

CHAPTER II

ORGANIZATION AND AUTHORITY

1. **Organization**. Each BAM unit is required to be organizationally independent of, and not accountable to, any unit performing functions subject to evaluation by the BAM 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 paid claims Key Week, and the Denied Claims Accuracy (DCA) disqualifying eligibility issues that are drawn from the BAM 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 BAM process must not be impeded by any SESA unit whose work is evaluated by BAM. Where a BAM unit does not possess the authority to make determinations itself, a higher authority must resolve any differences between BAM and the unit making the determinations. Determinations and redeterminations resulting from the BAM 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, and UIPL No. 04-01, dated October 27, 2000.

3. **Written Procedures**. Each SESA must develop written procedures to guide the operation of the BAM program. The procedures must cover all investigative and administrative functions of the BAM 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 BAM 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. **BAM 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.