

Disputes and Reconsiderations

Outcome decisions

1. The four key steps in the disputes and reconsideration process following an outcome decision are:
 - explanation;
 - dispute;
 - reconsideration; and
 - appeal.
2. The notification that tells a claimant of an outcome decision does not include the reasons for that decision.
3. A claimant is entitled to request a written explanation of reasons, providing they request it within one calendar month from the day following the date of notification.
4. A written statement of reasons must:
 - be personalised;
 - attempt to explain why the decision was made;
 - provide full details of how the regulations were applied;
 - provide information on time limits for disputing or appealing against the decision;
 - be issued within 14 days of the claimant's request; and
 - tell the claimant that no further action will be taken unless they contact us.
5. If a claimant asks for a written statement of reasons within one calendar month, the time limit for disputing/appealing is extended by 14 days.

Explanation

6. The first step of the disputes and reconsideration process starts when a claimant queries their outcome decision and requests an explanation of that decision.
7. The explanation must specifically cover all the points the claimant raises and, whenever possible, this should be by telephone.
8. Face to face or written explanations can be provided if the claimant requests or a telephone call is not suitable.
9. Telephone discussions enable misunderstanding to be identified, discussed and clarified and can be useful if the claimant has literacy or language problems.
10. During the explanation discussion, try and identify whether there is any further evidence the claimant can provide.
11. Evidence can be oral or written, however, if oral, it is important that it is recorded in full and held with the claimant's record.
12. Evidence that was not available for the initial decision is important in informing reconsiderations, or, if the outcome decision is unaltered, any subsequent appeal that might be made.
13. All explanations must be recorded in dialogue JA320: Explanations and Reconsiderations.

14. If the claimant is not satisfied with the explanation, they can:

- apply for a revision of the decision; or
- appeal against the original or reconsidered decision.

Claimant disputes an outcome decision

15. A dispute arises where a claimant is not satisfied with the outcome decision and can be:

- after they have had a basic or detailed explanation; or
- without them having an explanation.

16. If a claimant is not satisfied, they can apply for a revision of the outcome decision. This request must be received within one calendar month from the day following the date of notification and can be:

- in writing; or
- orally.

Written enquiries about an outcome decision

17. If the claimant sends a letter querying an outcome decision, determine whether the enquiry is:

- a request for a written statement of reasons:
 - if it includes words such as:
 - ‘reasons for a decision’.
- a request for an explanation:
 - if it includes words such as:
 - ‘more information’; or
 - ‘explain the decision’.
- an application for revision:
 - if it includes words such as:
 - ‘look at again’;
 - ‘reconsider’;
 - ‘revision’;
 - ‘change decision’; or
 - ‘not happy’;
- an application for appeal:
 - if it includes words such as:
 - ‘appeal’.

Request for a written statement of reasons

18. If a claimant requests a written statement of reasons for the outcome decision:

Step	Action
1	check that the request was received within one calendar month from the day following the date of notification;
2	access dialogue JA510: Notepad Enquiry to check whether or not an

	explanation has already been given;
3	<p>access dialogue JA320: Explanations and Reconsiderations and, on the DECISION PICKLIST screen JA320323:</p> <ul style="list-style-type: none"> • select the relevant outcome decision; • press [F1] to go to the: <ul style="list-style-type: none"> ◦ EXPLANATION/STATEMENT DETAILS screen JA320335 if no explanations have been recorded for this decision; or ◦ EXPLANATION PICKLIST screen JA320334 if any explanations have been recorded; • press [ENTER] to go to the EXPLANATION/STATEMENT DETAILS screen JA320335;
4	<p>if:</p> <ul style="list-style-type: none"> • no explanations have been recorded for this decision, go to step 5; • any explanations have already been recorded, go to step 6;
5	<p>access the EXPLANATION/STATEMENT DETAILS screen JA320335 and record:</p> <ul style="list-style-type: none"> • the date that the claimant requests the written statement in the: <ul style="list-style-type: none"> ◦ 'Explanation requested' field; and ◦ 'Written statement requested on' field; • the date that the written statement is sent in the 'Explanation given to jobseeker' field; • the method of request in the 'Method' field; • [Written statement requested – referred to DM] in the 'Explanation/reconsideration reason' field; <p>Note: case control S216 will appear on the Work Available Report JA72539 after 7 days and after a further 14 days on the Overdue Work Report JA72525 to prompt completion of the 'Result' field;</p>
6	record the date that the claimant requests the written statement in the 'Written statement requested on' field on the EXPLANATION/STATEMENT DETAILS screen JA320335;
7	prepare a written statement of reasons on draft letter DLJA508;
8	<p>access dialogue JA110: Maintain Notepad and input:</p> <ul style="list-style-type: none"> • [written statement issued dd/mm/yy].

