

CHAPTER II
ORGANIZATION AND AUTHORITY

1. Organization. Each QC unit is required to be organizationally independent of, and not accountable to, any unit performing functions subject to evaluation by the QC unit. The organizational location of this unit must be positioned to maintain its objectivity, to have access to information necessary to carry out its responsibilities, and to minimize organizational conflict of interest.

2. Authority. All conclusions pertaining to the Key Week that are drawn from the BQC process must be formalized in official agency actions if errors are found, except where prohibited by SESA provisions such as finality. The authority to make determinations and redeterminations resulting from the BQC process must not be impeded by any SESA unit whose work is evaluated by QC. Where a BQC unit does not possess the authority to make determinations itself, a higher authority must resolve any differences between BQC and the unit making the determinations. Determinations and redeterminations resulting from the QC process must be in accord with the appeal and fair hearing requirements of Federal and State law. Any redetermination that would affect a claimant's right to benefits must also be subject to the principles laid down in the Java decision of the U.S. Supreme Court, as reflected in UIPL No. 1145, dated November 12, 1971.

3. Written Procedures. Each SESA must develop written procedures to guide the operation of the BQC program. These procedures must cover all investigative and administrative functions of the BQC unit. The procedures should be adapted to the particular circumstances of the State, but must adhere to the guidelines contained in this Handbook so as to provide for proper administration of the BQC program. Copies of the procedures must be available for Federal review, and, upon request, must be submitted to the appropriate Regional Office of the Department.

4. BQC Software. States must load all software distributed by the Department for the UI computer system. SESAs must run the most current software.

SESAs may not alter or otherwise modify any part of the software, including all shell scripts and "C" programs.