States
- Understand the UC appeals process



# SF-8: Notice to Employee about Unemployment Insurance

- Provides information to Federal civilian employees about filing for UC benefits.
- Federal agencies are required to provide this form to all separating Federal civilian employees, employees switching from one payroll office to another, and to those placed in a non-pay status for at least 7 consecutive days.
- UC claimants should provide this form to the State when filing a claim.
- Informs States on where to send UC related documents and which Federal agency to bill if benefits are paid.



# SF-8: Notice to Employee about Unemployment Insurance (cont)

## DoD Components must enter the following:

- Name and address of the component
- The 3-digit Federal Agency Code, which is referred to as the Federal Identification Code (FIC).
- The name and phone number of an individual at the component that can answer questions related to UC claims.



# SF-8: Notice to Employee about Unemployment Insurance (cont 2)



Improving the Capabilities of the HR Workforce

**TAKE THIS FORM WITH YOU IF YOU GO TO FILE A CLAIM**

**UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES (UCFE) PROGRAM**

**NOTICE TO FEDERAL EMPLOYEE ABOUT UNEMPLOYMENT INSURANCE**

This form has been given to you because (1) you have been separated from your job, or (2) you were placed in a nonpay status, or (3) your records have been transferred to a different payroll office.

*Unemployment insurance (UI) for Federal workers.* When unemployed, Federal workers may be entitled to UI benefits similar to those of workers in private industry. If you become unemployed or are in a nonpay status and want to FILE A CLAIM, go to the nearest LOCAL PUBLIC EMPLOYMENT SERVICE OFFICE of the STATE EMPLOYMENT SECURITY AGENCY to register for work and file your claim for UI. Your ELIGIBILITY for UI CANNOT be determined until AFTER you file a claim. DO NOT DELAY filing a UI claim; if you wait, your unemployment benefits may be reduced or you may not qualify for any benefits.

To help EXPEDITE your claim, take THIS FORM with you, your SOCIAL SECURITY ACCOUNT NUMBER CARD, the OFFICIAL NOTICE of your most recent employed by a Federal agency. SEPARATION or of your present NONPAY status (Standard Form 50 if available), EARNINGS and LEAVE statements, or similar documents that indicate you were employed by a Federal agency.

FEDERAL AGENCY will insert in the box:

**1st line** - Parent Federal Agency Name and 3 digit code number

**2nd line** - Major Component (if any)

**3rd and 4th line** - complete address to which all forms pertaining to a claim should be sent (ES-931, 931A, 934, 936, and notices of appeal, hearings, and determinations)

3 Digit  
Identification  
FEDERAL AGENCY  
CODE NO.

To be completed by the *Federal Agency*:  
Contact Name/Office

Telephone No. *(include area code)*

**KEEP THIS FORM** and **TAKE IT WITH YOU** if you file a UCFE/UI claim for unemployed Federal workers provided by Federal law (U.S. CODE, Title 5, Chapter 85). For more information about UCFE/UI, read the REVERSE SIDE of this form.

NSN 7540-00-634-3964

STANDARD FORM 8 (REV. 6-87)  
Prescribed by Dept. of Labor  
20 CFR 609



## DoD FICs

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- 420 – Army National Guard
- 421 – 4th Estate
- 422 – Army
- 423 – Navy
- 424 – Air force
- 428 – Air force National Guard



# ETA-931: Request for Wage and Separation Information

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- States send this form to Federal agencies to obtain wage and separation information.
- Used in the determination of eligibility for UCFE benefits.
- Must be returned within 12 days of the postmark date.
- Highly recommended to use the Defense Injury and Unemployment Compensation System (DIUCS) to complete the form.







# ETA-931: Request for Wage and Separation Information (cont 2)

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- First section of the form is completed by the State.
- Review this section for accuracy and make any necessary corrections.
- The second section asks questions to determine if the claimant performed Federal civilian service



# ETA-931: Request for Wage and Separation Information (cont 3)

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## Under what legal authority was the claimant hired?

