U.S. Department of Labor

Office of Inspector General
Washington, D.C. 20210

June 16, 2021

MEMORANDUM FOR: SUZAN G. LEVINE
Principal Deputy Assistant Secretary for
Employment and Training

FROM: CAROLYN R. HANTZ
Assistant Inspector General
for Audit

SUBJECT: **Alert Memorandum:** The Employment and Training Administration Needs to Issue Guidance to Ensure State Workforce Agencies Provide Requested Unemployment Insurance Data to the Office of Inspector General
Report Number: 19-21-005-03-315

The purpose of this memorandum is to alert you to a concern the Office of Inspector General (OIG) has determined needs immediate action. Specifically, the Department of Labor's (DOL) interpretation of federal regulations and the Employment and Training Administration's (ETA) subsequent guidance to State Workforce Agencies (SWA) limit the SWAs' mandatory sharing of Unemployment Insurance (UI) information in only those circumstances where the OIG is conducting an investigation into a particular instance of suspected UI fraud. This is contrary to the Inspector General Act of 1978 (IG Act) which authorizes the OIG to obtain UI information for all purposes (e.g. audit and investigative) to prevent and detect fraud, waste and abuse within the UI program. Further, contrary to federal regulation, 20 CFR § 603.6, governing ETA's UI information disclosure, ETA's pre-pandemic guidance set forth in UIPL 04-17, "Disclosure of Confidential Unemployment Compensation Information to the Department of Labor's Office of Inspector General," requires SWAs to enter into an agreement with the OIG before any disclosures of confidential UI information.

These disclosure limitations have prevented the OIG from obtaining critical UI claim and wage data needed to conduct timely investigative and audit work and fulfill our oversight responsibilities. To obtain the data, the OIG has had to issue two Inspector General Subpoenas to each SWA to date, on June 19, 2020 and December 11, 2020. Issuing

subpoenas to each SWA is a time and labor-intensive effort. The delays associated with subpoena issuance versus direct unencumbered access to data equates to the lack of detection and prevention of billions of dollars in potentially fraudulent claims at the earliest opportunity.

In response to a draft of this memorandum, ETA has committed to corrective action that will partly address our concerns. ETA will issue a new UIPL requiring SWAs to disclose UI information to the OIG for audit purposes through the end of the period covered by the Coronavirus Aid, Relief, and Economic Security (CARES Act), September 6, 2021. ETA said the UIPL will note that the data cannot be used for purposes other than audits and may not be disclosed outside of the U.S. government. ETA will also revise UIPL 04-17 to better clarify that SWAs are to share UI information with the OIG for fraud investigation purposes at all times, not just limited to the CARES Act period. The new and revised UIPLs will also inform SWAs that data sharing agreements are no longer required before sharing UI information with the OIG for audits and investigations.

The OIG appreciates ETA's commitment to corrective action and encourages the agency to expeditiously issue the new and revised UIPLs. However, we continue to assert that the IG Act requires SWAs provide UI information to the OIG for investigative and audit purposes at all times, without any limitations related to the CARES Act period. Additionally, the OIG's use of UI information cannot be constrained by ETA as any limitation would also be contrary to the IG Act.

DOL's Interpretation of 20 CFR § 603.6 (a) Does Not Comport with the IG Act or Other Agency Regulations

Based on the DOL Office of the Solicitor's (SOL) interpretation of 20 CFR § 603.6 (a), ETA issued UIPL 04-17 on December 16, 2016. This UIPL explains that pursuant to the regulations governing the disclosure of confidential Unemployment Compensation (UC) information, SWAs are required to disclose UI information to the OIG "solely for the purpose of investigating fraud in the UI program." The UIPL also requires SWAs to enter into an agreement with the OIG's Office of Investigations "before any disclosures of confidential UI information are made. However, ETA has provided no statutory authority that contradicts the IG Act and requires the OIG to request and use SWA UI information in a piecemeal fashion, or would allow ETA to preclude the OIG's use of SWA UI information for audits.

ETA cited 20 CFR § 603.6 (a) as the regulatory authority for ETA's guidance to SWAs, making SWA disclosure of UI information mandatory for OIG investigations, but not for audits. The regulation states:

> (a) the Department of Labor interprets Section 303(a)(1), SSA, as requiring disclosure of all information necessary for the proper administration of the UC program. This includes disclosures to claimants, employers, the Internal Revenue Service (for purposes of UC tax administration), and the U.S. Citizenship and

> Immigration Services (for purposes of verifying a claimant's immigration status).

