

Summary of Postal Bulletin Updates May 1989 to June 1996

Note that changes are cumulative. Numbering of a section may be modified by a change made subsequently.

1. Overall Revisions

Addresses, PEN numbers, and form titles have been updated. Addresses have also been reformatted to reflect machine readability standards.

2. Specific Revisions

Substantive changes published in *Postal Bulletin* articles are marked with vertical bars in the margins or printed in bold type in tables and certain exhibits.

Contents

Summary of Postal Bulletin Updates

550	Unemployment Compensation	485
551	Overview	485
551.1	Legal Guidelines	485
551.11	Administration	485
551.12	Liability	485
551.13	Illegal Claims	485
551.2	Qualification Factors	485
551.3	Disqualification Factors	486
551.4	Information to State Employment Security Agencies	486
551.41	Information Required	486
551.42	Privacy Act Requirements	486
551.421	Authority to Disclose	486
551.422	Accountability of Disclosure	486
552	Responsibilities	487
552.1	Headquarters and Headquarters-Related Units	487
552.11	Functional Administration	487
552.12	Daily Administration	487
552.2	Regions	487
552.3	State Coordinators	487
552.31	Administration	487
552.32	Responsibilities	487
552.4	Installation Heads	491
552.41	Completion of Form 50, Notification of Personnel Action	491
552.42	Cooperation With Postal and State Authorities	491
552.5	E&LR Information Center (ELRIC)	491
552.6	Minneapolis Postal Data Center	491
552.61	Initial Response	491
552.62	Additional Information	491
553	Explanation of Forms and Procedures	492
553.1	USPS Procedures	492
553.11	Form 50	492
553.12	SF 8	492
553.13	Form 6803	493
553.131	Completion	493
553.132	Incomplete Information	493

- 553.133 Erroneous Findings 493
- 553.2 State Agency Forms and Procedures 493
 - 553.21 Form ES 931 493
 - 553.22 Form ES 934 493
 - 553.221 Reason for ES 934 493
 - 553.222 Request for Wage Information 494
 - 553.223 Request for Separation Information 494
 - 553.224 Request for Wage and Separation Information 494
 - 553.23 Form ES 936, Verification of ES 931 (Form 6803) 494
- 554 Appeals 495
 - 554.1 State Law Requirements 495
 - 554.2 Initial Level Appeals by Claimants 495
 - 554.3 Initial Level Appeals by the Postal Service 495
 - 554.31 Cause to Appeal 495
 - 554.32 Initiation of Appeal 495
 - 554.4 Postal Service Participation in Appeals 495
 - 554.41 Representation 495
 - 554.411 Preparation for Appeal 495
 - 554.412 As a Witness 495
 - 554.413 As an Appellant 496
 - 554.414 As an Appellee 496
 - 554.42 New Evidence by Claimant 496
 - 554.43 Disclosure of Information 496
 - 554.431 Routine 496
 - 554.432 Medical Records 496
 - 554.433 Inspection Service Records 497
 - 554.434 Chief Field Counsel 497
 - 554.5 Appeals (Second Level) to State Appellate Board 497
 - 554.6 Postal Service Appeals to State Courts 497

Exhibit

- Exhibit 552.31
Unemployment Compensation State Coordinators 488

550 Unemployment Compensation

551 Overview

551.1 Legal Guidelines

551.11 Administration

The Unemployment Compensation for Federal Employees Program (UCFE) is administered by the states under separate agreements with the U.S. Secretary of Labor. Under these agreements, the states are agents of the United States and take, adjust, pay, or deny claims for unemployment compensation. Based on wage and separation information supplied by the Postal Service, the state agency determines under its state employment security law the postal employee's entitlement to unemployment compensation.

551.12 Liability

Benefit payments are made to former postal employees by the states under the agreements between the states and the U.S. Department of Labor. The Postal Service then reimburses the states through the Department of Labor.

551.13 Illegal Claims

Federal law provides criminal penalties for anyone who knowingly makes a false statement or representation of a material fact, or knowingly fails to disclose a material fact, to obtain or increase for self or for any other individual unemployment compensation benefits for federal employees.