- SF-50 Item 5-D, F, Legal Authority

## What funding source was used for salary payments?

- SF-50 Item 36

## Were payroll deductions made for Federal and State taxes?

- Found in payroll records. If no, provide explanation.



# ETA-931: Request for Wage and Separation Information (cont 4)

## Was claimant eligible for:

- Annual and Sick Leave?
  - SF-50 or personnel records, If no provide explanation
- Health and Life Insurance?
  - This can be found in personnel records, If no provide explanation
- Civil Service or other Federal Retirement?
  - SF-50 Item 30 or personnel records

## Did the Federal agency provide direction and control?

- Found in personnel records.

## Claimant's duty station

- SF-50 Item 39 or personnel records



# ETA-931: Request for Wage and Separation Information (cont 5)

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## Wages

- Enter the wages earned in each quarter requested by the State.
- Include any back pay awards made.
- Exclude severance and lump sum terminal leave payments.
- Do not adjust the quarterly total to include wages earned but not paid for days remaining between the payroll cutoff date and the ending date of the quarter.
- If you are not using DIUCS this information can be found in payroll records



# ETA-931: Request for Wage and Separation Information (cont 6)

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## Duty Hours

- Number of hours worked in a normal workday.

## Terminal Annual Leave

- Report terminal leave payments made that were not reported as gross wages

## Date of Separation

- The date the claimant separated. Found in item 4 of the SF-50. Leave blank if the claimant is on furlough or leave without pay status.

## Date of Last Day of Active Pay Status

- The last date the claimant was in active pay status.



# ETA-931: Request for Wage and Separation Information (cont 7)

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## Reason for Separation or Non-Pay Status

- Enter as much allowable information about the reason for separation as possible. Item 45 of the SF-50 has the separation reason.

## Severance Pay

- Provide the weekly amount to be or previously paid, the number of weeks and the beginning and ending date. This can be found in payroll records.

## Signature and Date

- Must be signed and dated by the preparer of the form.



# ETA-931A: Request for Separation Information for Additional UCFE Claim

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- Used to request separation information or the reason for non-pay status when a claimant has an established benefit year and is reopening the claim after an intervening period of employment in a Federal agency.
- This form requests the specific reason the individual separated or was placed in a non-pay status.
- Payments for annual leave and severance pay.
- Highly recommended that DIUCS is used to complete this form.
- If you are not using DIUCS, the information for this form can be obtained from payroll and personnel records, or the SF-50.





# ETA-931A: Request for Separation Information for Additional UCFE Claim (cont)

(STATE AGENCY IDENTIFICATION)		
REQUEST FOR SEPARATION INFORMATION - ADDITIONAL CLAIM		
1. State Agency Address:	2. Federal Agency Name, 3 Digit Agency Code, and Address:	
3. Local Office/Call Center:	4. Date of Request:	5. Effective Date:
6. Claimant's Name (Last, First, Middle Initial)	7. Social Security Number	
Federal Agency Response B Complete and Return Within 4 Workdays		
<p>8. Separation, Lump Sum Annual Leave, and Severance Pay Information</p> <p>a. Date of Separation <u>    </u> / <u>    </u> / <u>    </u></p> <p>b. Reason for separation: _____                      _____                      _____                      _____                      _____                      _____                      _____                      _____                      _____                      _____</p> <p>c. Did this person receive payment for annual leave on or after the effective date of claim shown in item 5?                      Yes ___ No ___ If "Yes", or if currently entitled to such a payment, complete the following information:                      Amount of payment: \$ _____ Date of payment: <u>    </u> / <u>    </u> / <u>    </u> Number of days of Leave: _____</p> <p>d. Did this person receive or is he/she entitled to receive severance pay provided by Federal law or agency employee agreement? Yes ___ No ___ If "yes," complete the following information:                      Total Amount of payment: \$ _____ Beginning date: <u>    </u> / <u>    </u> / <u>    </u> Ending Date: <u>    </u> / <u>    </u> / <u>    </u></p>		
9. Signature of Official _____ Title: _____		
Print Name: _____ Telephone: (    ) _____ Date: <u>    </u> / <u>    </u> / <u>    </u>		
ETA-931A (Revised 1/2003)		



# State Notices

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- Partial unemployment
- Requalifying after a disqualification
- Benefit Payment Control (BPC)
- Additional wages to qualify for a second benefit year.