ETA applied SOL's interpretation of this regulatory provision and issued UIPL 04-17, instructing the SWAs that: "Since investigations of fraud involving the UC program by claimants, employers, and state staff are necessary for the proper and efficient administration of the UC program, disclosure of confidential UC information to the DOL OIG [Office of Investigations]—solely for the purpose of investigating fraud in the UC program—is required." However, ETA's UIPL 04-17, and the regulations at 20 CFR 603.5 which speaks directly to audits, do not apply the same standard of "necessary for the proper and efficient administration of the UC program" to OIG audits; and therefore, does not require SWAs to disclose UI information to the OIG for audits.

ETA's current guidance to SWAs contradicts the IG Act. The OIG has the statutory duty and responsibility to conduct, supervise, and coordinate audits and investigations relating to DOL's programs and operations, including all activities carried out by the Department for the purpose of preventing and detecting fraud and abuse. The IG Act contains no provision inhibiting DOL or the SWAs from sharing of information with the OIG, and does not distinguish ETA's or the SWAs' obligations with respect to information access to any particular component within the OIG. The Department's interpretation of its regulations and subsequent guidance to SWAs has restricted the OIG's ability to effectively and efficiently conduct, supervise, and coordinate audits and investigations relating to UI programs and operations within its establishment as required under the IG Act.

Further, ETA is contradicting DOL regulations, specifically, where a permissive disclosure is made by a state under 20 CFR 603.5, 20 CFR 603.5(i). The regulations state, "The confidentiality requirement does not apply to any disclosure to a Federal official for purposes of UC program oversight and audits, including disclosures under 20 CFR part 601 and 29 CFR parts 96 and 97." Further, DOL regulations at 29 CFR §96.41, "Access to records" states:

> The Secretary of Labor, **the DOL Inspector General**, the Comptroller General of the United States, or any of their duly authorized representatives (including certified public accountants under contract), shall have access to any books, documents, papers, and records (manual and automated) of the entity receiving funds from DOL and its subrecipients/subcontractors for the purpose of making surveys, audits, examinations, excerpts, and transcripts. [Emphasis added.]

Additionally, the OIG believes ETA cannot require the states to enter into agreements with the OIG as a condition precedent to the SWAs disclosure of information to the OIG, because it contradicts a Congressionally-enacted statute, the IG Act. Further, the requirement contradicts 20 CFR § 603.6 which requires SWAs to disclose UI information necessary for the proper administration of the UI program without an agreement. The OIG also believes that any state laws that would require such agreements would be preempted by federal law, including the IG Act and case law

precedence. UIPL 04-17 and ETA's application of 20 CFR Part 603 creates an obstacle to the OIG's ability to accomplish and execute Congressionally-enacted statutes, purposes and objectives under the IG Act.

At the onset of our pandemic related oversight work, ETA asked the OIG to coordinate on ETA's draft guidance to SWAs regarding disclosure of pandemic related UI information to the OIG for investigative purposes only. The OIG provided feedback to ETA and expressed that its current guidance to SWAs would not permit SWAs to provide OIG reoccurring access to SWA UI information for both audits and investigations. However, ETA did not amend its prior guidance in UIPL 04-17 and did not issue new guidance related to disclosure of pandemic unemployment information to the OIG, as it believed it lacked the authority to require SWAs to provide UI claim and wage data to the OIG except for limited instances.

Billions of Dollars of UI Funds at Risk

ETA's guidance to the SWAs encumbered the OIG's direct access to SWA data, creating unnecessary obstacles to the expeditious and efficient use of UI claims and wage data to combat fraud. Billions of dollars in potentially fraudulent claims are at risk of not being detected and improper payments stopped at the earliest opportunity. For example, in June of 2020, the OIG resorted to issuing 54 separate Inspector General Subpoenas to SWAs requiring them to provide UI claim and wage data covering the period, March through June 2020. It took about four months for all the SWAs to provide the data and for our data scientists to follow up with the SWAs to ensure the data was complete and in a usable format.

