

Membership Matters

Quarterly News from The 501 Alliance

March 2018

Imposter Claims on the Rise

You may not have heard of the term “imposter claims” in the past but you may soon become all too aware of this growing problem. An imposter claim is a form of identity theft and it occurs when an individual steals the personally identifiable information of another person and then files a claim for unemployment benefits.

While imposter claims are not new, there has been an increase throughout the state of Michigan and nationwide as well. Recently, a new bill was signed into law in Michigan that will hopefully reduce the number of imposter claims being filed. This new law will require that a claimant provide a driver’s license number or a state identification number, in addition to their Social Security Number to establish his or her identity when filing a claim for unemployment benefits.

To help us combat this problem, please follow the steps outlined below if we send your organization a request for separation information for an employee that is currently employed:

- Verify that the employee did not file the claim for unemployment benefits.
- In CaseBuilder, select the “Still Working” category and then select “Not separated – employee did not file the claim” as the separation reason.
- Direct the employee to the Unemployment Insurance Agency’s website at www.michigan.gov/UIA.
- Click on “Publications” and then “Fact Sheets” and print #166: “Protecting Yourself from Identity Theft”.

This fact sheet will provide your employees with information on what steps they should take to protect themselves in the event their identity is stolen and a claim for unemployment benefits has been filed. This fact sheet has also been posted on our website at www.501alliance.org under the FAQ section as well.

As a part of the services we provide to members, we will notify the state that an imposter claim has been filed using the identity of one of your employees based on the separation information you provide to us. It is important to note that even though we notify the state, your employees still need to follow the items outlined on the fact sheet to protect themselves. We will also monitor your employer account and write a protest letter to the state if any charges appear on your account.

If you have any additional questions about our processes or imposter claims, please contact the Administrator at 800-968-9675, ext. 2950.

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How Would You Rule?

Background:

The claimant resigned after a meeting regarding her work performance. She was allowed benefits upon a finding she quit with good cause. The employer appealed and a hearing was scheduled before an Administrative Law Judge (ALJ).

At the Hearing:

Employer's Evidence: The employer testified the claimant made no formal complaints about her work prior to leaving and she did not inform the employer about any health issues she was experiencing. The claimant quit following a meeting about her job performance. The employer informed the claimant during the meeting that she must improve some aspects of her job performance and that she was being assigned a new supervisor. There were no plans to discharge her. The claimant told the employer during the meeting that she could "no longer do" the work and that she was leaving her employment. The employer would have investigated her concerns and responded appropriately, if the claimant had made a complaint and informed the employer that her working conditions were affecting her health.

Claimant's Evidence: The claimant, an office worker, quit work due to job stress and health reasons. She testified she felt unable to perform all of her job duties and that the employer refused to provide her with support to complete her duties. The claimant testified the job stress she was experiencing was causing her to lose sleep. The claimant testified she saw her doctor about her health and her doctor prescribed sleep medication but did not advise her to leave her job.

The Hearing Decision:

The ALJ found the claimant quit without good cause and she was disqualified from benefits. The ALJ found the claimant failed to allow the employer the opportunity to address any concerns she had prior to leaving. That failure negated any good cause she might have had to leave her employment. The claimant appealed, arguing that the lack of support from her employer and her health issues were sufficient to rise to the level of good cause and an award of benefits. The claimant also supplied additional evidence in her appeal, which was not presented to the ALJ.

The Board of Review Decision:

The Board of Review agreed with the ALJ's decision and the claimant remained disqualified. The Board refused to consider the additional evidence supplied by the claimant because the hearing was the final opportunity for the parties to present evidence in support of their positions. The Board found that the ALJ's decision was fully supported by the facts and the law and the claimant remained disqualified from benefits.

Takeaway:

Good cause to leave work might not be found if the claimant does not inform the employer of any concerns prior to leaving work and gives the employer an opportunity to address the issues. Also, employers should be prepared to prove that the claimant was aware of any complaint procedures and that they were not followed.