551.2 Qualification Factors

Requirements for unemployment compensation benefits vary from state to state in accordance with each state's employment security law. However, each state law requires that a claimant:

- a. Be unemployed or be employed less than full-time as defined by the state employment security law with earnings less than an amount specified in the state law.
- b. Register for work and file an unemployment compensation claim at a local state employment security office.
- c. Have worked a specified amount of time or have earned a specified amount of wages, or both, within a certain period.
- d. Be able to work.
- e. Be available for work.
- f. Be actively seeking work.
- g. Report periodically to the local state employment security office.

551.3 **Disqualification Factors**

Disqualification provisions vary from state to state. In the majority of states, employment security laws provide for a period of total disqualification or for a penalty period of temporary disqualification for certain types of separations. A former postal employee is not disqualified if the separation was an involuntary termination of employment for other than misconduct, or if the separation was a voluntary termination or resignation based on good cause. The most common reasons for disqualification are:

- a. The claimant was discharged for misconduct.
- b. The claimant quit the job voluntarily without good cause.
- c. The claimant refused a suitable job without good cause.

551.4 **Information to State Employment Security Agencies**

551.41 **Information Required**

The Postal Service furnishes state employment security agencies certain salary and separation information concerning claimants who are or have been employed by the USPS. This information is processed and returned to the state agency by the Minneapolis Postal Data Center (MPDC) within 4 workdays after receipt of the request. The information includes:

- a. Periods of Postal Service employment.
- b. Amount of remuneration for service.
- c. Amount of lump-sum terminal leave payments and periods of time for which the lump-sum payment was made.
- d. Reason(s) for separation.

551.42 **Privacy Act Requirements**

551.421 **Authority to Disclose**

Release of wage and separation information to a state employment security agency can be made without written authorization from the former Postal Service employee.

551.422 **Accountability of Disclosure**

To meet the Privacy Act disclosure accounting requirements, the state UCFE coordinators will receive from the MPDC copies of Unemployment Compensation for Federal Employees Forms ES 931, *Request for Wage Separation Information*; 934, *Request for Information or Reconsideration of Federal Findings*; 936, *Request for Verification of UCFE Wage and Separation Information Furnished on Form ES 931*; and Postal Service Forms 2342, *Request: Unemployment Compensation Data*, and 6803, *Wage and Separation Information (ES 931) (3-part continuous)*. These forms are to be retained by the State UCFE Coordinator for a period of 3 years. The MPDC maintains the Form 6803, *Issue Report*, (Program No. PHE100) on microfiche for a period of 5 years. State UCFE coordinators are to maintain hearings and appeals case files for 5 years. Official USPS records control schedules should be consulted to determine retention requirements by state coordinators and installation heads.

552 **Responsibilities**

552.1 **Headquarters and Headquarters-Related Units**

552.11 **Functional Administration**

The functional responsibility for the development, implementation, and control of the national USPS Unemployment Compensation Program is assigned to the Compensation Services Division, Office of Organizational Requirements, Human Resources Group.

552.12 **Daily Administration**

The administration of the unemployment compensation program for Headquarters units and Headquarters-related units is assigned to the USPS state coordinators (see 552.3) in which these units are physically located.

552.2 **Regions**

The Chief Field Counsel:

- a. Assumes an active role in hearings before the state referees involving significant or complex legal issues.
- b. Prepares appeals to state courts.
- c. Assists USPS state coordinators within their respective regions in interpreting legal guidelines pertaining to unemployment compensation.
- d. Assists USPS state coordinators in determining what information is subject to the Privacy Act requirements.

552.3 **State Coordinators**

552.31 **Administration**

The office in the capital city within each state has been designated to coordinate the unemployment compensation activities for all Postal Service installations in that state (see Exhibit 552.31). The functional responsibility for the state program administration is assigned to the ranking Human Resources official in that office. This official selects one employee as state coordinator for program administration responsibility.

552.32 **Responsibilities**

The designated state coordinator:

- a. Administers USPS policy on unemployment compensation within the respective state or jurisdiction.
- b. Establishes a communication channel with the state employment security agency and becomes familiar with the state unemployment compensation policies, procedures, and laws.
- c. Reviews appropriate forms, correspondence, and claim determinations to establish that each unemployment compensation claim filed by a present or ex-postal employee is justified and that the information provided by the claimant is valid.