Our investigators, auditors, and data scientists worked together to analyze the data and identified $5.4 billion in potentially fraudulent UI benefits paid to individuals with social security numbers filed in multiple states, to individuals using social security numbers of deceased persons and federal inmates, and to individuals with social security numbers used to file for UI claims with suspicious email accounts. We issued an alert memorandum notifying ETA it needed to take immediate action and increase its efforts to ensure SWAs implement effective controls to mitigate fraud in these high risk areas.[1] ETA agreed and is taking corrective action, including providing our analytics methodology and claim specific details to the SWAs for follow-up purposes. However, the delays caused by the need to issue subpoenas and the late responses allowed months to pass before these corrective actions were initiated. Significant fraud that may have been prevented is likely occurring because of the delays.

The significant risk to UI funds is further illustrated by a second round of subpoenas the OIG issued to the 54 SWAs on December 11, 2020. These subpoenas required the SWAs to provide UI claim and wage data covering an additional four month period, July 2020 through October 2020. It took over three months for all the SWAs to provide

[1] ETA Needs to Ensure SWAs Implement Effective Unemployment Insurance Program Fraud Controls for High Risk Areas, Report Number: 19-21-002-03-315

usable data. We analyzed the data from our subpoenas, covering March 2020 through October 2020, and identified a total of about $17 billion in potential fraud in the same areas discussed in our previously noted alert memorandum.[2] Our previous memo recommended establishing effective controls in the four areas. This would help to prevent similar or even greater amounts of fraud.

The subpoena process is resource and time intensive and results in the delayed detection of potentially fraudulent claims. Moreover, SWA follow up to confirm actual fraud is also delayed potentially allowing billions of dollars being paid on fraudulent claims to continue during the delays. To expeditiously and efficiently combat fraud, the OIG needs direct access to each SWAs' claim and wage data.

ETA Committed to Corrective Action

As noted, in response to our draft memorandum, ETA has now committed to corrective action that will partly address our concerns. According to ETA, the CARES Act, passed by Congress on March 27, 2020, provides ETA the authority to require SWAs to share UI data with the OIG for the purpose of audits, in addition to the UIPL guidance which already requires disclosing this information for fraud investigations. ETA stated that since their authority is provided by the CARES Act, its new UIPL will only require SWAs to disclose UI information to the OIG for audit purposes for weeks of unemployment beginning January 27, 2020 through September 6, 2021. ETA stated the UIPL will clarify that states are not required to enter into data sharing agreements before sharing data with the OIG for audits; and that the information cannot be used for purposes other than audits and may not be disclosed outside of the U.S. government.

ETA also stated it would also revise UIPL 04-17, which currently requires SWAs to enter into data sharing agreements with the OIG before disclosing information for fraud investigations. The revised UIPL will notify SWAs that they are no longer required to enter into such agreements when sharing UI information with the OIG for fraud investigations. The revised UIPL will also make clear that SWAs are required to share confidential UC information with the OIG for fraud investigation purposes at all times, and not just limited to the CARES Act period.

The OIG appreciates ETA taking action to require SWAs to provide UI information for audit purposes. However, we continue to assert that the IG Act requires SWAs provide UI information to the OIG for audit purposes at all times, without any limitations related to the CARES Act or any other periods. Further, the OIG's use of UI information cannot

[2] Our analysis covered the period March 2020 to October 2020 and included the potential fraud noted in our previously discussed alert memorandum. In total, we identified $12.1 billion paid to individuals with social security numbers filed in multiple states, $4.5 billion paid to individuals with social security numbers used to file claims with suspicious email accounts, $303.4 million paid to individuals with social security numbers of federal inmates, and $105.2 million paid to individuals with social security numbers of deceased persons, The almost $17 billion total also includes about $915 million in potential fraud that was identified under more than one category. The $17 billion is included in the funds for better use total of $39.2 billion reported in COVID-19: States Struggled to Implement Cares Act Unemployment Insurance Programs, Report Number: 19-21-004-03-315 (issued May 28, 2021).

be constrained by ETA as any purported limitation to OIG activities by an agency would also be contrary to the IG Act. We believe that the IG Act, Social Security Act, and current DOL regulations permit ETA to amend its guidance to SWAs to require the provision of UI claim and wage data to the OIG for use in our audits and investigations. As such, SOL's interpretations and ETA's planned guidance will continue to: (1) restrict OIG's independence; (2) impede OIG's access to critical UI information; and (3) hamper the OIG's timely accomplishment of its mission.