Request for an explanation

19. If a claimant requests an explanation of an outcome decision:

Step	Action
1	<p>check if the claimant has already had a detailed explanation, to do this:</p> <ul style="list-style-type: none"> • access the EXPLANATION PICKLIST screen JA535165 of dialogue JA535: Explanation and Reconsiderations Enquiry to view explanations given; • select one of the explanations and press [ENTER] to go to the

	EXPLANATION/STATEMENT DETAILS screen JA535166;
2	if the claimant: <ul style="list-style-type: none"> • has not already had an explanation: <ul style="list-style-type: none"> ◦ go to step 3; • has already had a detailed explanation: <ul style="list-style-type: none"> ◦ refer to a Decision Maker to reconsider the decision;
3	try to contact the claimant by telephone unless they have specifically asked for a written reply;
4	prepare and issue written explanation.

Request for a revision

20. If a claimant requests revision of an outcome decision:

Step	Action
1	check if the claimant has already had a detailed explanation, to do this: <ul style="list-style-type: none"> • access the EXPLANATION PICKLIST screen JA535165 of dialogue JA535: Explanation and Reconsiderations Enquiry to view explanations given; • select one of the explanations and press [ENTER] to go to the EXPLANATION/STATEMENT DETAILS screen JA535166;
2	if the claimant: <ul style="list-style-type: none"> • has not already had an explanation: <ul style="list-style-type: none"> ◦ go to step 3; • has already had a detailed explanation: <ul style="list-style-type: none"> ◦ refer to a decision maker to reconsider the decision;
3	try to contact the claimant by telephone: <ul style="list-style-type: none"> • if they can be contacted: <ul style="list-style-type: none"> ◦ offer to explain the outcome decision; and ◦ go to step 5; • if they cannot be contacted: <ul style="list-style-type: none"> ◦ go to step 4;
4	<ul style="list-style-type: none"> • access dialogue JA110: Maintain Notepad, or enter on form A6, that the claimant is not satisfied with the decision; • refer to a Decision Maker to reconsider the decision;
5	check whether the claimant is satisfied with the decision and whether they still want the decision to be looked at again; <ul style="list-style-type: none"> • if they do: <ul style="list-style-type: none"> ◦ go to step 6; • if they do not: <ul style="list-style-type: none"> ◦ go to step 7;
6	<ul style="list-style-type: none"> • access dialogue JA110: Maintain Notepad, or enter on form A6, that the claimant is not satisfied with the decision; • refer to a Decision Maker to reconsider the decision;
7	<ul style="list-style-type: none"> • ask the claimant to withdraw the application for revision in

	writing; <ul style="list-style-type: none"> • access dialogue JA530: Case Controls and set a case control for five working days; • access dialogue JA110: Maintain Notepad, or enter on form A6, that the claimant is satisfied with the decision and no further action is required.
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Application for an appeal