Exhibit 552.31 (p. 1)

Unemployment Compensation State Coordinators

State	U.S. Postal Service Address	Telephone
ALABAMA	6701 TAYLOR ROAD MONTGOMERY AL 36119-9994	205-244-7559
ALASKA	4141 POSTMARK DRIVE ANCHORAGE AK 99502-9998	907-226-3229
ARIZONA	4949 E VAN BUREN RM 204 PHOENIX AZ 85026-9462	602-225-3183
ARKANSAS	4700 MCCAIN LITTLE ROCK AR 72231-9998	501-945-5663
CALIFORNIA	1300 EVANS AVE RM 254 SAN FRANCISCO CA 94188-9994	415-550-5635
COLORADO	1745 STOUT ST RM 400 DENVER CO 80266-9994	303-297-6040
CONNECTICUT	141 WESTON ST HARTFORD CT 06101-9998	203-524-6110
DELAWARE	PO BOX 10000 WILMINGTON DE 19850-9994	302-323-2227
DIST OF COL	BRENTWOOD RD NE WASHINGTON DC 20066-9400	202-636-1231
FLORIDA	1400 WEST JORDAN ST PENSACOLA FL 32501-9400	904-434-9174
GEORGIA	3900 CROWN RD SW ATLANTA GA 30304-9998	404-765-7391
HAWAII	3600 AOLELE ST HONOLULU HI 96820-9422	808-423-3610
IDAHO	770 SOUTH 13TH BOISE ID 83708-9994	208-383-4280
ILLINOIS	433 W VAN BUREN ST RM 314 CHICAGO IL 60607-9405	312-765-3175
INDIANA	125 WEST SOUTH ST INDIANAPOLIS IN 46206-9998	317-464-6495
IOWA	1165 2ND AVE DES MOINES IA 50318-9424	515-283-7570
KANSAS	424 S KANSAS AVE TOPEKA KS 66603-9421	913-295-9146
KENTUCKY	PO BOX 31421 LOUISVILLE KY 40231-9994	502-454-1635
LOUISIANA	750 FLORIDA ST BATON ROUGE LA 70821-9998	504-381-0321
MAINE	125 FOREST AVE PORTLAND ME 04101-9994	207-871-8548
MARYLAND	900 EAST FAYETTE ST RM 300 BALTIMORE MD 21233-9994	410-347-4474
MASSACHUSETTS	25 DORCHESTER AVE BOSTON MA 02205-9404	617-654-5545

Exhibit 552.31 (p. 2)

Unemployment Compensation State Coordinators

State	U.S. Postal Service Address	Telephone
MICHIGAN	1401 W FORT STREET RM 211 DETROIT MI 48233-9421	313-226-8275
MINNESOTA	100 S 1ST ST MINNEAPOLIS MN 55401-9405	612-626-4448
MISSISSIPPI	PO BOX 332 JACKSON MS 39205-9422	601-968-0545
MISSOURI	1720 MARKET ST RM 2007 ST LOUIS MO 63155-9428	314-436-3778
MONTANA	841 S 26TH ST BILLINGS MT 59101-9421	406-657-5760
NEBRASKA	1124 PACIFIC ST OMAHA NE 68108-9994	402-348-2522
NEVADA	1001 SUNSET RD LAS VEGAS NV 89119-9994	702-361-9327
NEW HAMPSHIRE	955 GOFFS FALLS ROAD MANCHESTER NH 03103-9422	603-644-4009
NEW JERSEY	811 PAULISON AVE CLIFTON NJ 07015-9994	201-471-7641
NEW MEXICO	1135 BROADWAY BLVD NE ALBUQUERQUE NM 87101-9402	505-843-3933
NEW YORK	380 W 33RD ST RM 4516-G NEW YORK NY 10199-9421	212-330-2845
NORTH CAROLINA	PO BOX 27499 GREENSBORO NC 27420-9421	919-668-5585
NORTH DAKOTA	657 2ND AVE N FARGO ND 58102-9994	701-241-6161
OHIO	850 TWIN RIVERS DR COLUMBUS OH 43216-9421	614-469-4361
OKLAHOMA	PO BOX 25998 OKLAHOMA CITY OK 73125-9422	405-278-6281
OREGON	PO BOX 4428 PORTLAND OR 97208-4428	503-294-2274
PENNSYLVANIA	1001 CALIFORNIA AVE RM 2337 PITTSBURGH PA 15290-9421	412-359-7552
PUERTO RICO	PO BOX 363367 SAN JUAN PR 00936-9994	809-767-5663
RHODE ISLAND	24 CORLISS ST PROVIDENCE RI 02904-9421	401-276-6845
SOUTH CAROLINA	1601 ASSEMBLY ST COLUMBIA SC 29102-9422	803-733-4685
SOUTH DAKOTA	320 S 2ND AVE SIOUX FALLS SD 57101-9994	605-332-4261
TENNESSEE	525 ROYAL PARKWAY NASHVILLE TN 37229-9421	615-885-9209
TEXAS	8225 CROSS PARK DRIVE AUSTIN TX 78710-9994	512-929-1177

