

Fact-Finding Basics

We must take fact-finding statements from the claimant any time the claimant requests to reschedule a service or any time the claimant reports after their scheduled date. This is the case regardless of whether the claimant calls in prior to the service date, within the seven-day grace period or after the denial is issued.

The fact-finding statement will be used to determine whether the claimant had good cause for failing to attend the required service. The goal is to take one statement that can be used to either allow us to continue paying the claimant or to deny the claimant for failing to show good cause for requesting a reschedule.

The fact-finding statement is the key to making this process work. Because of this we are offering some guidelines on taking statements.

Many times the claimant calls to reschedule due to personal issues. We are going to use real examples of statements along with other questions that should have been asked.

Example 1:

Claimant statement: You failed to comply with the: Claimant contacted Workforce Center and spoke with manager. She is needing to rescheduled her PO from 1-9 due to having a procedure in OKC. Claimant has been rescheduled for 1-11.

The issue that arises from this statement is an able to work issue. However, the adjudicator is unable to determine ability based on this statement. Why? Because we don't know the procedure or the dates the claimant will be unavailable. 1-9 is a Wednesday and 1-11 is a Friday. This shows a potential for the claimant to be unavailable the majority of the week. Oklahoma law requires an unemployed individual be able and available for 3 out of 5 work days (Usually considered M-F) or 4 out of 7 calendar days.

We need to question the claimant. We don't necessarily need to know the procedure but we should ask the claimant additional questions such as:

Are you currently able to work?

What is the recovery time from the procedure?

Were you able to complete work search efforts this week?

Example 2:

Claimant statement: You failed to comply with the: Attendance of the Profiling Orientation for 1-8-13. Claimant stated he missed the orientation because he was working a part-time job.

On this one, the reason for missing was fine. There are no able to work issues because the claimant stated he was working. But was the claimant rescheduled? If so, please include

the date he was rescheduled for or include a statement saying why he was not rescheduled.

Example 3:

Claimant statement: You failed to comply with: Attendance of the profile orientation on 1-16-13. Claimant was unable to attend due to illness.

This is a cross between example 1 and 2. Questions that need to be asked are:

What was the illness?

How long has it affected the claimant?

Is he able to work? If not, when will he be able to work?

Was he rescheduled? If so, on what date?

This had to be sent for additional fact-finding. Turned out he was only sick for a day so no issue came of it. He was also rescheduled. But noting that information on the statement would have saved time down the line in making an additional contact to the claimant.

Example 4:

Claimant statement: Claimant was scheduled for a group on 1-2-13 at 1:15. I didn't know about that. I didn't get the mail until after that?

This statement was of no assistance to the adjudicator. One question that needed to be asked was:

What do you mean by you didn't get the mail until after that? If there were delivery problems or the post office was blown away, that is good cause. But if he was just lazy and didn't check the mail for a couple of weeks at a time, he didn't have good cause.

Example 5:

Claimant statement: You failed to comply with the: Attendance of the profiling orientation on 1-9-13. Claimant was unable to attend due to the fact he was in Texas from M-F of that week and when he got home he saw that he had a letter to attend.

This is another one where we need to know the specifics. Additional questions are:

Why were you in Texas?

Did you complete work search contacts while in Texas?

What time period were you in Texas?

Were you able and available for work while in Texas?

If the claimant was in Texas looking for work, we don't have an issue to address. If he was in Texas taking care of a relative or on vacation or trying out for the Cowboys, we have an issue.

The statement below was taken by Naomi Bautista. It is short, to the point and contains everything we need:

You failed to comply with the: Client was scheduled for Job Search Workshop on 01/15/2013. Client stated she was in hospital on 01/14/2013 and got out on 01/16/2013. She was able to do work searches the rest of the week. Ashley is now scheduled for Job Search Workshop on 01/22/2013.

We know what group she was scheduled for, why she didn't show, how long she was unavailable, that she did complete work search and that she has been rescheduled. We don't have to go back to the claimant to see if there is an A & A or work search issue that needs to be addressed.

The final tip is to question the claimant like you would want to be questioned if it was your claim and you only had one chance to provide all the information we need. Remember: Who, What, Where, When, Why and How.