21. If the letter is an application for an appeal:

Step	Action
1	check if the claimant has already had a detailed explanation, to do this: <ul style="list-style-type: none"> • access the EXPLANATION PICKLIST screen JA535165 of dialogue JA535: Explanation and Reconsiderations Enquiry to view explanations given; • select one of the explanations and press [ENTER] to go to the EXPLANATION/STATEMENT DETAILS screen JA535166;
2	if the claimant: <ul style="list-style-type: none"> • has not already had an explanation: <ul style="list-style-type: none"> ◦ go to step 3; • has already had a detailed explanation: <ul style="list-style-type: none"> ◦ refer to a decision maker to reconsider the decision;
3	try to contact the claimant by telephone: <ul style="list-style-type: none"> • if they can be contacted: <ul style="list-style-type: none"> ◦ offer to explain the outcome decision; and ◦ go to step 5; • if they cannot be contacted: <ul style="list-style-type: none"> ◦ go to step 4;
4	<ul style="list-style-type: none"> • access dialogue JA110: Maintain Notepad, or enter on form A6, that the claimant is not satisfied with the decision; • refer to a Decision Maker to reconsider the decision;
5	check whether the claimant is satisfied with the decision; <ul style="list-style-type: none"> • if they refuse the explanation and want the appeal to go ahead: <ul style="list-style-type: none"> ◦ go to step 6; • if they accept the explanation but still wish the appeal to go ahead: <ul style="list-style-type: none"> ◦ go to step 6; • if they accept the explanation and want to withdraw the appeal: <ul style="list-style-type: none"> ◦ go to step 7;
6	<ul style="list-style-type: none"> • access dialogue JA110: Maintain Notepad, or enter on form A6, that the claimant is not satisfied with the decision; • refer to a Decision Maker to reconsider the decision;
7	<ul style="list-style-type: none"> • ask the claimant to withdraw the appeal in writing; • access dialogue JA530: Case Controls and set a case control

	for five working days; <ul style="list-style-type: none"> • access dialogue JA110: Maintain Notepad, or enter on form A6, that the claimant is satisfied with the decision and no further action is required.
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Errors identified during an explanation

22. If an error is identified during an explanation:

Step	Action
1	access dialogue JA320: Explanations and Reconsiderations and record the details;
2	refer to a Decision Maker to reconsider the decision.

Oral enquiries about an outcome decision

23. If a claimant orally disputes the outcome decision, keep a record of the request and the reasons for the dispute. This information is:

- needed in case the claimant appeals;
- used by the Decision Maker (DM) when considering the decision; and
- recorded in dialogue JA320: Explanations and Reconsiderations.

24. When a claimant applies for a revision, record:

- which part of the outcome decision they are disputing, for example
 - the payment component; or
 - the labour market component; and
- the reason for the dispute, for example:
 - claimant has new information;
 - there has been a change in the claimant's circumstances.

Claimant applies for a revision

25. If the claimant orally applies for a revision:

Step	Action
1	record the reasons for the dispute on form DR7;
2	access the EXPLANATION/STATEMENT DETAILS screen JA320335 of dialogue JA320: Explanations and Reconsiderations and complete the 'Explanation/Reconsideration reason' field;
3	access the DECISION PICKLIST screen JA535161 of dialogue JA535: Explanation and Reconsiderations Enquiry and: <ul style="list-style-type: none"> • select the outcome decision the claimant is disputing; • press [F1] to go to the EXPLANATION PICKLIST screen JA535165 ; • press [ENTER] to go to the EXPLANATION/STATEMENT DETAILS screen JA535166;
4	check in the EXPLANATION/STATEMENT DETAILS screen JA535166 whether the claimant has had an explanation about the decision, and:

	<ul style="list-style-type: none"> • if they have not: <ul style="list-style-type: none"> ◦ offer them an explanation; • if they have or they do not want one; <ul style="list-style-type: none"> ◦ go to step 5;
5	<p>check that the dispute is within the time limits, and:</p> <ul style="list-style-type: none"> • if it is: <ul style="list-style-type: none"> ◦ go to step 6; • if it is not, check whether it can be extended, and: <ul style="list-style-type: none"> ◦ if it can be extended: <ul style="list-style-type: none"> – go to step 6; ◦ if it cannot be extended: <ul style="list-style-type: none"> – issue DL/REC1 to tell the claimant that the decision cannot be reconsidered; – access the RECONSIDERATION DETAILS screen JA320327 of dialogue JA320: Explanations and Reconsiderations and enter [R] in the 'Result' field; <p>See, the Decision Makers Guide, Volume 1, Chapter 5</p>
6	<p>check in the RECONSIDERATION DETAILS screen JA535163 whether the decision has already been reconsidered, and:</p> <ul style="list-style-type: none"> • if it has: <ul style="list-style-type: none"> ◦ go to step 7; • if it has not; <ul style="list-style-type: none"> ◦ go to step 8;
7	<p>if the decision has already been reconsidered and there was no changes, it can be reconsidered again, providing the claimant applies within the time limits. In this case, continue action from step 4;</p>
8	<p>access the RECONSIDERATION DETAILS screen JA320327 and enter the date that the claimant applies for a revision in the 'Start date' field;</p>
9	<p>refer to a Decision Maker (DM), preferably not the DM who made the original decision, for reconsideration;</p>
10	<p>when reconsidering an out come decision, the DM must:</p> <ul style="list-style-type: none"> • clarify the reason(s) for the dispute; • identify the information used when making the original decision; • ask the claimant for further information, if required; • look again at the evidence, fact and law to ensure that the whole decision is correct; • keep a record of all the main steps taken during the process; • record all information on form LT54 or A6;
11	<p>after reconsideration, the outcome decision will either:</p> <ul style="list-style-type: none"> • not change; or • change;
12	<p>access the RECONSIDERATION DETAILS screen JA535163 and check in the 'Aspect' field whether the outcome decision is made up of:</p>

	<ul style="list-style-type: none"> • a payment component only, and if so: <ul style="list-style-type: none"> ◦ go to step 13; • labour market and payment components, and if so: <ul style="list-style-type: none"> ◦ go to step 16;
13	<p>access the RECONSIDERATION DETAILS screen JA320327 and input:</p> <ul style="list-style-type: none"> • the date the reconsideration was completed in the 'End date' field; • [P] in the 'Aspect of Decision for Reconsideration' field; • [Y] or [N] in the 'Appeal received' field to indicate whether an appeal has already been received; • result of the reconsideration in the 'Result' field, for example: <ul style="list-style-type: none"> ◦ [A] adverse; ◦ [F] favourable; or ◦ [N] no change;
14	<p>if the result is 'Adverse' or 'Favourable':</p> <ul style="list-style-type: none"> • press [F4] to fastpath to dialogue JA060: Register Claim/Event; • record a 'Change of circumstances' event [02] with an event sub type of 'Reconsideration' [19]; • complete the change of circumstances action as usual, using dialogues: <ul style="list-style-type: none"> ◦ JA091: Maintain Claim Details; ◦ JA200: Award and Decision; and ◦ JA405: Compute Payment;
15	if the result is 'No change', there is no further action to take;

26. if the outcome decision is made up of labour market and payment components:

Step	Action
1	<p>access the EXPLANATION/STATEMENT DETAILS screen JA320335 of dialogue JA320: Explanations and Reconsiderations and check whether the claimant is satisfied with the labour market component;</p> <ul style="list-style-type: none"> • if they are satisfied: <ul style="list-style-type: none"> ◦ follow the action in steps 13 to 15 above; • if they are not satisfied: <ul style="list-style-type: none"> ◦ go to step 2;
2	<p>access the MAINTAIN DECISIONS screen JA210212 in dialogue JA210: Maintain Suspension and Decision Details and input:</p> <ul style="list-style-type: none"> • [O] in the 'ES Action' field;
3	<p>access the RECONSIDERATION DETAILS screen JA320327 and input:</p> <ul style="list-style-type: none"> • the date the reconsideration action was completed in the 'End date' field; • [B] in the 'Aspect of decision for reconsideration' field; • [Y] or [N] in the 'Appeal received' field to indicate whether an