Exhibit 552.31 (p. 3)

Unemployment Compensation State Coordinators

State	U.S. Postal Service Address	Telephone
UTAH	1760 W 2100 S RM 110 SALT LAKE CITY UT 84119-9421	801-974-2965
VERMONT	10 SYKES AVE WHITE RIVER JUNCTION VT 05001-9994	802-296-3236
VIRGINIA	1801 BROOK RD RICHMOND VA 23232-9425	804-775-6191
VIRGIN ISLANDS	PO BOX 363367 SAN JUAN PR 00936-9994	809-767-5663
WASHINGTON	PO BOX 9000 SEATTLE WA 98109-9421	206-442-6235
WEST VIRGINIA	PO BOX 69023 CHARLESTON WV 25334-0023	304-357-0642
WISCONSIN	345 W ST PAUL AVE RM 279 MILWAUKEE WI 53203-9421	414-291-2330
WYOMING	2120 CAPITOL AVE CHEYENNE WY 82001-9994	307-772-6565

- d. Initiates appeals on claims determined to be unjustified.
- e. Ensures that the referees adjudicating appeals are provided with all appropriate and necessary information whether the appeal is initiated by the USPS or the claimant.
- f. Notifies appropriate offices to prepare material necessary for appeals.
- g. Attends unemployment compensation appeal hearings conducted by state referees or arranges for such representation by the post office in which the claimant was or is employed.
- h. Refers recommendations for final appeal cases to the Regional Labor Counsel along with appropriate supporting information.
- i. Contacts the appropriate postal installation upon receipt of Form 6803, *Wage and Separation Information* (ES 931), to ascertain the reason(s) for separation or the nonpay status of a claimant when the MPDC cannot supply this information.
- j. Monitors the preparation of separation forms and information provided by MPDC and identifies areas where incomplete or inaccurate information could generate unjustified unemployment compensation claims and subsequent payment.
- k. Provides the MPDC with required information in order to resolve problems concerning individual employees.
- l. Maintains program records in accordance with official USPS records control schedules.
- m. Serves as liaison for Headquarters in dealing with state employment security agencies.

552.4 **Installation Heads**

552.41 **Completion of Form 50, Notification of Personnel Action**

552.411 Ensure the accurate and timely completion of Form 50 and SF 8, Notice to Federal Employees About Unemployment Insurance, when initiating separation actions. (See 553.11 and 553.12.)

552.412 Submit Form 50 to the E&LR Information Center (ELRIC) as expeditiously as possible for processing.

552.42 **Cooperation With Postal and State Authorities**

552.421 Provide full cooperation to USPS state coordinators when supplemental information is required.

552.422 Cooperate with USPS state coordinator requests for witnesses to appear before state appeal hearings to testify about the reason(s) a former employee was separated.

552.423 Give direct responses to state employment security agency requests for additional separation information (Form ES 934, Request for Additional Information). (See 553.22).