Legislation Authorizing Additional UI Funding

The CARES Act and subsequent legislation have authorized approximately $872.5 billion in UI funds to assist American citizens with pandemic-related employment issues and challenges. This includes approximately $202 billion added by the American Rescue Plan Act on March 11, 2021. The OIG is concerned UI program fraud and other related improper payments will continue to increase at an alarming and historical rate.

ETA's role is vital in ensuring SWAs disclose all UI information that will assist with the OIG's mission to effectively identify fraud, waste and abuse in one of the Department's most pressing programs, particularly under the CARES Act and subsequent legislation. In order for the OIG to prevent and mitigate further improper and fraudulent payments occurring in the UI program, ETA must remove any data access restrictions stated or implied in the regulations and UIPL 04-17 and require SWAs to comply with requests for UI data from the OIG without need for the OIG to issue a subpoena for every disclosure. In addition to access to historical UI data from SWA systems, we believe that real-time direct access to UI data would further assist the OIG to effectively and efficiently identify large-scale fraud, and expand its current efforts to share emerging fraud trends with state workforce partners in order to strengthen the UI program and likely prevent fraud before it occurs.

ETA has committed to continuing to work with the OIG to find ways to help the OIG obtain the data it needs to conduct audits and fraud investigations of the UI program after the conclusion of the UI programs authorized by the CARES Act up to and including consideration of amending 20 CFR 603.5 and 603.6(a) through the rulemaking process. We look forward to continuing to work collaboratively with ETA, SWAs, and Congress to improve the efficiency and integrity of the UI program.

Recommendations

We recommend the Principal Deputy Assistant Secretary of Employment and Training:

1. Amend 20 CFR 603.5 and 603.6(a) through the rulemaking process to reinforce that UI information must be provided to DOL OIG for all IG engagements authorized under the IG Act, including audits, evaluations, and investigations.

2. Issue a new UIPL within 15 days of this memorandum to instruct SWAs that disclosure of information to the OIG for audits, evaluations, and investigations is mandatory without need for a subpoena, and that the OIG will notify SWAs directly of current and future information disclosure requirements, to include data elements.

3. Ensure the new UIPL guidance advises SWAs that they may not require the OIG to enter into data sharing agreements as a prerequisite to disclosure of information to the OIG for audits, consistent with the IG Act and federal law.

4. Ensure revisions to UIPL 04-17 advise SWAs that data sharing agreements are not required when sharing UI claim and wage data with the OIG for fraud investigations. The revised UIPL should make clear that SWAs shall share UI claim and wage data with the OIG for fraud detection and investigative purposes, not limiting the sharing to investigations into a particular instance of suspected UI fraud.

5. Continue to work with the OIG, and within 30 days of the memorandum, meet with the OIG to develop a permanent approach for OIG access to UI data.

ETA provided us their response to the draft alert memorandum and recommendations. We have included ETA's response to the alert memorandum. (See Attachment)

Attachment

cc: Jim Garner, Acting Administrator, Office of Unemployment Insurance
Laura P. Watson, Administrator, Office of Grants Management
Greg Hitchcock, Special Assistant, Office of Grants Management
Julie Cerruti, Audit Liaison

Attachment

U.S. Department of Labor

Employment and Training Administration
200 Constitution Avenue, N.W.
Washington, D.C. 20210

June 15, 2021

MEMORANDUM FOR: CAROLYN R. HANTZ
Assistant Inspector General for Audit

FROM: SUZAN G. LEVINE
Principal Deputy Assistant Secretary

SUBJECT: Response to the Office of Inspector General Alert Memorandum: *The Employment and Training Administration Needs to Issue Guidance to Ensure State Workforce Agencies Provide Requested Unemployment Insurance Data to the Office of Inspector General*

The U.S. Department of Labor's (Department) Employment and Training Administration (ETA) greatly appreciates the opportunity to respond to the Office of Inspector General's (OIG) Alert Memorandum and its recommendations. The detection and prevention of fraud in the Unemployment Insurance (UI) programs is of the utmost importance and priority for the Biden-Harris Administration. The Department understands that the topic of OIG access to unemployment insurance (UI) program data is an unresolved issue from the prior Administration. This Administration is very committed to solutions to help fight fraud.