	appeal has already been received; <ul style="list-style-type: none"> • result of the reconsideration in the 'Result' field, for example: <ul style="list-style-type: none"> ○ [A] adverse; ○ [F] favourable; or ○ [N] no change;
4	access the MAINTAIN DECISIONS screen JA210212 in dialogue JA210: Maintain Suspension and Decision Details to: <ul style="list-style-type: none"> • amend the 'ES Action' field to [E]; • complete the following fields: <ul style="list-style-type: none"> ○ 'AR period in doubt'; ○ 'Decision'; ○ 'Decision date' and, if appropriate: <ul style="list-style-type: none"> – 'JS85 number'; – 'FTA time'; and – 'Employer'
5	if the result is 'Adverse' or 'Favourable': <ul style="list-style-type: none"> • access dialogue JA060: Register Claim/Event and record: <ul style="list-style-type: none"> ○ event type [02]; and ○ event subtype [19] • complete the change of circumstances action as usual, using dialogues: <ul style="list-style-type: none"> ○ JA091: Maintain Claim Details; ○ JA200: Award and Decision; and ○ JA405: Compute Payment;
6	if the result is 'No change', there is no further action to take;

Appeal received

27. When an appeal is received, it must be registered in dialogue JA060: Register Claim/Event.

28. Before submitting any appeal, the outcome decision must be reconsidered.

29. Following the reconsideration, if the new outcome decision is more advantageous to the claimant, the appeal must be lapsed. JSAPS lapses the appeal automatically when:

- [Y] is entered in the 'Appeal received' field and [F] in the 'Result' field in the RECONSIDERATION DETAILS screen JA320327 of dialogue JA320: Explanations and Reconsiderations; and
- there is only one appeal event open.

30. If there is more than one appeal event open:

- access the EVENT MAINTENANCE screen JA120129 of dialogue JA120: Event Maintenance and record [19] against the appropriate event.

31. If the claimant subsequently withdraws the appeal:

- access the EVENT MAINTENANCE screen JA120129 of dialogue JA120: Event Maintenance and record [04] against the appropriate event.

Result of reconsideration

32. After reconsideration, the original outcome decision will either:

- not change;
- be revised and will be:
 - more advantageous to the claimant; or
 - not more advantageous;

See, Decision Makers Guide, Volume 1, Chapter 5.

Outcome decision not changed

Appeal already received

33. After reconsideration, if there is no change to the decision and an appeal has already been received, JSAPS issues a notification to tell the claimant that:

- the decision has been reconsidered;
- there is no change to the original decision; and
- the appeal will now be processed.

Appeal not received

34. After reconsideration, if there is no change to the decision and an appeal has not been received, JSAPS issues a notification to tell the claimant that:

- the decision has been reconsidered;
- there is no change to the original decision; and
- they have a further month, from the date of the no change notification, to appeal against the original decision.

Outcome decision is incorrect

35. After reconsideration, if the original decision is incorrect and has been revised, JSAPS issues a notification to tell the claimant about:

- the dispute handling and reconsideration process;
- their right to appeal; and
- the time limits for dispute/appeal.

New decision more advantageous to the claimant

Appeal already received

36. After reconsideration, if the new decision is more advantageous to the claimant and an appeal has already been received, JSAPS issues a notification telling the claimant:

- the result of the reconsideration;
- that they have one month from the date of the notification in which to appeal; and
- the appeal against the original decision will not be actioned.

Appeal not received

37. After reconsideration, if the new decision is more advantageous to the claimant and an appeal has not been received, JSAPS issues a notification telling the claimant:

- the result of the reconsideration; and
- that they have one month from the date of the notification in which to appeal.

New decision is not more advantageous to the claimant

Appeal already received

38. After reconsideration, if the new decision is not more advantageous to the claimant and an appeal has been received, JSAPS issues a notification telling the claimant:

- the result of the reconsideration; and
- that their appeal will now be actioned.

39. Although the appeal is against the original decision, it stands against the new decision because:

- the original decision has been cancelled; and
- replaced in full by the revised decision.