552.5 **E&LR Information Center (ELRIC)**

Process Form 50 as soon as possible after receipt, thus enabling the separation information to be incorporated into the automated ES 931 system. In cases in which additional separation information is included in the remarks section of Form 50, incorporate the information in the unemployment compensation code remarks message.

552.6 **Minneapolis Postal Data Center**

552.61 **Initial Response**

552.611 Complete Form 6803 (see 553.13) in response to state agency requests for wage and separation information (Form ES 931) within 4 working days after receipt of the request.

552.612 Retain a copy of each Form 6803 submitted to state agencies (Privacy Act accounting requirements) on microfiche and distribute a copy of Form 6803 to the appropriate USPS state coordinator.

552.613 If separation or wage information is unavailable at the MPDC, forward Form 6803 (and Form ES 931) to the appropriate USPS state coordinator requesting that Form 6803 be completed and returned to the state agency.

552.62 **Additional Information**

Respond to state agency requests for additional information on Form ES 934 and verify ES 931 on Form ES 936 within 4 working days after receipt. (See 553.22 and 553.23.)

553 **Explanation of Forms and Procedures**

553.1 **USPS Procedures**

553.11 **Form 50**

553.111 Complete Form 50 in an accurate and timely manner when separating an employee.

553.112 Enter the three-digit unemployment compensation code that most accurately describes what the USPS believes to be the reason(s) that the employee was separated in the appropriate block on Form 50.

553.113 Ensure that all additional information relating to the reason(s) for separation is incorporated into the remarks section of Form 50. (In those instances when the employee's reason(s) for separation differ from the Postal Services reason(s), enter the standard remarks message (Standard Code 542) on Form 50.) This standard remark states that a difference in separation reason(s) does exist and will be furnished upon request.

553.114 State the fact of the issuance of SF 8 in the remarks section of Form 50.

553.12 **SF 8**

553.121 SF 8 explains an employee's eligibility for unemployment compensation and describes the steps to be taken in filing a claim. Personnel offices complete SF 8 by entering at top of form the employee's name, Social Security number, and pay location. In item 3 enter #732 on extreme right side, then enter the address of the MPDC:

PAYROLL PROCESSING
MINNEAPOLIS PDC
US POSTAL SERVICE
BISHOP HENRY WHIPPLE FED BLDG FT SNELLING
TWIN CITIES AMF MN 55111-9630.

553.122 SF 8 is issued promptly to the employee by the separating personnel office so that they do not lose unemployment compensation benefits to which they may be entitled. An individual whose work or tours of duty are on an intermittent basis is issued an SF 8 only the first time in each calendar year that they are placed in a nonpay status. However, a completed SF 8 is issued to an employee each time the employee:

- a. Separates from the USPS for any reason.
- b. Transfers to another federal agency.
- c. Is (or will be) placed in a nonpay status for 7 or more consecutive calendar days.

553.123 SF 8 is issued on the employee's last workday. The date is to be noted in the remarks section of Form 50.

553.13 **Form 6803**

553.131 **Completion**

- a. Form 6803 is completed by the MPDC in response to a state agency's request for wage and separation information (Form ES 931, see 553.21).
- b. Wage and separation information is extracted from the Automated ES 931 System and entered on Form 6803.
- c. Two copies of Form 6803 are attached to Form ES 931 and returned to the state agency within 4 workdays after receipt of the request.
- d. The MPDC forwards one copy of Form 6803 to the appropriate USPS state coordinator and retains a copy on microfiche for Privacy Act accounting requirements. (See 551.422.)

553.132 **Incomplete Information**

In some instances a Form 50 will not be processed by the ELRIC, which indicates that the separation information has not been entered into the automated ES 931 system. In such circumstances, the MPDC immediately forwards Form 6803 (and Form 931), with the wage portion completed, to the appropriate USPS state coordinator, requesting that the separation portion of Form 6803 be completed. Upon completion by the USPS state coordinator, two copies of Form 6803 are attached to Form ES 931 and returned to the state agency. Copies of Forms 6803 and ES 931 are forwarded to the MPDC and a copy of Form 6803 is retained by the USPS state coordinator. The same control and processing of Forms 6803 are used when the automated ES 931 system fails to complete wage and separation information.