This Administration inherited an enormous amount of fraud in these programs, including as a result of a new wave of criminal syndicates using stolen personally identifiable information (PII) to access UI benefits, and since the beginning has shown a serious commitment to fighting fraud, supporting robust oversight of relief programs, and finding solutions as quickly as possible. That is why the Administration worked with Congress to allocate $2 billion in the American Rescue Plan Act (ARP) to prevent and detect fraud, promote equity, and ensure timely payments to legitimate claimants. We are committed to this goal, and are providing new solutions aimed at reversing problems from the past Administration.

The Biden-Harris Administration is dedicated to working with the OIG and State Workforce Agencies (SWAs) to support the sharing of data with the OIG as permitted by law and, as detailed below, is taking a number of significant new steps to provide UI program data to the OIG. In a substantial change in policy from the prior Administration, ETA will issue an Unemployment Insurance Program Letter (UIPL) mandating that State Workforce Agencies (SWAs) provide UI data to the OIG for the entirety of the pandemic relief period as authorized by the CARES Act and the ARP. This will help the Department continue to build upon a constructive and productive relationship with the OIG.

ETA Commits to Revised/New Guidance

Recognizing the urgency of taking immediate action to prevent fraud in the UI program, ETA has committed to issuing new guidance to facilitate the OIG obtaining UI information.

First, ETA intends to issue guidance under the authority of the Coronavirus Aid, Relief, and Economic Security (CARES) Act requiring states to share UI data with the OIG for the purpose of audits (This would be in addition to ETA's already active guidance which requires disclosing this information for fraud investigations). Because the CARES Act specifically provides ETA with the authority to implement the CARES Act UI programs via guidance instead of rulemaking, ETA will issue an Unemployment Insurance Program Letter (UIPL) to require states to disclose data to the OIG for audit purposes for weeks of unemployment beginning after January 27, 2020, through weeks of unemployment ending before September 6, 2021, the period of time covered by the CARES Act, as amended by ARP. The guidance will make clear that states are not required by Federal law to enter into data sharing agreements before sharing data with the OIG for audits.

Second, ETA will revise UIPL 04-17, which currently requires states to disclose information for fraud investigations and requires that, before doing so, states must enter into data sharing agreements with the OIG. ETA will revise this UIPL to make it clear that states are not required by Federal law to enter into such agreements when sharing data with the OIG for fraud investigations. ETA has also committed to continuing to work with the OIG to find ways to help the OIG obtain the data it needs to conduct audits and fraud investigations of the UI program after the conclusion of the UI programs authorized by the CARES Act, as amended by ARP.

ETA Offers Clarifications Regarding Elements of this Alert

ETA would also like to provide clarification with regard to several statements in the OIG's Alert Memorandum regarding current legal requirements.

First, ETA wishes to note that the Alert Memorandum does not acknowledge or account for the many efforts states have undertaken since the early months of the COVID-19 pandemic to improve the ability of state UI agencies to detect and prevent fraud in the UI programs. Many states have taken significant and successful actions to implement additional integrity controls and tools and have deployed staff to conduct fraud investigation activities. For example, many states have implemented and started using identity proofing solutions offered by private vendors, especially since the requirement for identity verification was added to the Pandemic Unemployment Assistance program with the enactment of the Continued Assistance to Unemployed Workers Act on December 27, 2020. In terms of utilizing a system for doing cross-state evaluation for fraud, states have significantly increased their usage of the resources to combat UI fraud available through the UI Integrity Center's Integrity Data Hub (IDH).

Second, Consistent with its statutory authority under the SSA, ETA issued the regulations at 20 CFR part 603 through notice and comment rulemaking to set forth the confidentiality and disclosure requirements derived from the "methods of administration" requirement of Section 303(a)(1) of the SSA. Therefore, under Federal UI law, the regulation at 20 CFR 603.5(i) is the

current controlling authority with respect to the disclosure of Unemployment Compensation (UC) confidential information for UC program oversight and audits. While the Alert Memorandum states that ETA's current guidance to SWAs contradicts the IG Act, ETA must go through notice and comment rulemaking to change that regulation.