# DoD Notices

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- Security Cases
- Back Pay Awards
- Terminal Leave Payments
- Refusal of Employment Offer
- Final Settlement of an Appealed Personnel Action
- Information on Injury Compensation Claims



# Appeals

- All States provide the claimant and employer, that maintain their “interested party” status, the opportunity to appeal an adverse UC determination.
- Each State has their own definition of an “interested party.”
- Generally, an “interested party” is a person or entity that would be affected by the outcome of a UC decision.
- Generally, the Federal agency, which was the last employer before the claimant filed a claim, is an "interested party" to the initial determination.



## Appeals (cont)

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- Federal agencies can lose their “interested party” status by not responding timely to the State’s request for information.
- The timeframe to file an appeal varies from State to State.
- Since Federal agencies are responsible for reimbursing the State for UC benefits paid, it is important that agencies exercise their appeal rights.



# Appeals (cont 2)

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## Reasons for filing an appeal

- To correct errors in the State's finding of facts
- Errors in the interpretation of the information provided by the agency
- Interpretation of State UC law
- Interpretation of Federal UCFE law



# Administrative Hearings

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- Most States have two administrative levels of appeals.
- For the first level appeal, a hearing is held with the claimant and employer in front of a State's hearing official.
- Generally, the second level is a review of the first level determination.
- All States have a judicial review in the State courts once all administrative appeals are exhausted.



# Hearing Preparations

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- Unemployment Compensation Program Administrators (UCPAs) must review the State's UC determination to see if an appeal is warranted.
- If an appeal is warranted, follow the appeal instructions on the State's Notice of Determination form.
- File the appeal timely. If it is not timely, a "good cause" reason must be provided for the late filing.
- The State will send a Notice of Hearing to all interested parties.
- If the UCPA needs to postpone the hearing, they should assume the hearing will be held as scheduled until notified by the State of the postponement.





## First-Level Appeal Preparation

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- If the UCPA files an appeal, preparation for the hearing should begin immediately.
- The UCPA should assemble any witnesses with firsthand knowledge of the situation under appeal as well as any related documents to offer as exhibits.
- The UCPA must determine who should be the representative for the agency.
- The DoD representative may direct the testimony of DoD's witnesses, cross-examine the claimant and their witnesses, and offer documents as exhibits.



# Hearings

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- Most hearings occur telephonically.
- The DoD representative must provide the phone information to all witnesses.
- When the hearing begins, the hearing official will explain the hearing procedures.
- Each State has their own hearing procedures.
- The hearing will be recorded.
- Any person that provides testimony will be placed under oath.



## Second-Level Appeals

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- If the UCPA decides to file a second-level appeal, they should follow the instructions on the Appeals Decision.
- If another hearing is scheduled, all interested parties will be notified.
- The second level appeals officials will review the information provided at the first-level appeal and, if accepted, any new evidence.
- The hearing officials will issue a decision which will affirm, reverse, or modify the first-level decision.



# Judicial Review

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- If the component disagrees with the second-level appeal, or the first-level appeal if the State does not have a second-level, it can file an appeal with the appropriate state level court.
- Instructions on how to file a judicial appeal will be provided on the appeal decision.
- The component must contact its legal department for appropriate representation in court.



# Resources

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- DoD Instruction 1400.25, Volume 850
  - <http://www.dtic.mil/whs/directives/index.htm>
- UCFE Instructions for Federal Agencies
  - <https://oui.doleta.gov/unemploy/pdf/UCFE.pdf>
- Comparison of State UI Laws
  - <https://oui.doleta.gov/unemploy/statelaws.asp#RecentStatelaw>



# UC Contacts

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# Questions



Please take a moment to  
provide us your feedback

You can scan the QR code or go to:

<https://forms.osi.apps.mil/r/SExrmtywme>

## Unemployment Compensation Forms and Appeals