553.133 **Erroneous Findings**

If the MPDC ascertains at any time within 1 year after it has returned a completed Form 6803 (Form ES 931) to a state agency that any of its findings were erroneous, it must promptly correct the error and forward corrected findings to the appropriate state agency.

553.2 **State Agency Forms and Procedures**

553.21 **Form ES 931**

553.211 When a former USPS employee (or an employee who works less than full-time as defined in the state employment security law, with earnings less than an amount specified in the state law) applies for unemployment compensation at a state employment security office, the state agency sends Form ES 931 to the MPDC (see 553.13) as indicated on the claimant's SF 8.

553.212 The MPDC responds to the state agency by extracting the requested wage and separation information from the automated ES 931 system on Form 6803 (see 553.13).

553.22 **Form ES 934**

553.221 **Reason for ES 934**

If the MPDC provides inadequate data on Form 6803, the state agency may request additional information on Form ES 934. If Form 934 cannot be

processed within the 4-workday time period, the MPDC or separating installation must immediately notify the state agency when it can expect to receive completed Form ES 934.

553.222 Request for Wage Information

The MPDC completes the form and returns it directly to the state agency within 4 workdays after receipt. A copy of Form ES 934 is sent to the respective USPS state coordinator by the stage agency. The MPDC retains a copy of the completed Form ES 934 for Privacy Act accounting requirements.

553.223 Request for Separation Information

If the state agency sends Form ES 934 directly to the employee's separating installation, the installation completes the form and returns it to the state agency within 4 workdays after receipt of the request. A copy of Form ES 934 is sent to the appropriate USPS state coordinator by the state agency. A copy of Form ES 934 is retained by the postal installation and one copy is forwarded to the MPDC for Privacy Act accounting requirements.

553.224 Request for Wage and Separation Information

- a. The state agency sends Form ES 934 to the MPDC, which inserts the requested wage information and forwards the form to the separating installation.
- b. The postal installation inserts the requested separation information and returns the form directly to the state agency within 4 workdays after receipt. A copy of Form ES 934 is sent to the appropriate USPS state coordinator by the state agency.
- c. A copy of Form ES 934 is returned to the MPDC for Privacy Act accounting requirements and one copy is retained by the postal installation.

553.23 Form ES 936, Verification of ES 931 (Form 6803)

- a. The MPDC is requested by state agencies to verify a sampling of Forms 6803 completed by the MPDC. Request for sampling verification of these forms is made semiannually on Form ES 936.
- b. Form ES 936 shows the name of the claimant, Social Security number, payroll account number (if available), and the date that Form 6803 was requested.
- c. Form ES 936 is completed, when possible, by a person other than the one who prepared the related Form 6803. If the verification is made by the same person, Form ES 936 is reviewed by an authorized certifying officer.
- d. Form ES 936 is completed and returned to the requesting state agency within 4 workdays after receipt of the request.

554 **Appeals**

554.1 **State Law Requirements**

554.11 State employment security laws provide (a) for administrative appeals at two levels in state agency proceedings and (b) for appeals to state courts. Appeals may be initiated by the claimant or by the USPS.

554.12 The state agency's notice of determination of a claimant's benefit rights includes (a) the determination and the basis for it, and (b) information concerning appeal rights and the time within which an appeal may be filed.

554.2 **Initial Level Appeals by Claimants**

All claimants, including former probationary employees, have the right to request additional information (see 553.22) for clarification of USPS findings or to correct errors and omissions in their records. If a claimant is not satisfied with a state agency's determination, the claimant has the right to appeal the determination. Notices of such appeals received by postal managers are referred to their respective USPS state coordinators (see 554.414).

554.3 **Initial Level Appeals by the Postal Service**

554.31 **Cause to Appeal**

If the USPS believes that a state agency's determination in awarding unemployment compensation is incorrect, the USPS may appeal the determination under the applicable state employment security law.

554.32 **Initiation of Appeal**

The USPS state coordinator files an appeal whenever:

- a. The state agency appears to have misinterpreted or disregarded the USPS's findings.
- b. The USPS believes the determination is not in accordance with the provisions of the state employment security law.