Third, the Alert Memorandum states that ETA's position contradicts 20 CFR 603.5(i), which provides that "[t]he confidentiality requirement does not apply to any disclosure to a Federal official for purposes of UC program oversight and audits, including disclosures under 20 CFR part 601 and 29 CFR parts 96 and 97." 20 CFR 603.5 contains the exceptions to the confidentiality requirements that are permissive disclosures, that is, disclosures SWAs are permitted to make, but are not required to make under Federal UI law. The introduction to 603.5 provides: "Disclosure of confidential UC information is *permissible* under the exceptions in paragraphs (h) and (i) of this section without such restrictions." (emphasis added). Thus, 603.5 means that where a state makes a permissive disclosure for purposes of UC program oversight and audits, the confidentiality requirements do not apply to that disclosure. ETA is unable to change this provision absent notice and comment rulemaking.

Finally, at the onset of the COVID-19 pandemic (i.e., as of March 20, 2020), 21 states were officially signed up to use the Suspicious Actor Repository (SAR) and only three states were using the recently developed Multistate Cross-Match (MSCM). These tools allow states to increase their investigative abilities by sharing information across state lines about suspected UI fraud. As of July 3, 2020, the usage of the SAR grew to 23 states and 13 states were using MSCM. Also, in July 2020, the IDH added an identity verification dataset (IDV) for state use. As of April 26, 2021, usage had risen to 43 states using the SAR, 39 states using MSCM, and 29 states using IDV. ETA continues to identify, prioritize, and expand the datasets available through the IDH and actively promotes the use of the UI Integrity Center resources by states. ETA has also heard from some states that, because of the states' increased anti-fraud measures, most of the OIG data leads they recently received, which came from the previously subpoenaed data, overlapped with the leads received from their own systems and had already been identified as potentially fraudulent.

Again, ETA thanks the OIG for the opportunity to provide feedback. We also reiterate our continuing interest and willingness to collaborate with the OIG to combat imposter fraud and improper payments and to strengthen and improve the UI program.

Responses to OIG Recommendations

Below, please find ETA's responses to the OIG's recommendations in the Alert Memorandum and the proposed action steps to address them.

Recommendation 1: Amend 20 CFR 603.5 and 603.6(a) through the rulemaking process to reinforce that UI information must be provided to DOL OIG for all IG engagements authorized under the IG Act, including audits, evaluations, and investigations.

ETA Response: As stated above, ETA is committed to working with the OIG on finding a longer-term solution regarding access to state UI data. ETA is keeping all options open in

finding a long-term approach, which may include changes to existing regulations through notice and comment rulemaking.

Recommendation 2: Issue a new UIPL within 15 days of this memorandum to instruct SWAs that disclosure of information to the OIG for audits, evaluations, and investigations is mandatory without need for a subpoena, and that the OIG will notify SWAs directly of current and future information disclosure requirements, to include data elements.

ETA Response: ETA concurs and reaffirms the proposed action plan it made to the OIG, specifically its plan to issue new guidance pursuant to the authority provided in the CARES Act and as set out in the body of the OIG's Alert Memorandum as well as reflected in ETA's response above. ETA will work diligently to publish the new and updated guidance as quickly as possible; however, issuing guidance within 15 days may not be possible given the many factors that will need to go into the development of this new guidance and the need to make sure the direction given to states is accurate and viable.

Recommendation 3: Ensure the new UIPL guidance advises SWAs that they may not require the OIG to enter into data sharing agreements as a prerequisite to disclosure of information to the OIG for audits, consistent with the IG Act and federal law.

ETA Response: ETA will include language in the UIPL that advises SWAs that Federal law does not require data sharing agreements when sharing UI claim and wage data with the OIG for audits.

Recommendation 4: Ensure revisions to UIPL 04-17 advise SWAs that data sharing agreements are not required when sharing UI claim and wage data with the OIG for fraud investigations. The revised UIPL should make clear that SWAs shall share UI claim and wage data with the OIG for fraud detection and investigative purposes, not limiting the sharing to investigations into a particular instance of suspected UI fraud.

ETA Response: ETA will issue guidance explaining that agreements are not required when sharing UI claim and wage data with the OIG for fraud investigations. ETA will also issue guidance making it clear that, under the authority of the CARES Act for weeks of unemployment after January 27, 2020 through weeks of unemployment ending before September 6, 2021, SWAs must share UI claim and wage data with the OIG for fraud detection and investigative purposes, not limiting the sharing to investigations into a particular instance of suspected UI fraud.

Recommendation 5: Continue to work with the OIG, and within 30 days of the memorandum, meet with the OIG to develop a permanent approach for OIG access to UI data.

ETA Response: ETA concurs with this recommendation and will continue to work with the OIG on a path forward.