554.4 **Postal Service Participation in Appeals**

554.41 **Representation**

554.411 **Preparation for Appeal**

The USPS state coordinator:

- a. Ensures that the Postal Service is represented at state unemployment compensation appeal hearings (representation should include USPS employee(s) with first-hand knowledge of the case).
- b. Ensures that all documented evidence that supports the USPS's position is submitted.

554.412 **As a Witness**

A postal representative with first-hand knowledge of the case in question who appears before a state appeal hearing as a witness on behalf of the USPS

provides evidence concerning the facts that support USPS findings. Evidence provided at state appeal hearings may be in the form of oral testimony or written documentation. (For sources of information to be used as evidence, see 554.43.)

554.413 **As an Appellant**

When the USPS initiates an appeal against a state agency's determination (see 554.31), the USPS state coordinator ensures the presence of a postal representative at the state appeal hearing. The postal representative is an individual who has first-hand knowledge of the facts in the appeal case. The representative offers oral testimony or written documentation as argument in support of the USPS findings. (For sources of information to be used as evidence, see 554.43.)

554.414 **As an Appellee**

When the USPS receives a notice of an appeal hearing in which it is an appellee, the USPS state coordinator reviews the facts of the case and notifies a postal representative having first-hand knowledge of the case to appear on its behalf. The representative presents oral testimony or written documentation (see 554.43) in support of USPS findings.

554.42 **New Evidence by Claimant**

In those appeal hearings in which a claimant introduces new evidence, the USPS representative either replies with Postal Service evidence and arguments or requests a continuation of the case in order to prepare a response to the new evidence.

554.43 **Disclosure of Information**

554.431 **Routine**

During a state unemployment compensation appeal hearing, the Postal Service has the legal authority to disclose all relevant information from any of the systems of records appearing in the list in Chapter 3 of the *Administrative Support Manual (ASM)*. All postal records presented as evidence during state appeal hearings are excised of all irrelevant information not pertaining to the claimant's reason(s) for separation and for the appeal or the Postal Service's reason(s) for separation of the claimant and for the appeal.

554.432 **Medical Records**

Only medical information that directly relates to the reason(s) the claimant was separated can be presented as evidence during a state appeal hearing. However, in those instances in which the relevant information contains a reference to a malignancy or mental condition, a medical officer is contacted for the purpose of determining whether the claimant previously has been made aware of its existence. If the claimant has not been made aware of the condition, the information is not to be disclosed. If such evidence is essential to the USPS case, a cautionary statement is sent to the state referee prior to the hearing, indicating the importance of such evidence and the possible psychological effect it may have on the claimant if released during the hearing.

554.433 **Inspection Service Records**

Whenever documents originated by the Inspection Service are involved in an appeal hearing, the appropriate Inspector-in-Charge is notified by the USPS state coordinator. The material in question is referred to the Chief Postal Inspector for review and approval prior to release.

554.434 **Chief Field Counsel**

The Chief Field Counsel is consulted when any questions or problems arise in interpreting USPS Privacy Act regulations or interpreting implementation instructions. The Chief Field Counsel is consulted if:

- a. Disclosure of certain relevant information contained in Personnel Investigation Records may reveal the identity of a source who has requested confidentiality.
- b. Disclosure of certain relevant information contained in either Personnel Research and Test Validation Records, or Recruiting, Examining, Training, and Placement Records might jeopardize the fairness or objectivity of an examination process.

554.5 **Appeals (Second Level) to State Appellate Board**

Either the claimant or the USPS may appeal a determination made by the initial level state appeal authority to the second level state appellate authority, which is usually the State Appeals Board. The initial level appeal determination indicates the basis for such a determination, as well as the time frame in which an appeal can be filed. When a USPS state coordinator receives an initial level appeal determination that continues to contradict the USPS findings based on either of the reasons outlined in 554.32, the USPS state coordinator files an appeal based on such arguments. Participation by the USPS in second level state appeals are conducted in the same manner as in the initial level appeal process (see 554.4).

554.6 **Postal Service Appeals to State Courts**

When a determination has been rendered by a State Appellate Board that continues to contradict USPS findings, the USPS state coordinator immediately contacts the Chief Field Counsel, who initiates appeals to state courts.