

**IN THE STATE OF MICHIGAN
COURT OF CLAIMS**

GRANT BAUSERMAN, individually
and on behalf of class of
similarly-situated persons,

Plaintiff,

Case No.2015-000202-MM

v.

Hon. Cynthia D. Stephens.

STATE OF MICHIGAN UNEMPLOYMENT
INSURANCE AGENCY,

Defendant.

PITT, MCGEHEE, PALMER & RIVERS, P.C.
Kevin M. Carlson (P67704)
Jennifer L. Lord (P46912)
Michael L. Pitt (P24429)
Attorneys for Plaintiff
117 West Fourth Street, Suite 200
Royal Oak, MI 48067
Tel. 248-398-9800
Fax 248-398-9804
kcarlson@pittlawpc.com
jlord@pittlawpc.com
mpitt@pittlawpc.com

INTERROGATORIES AND REQUEST TO PRODUCE DOCUMENTS

Plaintiff Grant Bauserman, Individually and on behalf of class of similarly-situated persons, by his attorneys PITT, MCGEHEE, PALMER & RIVERS, P.C. submits these First Interrogatories and Request for Production of Documents:.

Instructions

- A. These interrogatories must be answered fully and separately in writing under oath.
- B. Please repeat each interrogatory immediately before your answer.
- C. These interrogatories shall be continuing in nature, i.e., you are under the duty, without further request, to supplement the answers to these interrogatories

whenever prior to trial, you receive information which renders an answer inadequate or incomplete.

Definitions

A. The word "documents" includes any physical or written or recorded material whatsoever, including, but not limited to, e-mail, memoranda, rolodex cards, minutes, notes, records, photographs, telegrams, financial statements, tax returns, bank statements, checks, drafts, check stubs, draft stubs, charts, receipts, reports, carbons, photostats, microfilm, recordings, computer stored information, discs, and printouts, as well as reproductions or copies of the foregoing, in your possession or subject to your custody or control or in the possession, custody, or control of your present or former agents, representatives, attorneys, or any other person or persons acting on your behalf, regardless of where the documents are currently located.

B. The term "identify" or "identifying," when used with reference to:

1. A document, means to state the date thereof, the author, and, if different, the signer or signers, the address of its present or last known location or custodian, and all other means of identifying it with sufficient particularity to satisfy the requirements for its identification in a motion for its production. If any such document was, but is no longer, in your possession or control, state its disposition, the reason for such disposition, and the date thereof.
2. A person or persons, means to state the full name, title, present or last known business address, present or last known residence address, and telephone number, of each such person or persons.
3. A corporation, partnership, or other business association or organization, means to state its full name, address, its principal place of business, and if applicable, its state of incorporation and states where it is authorized to transact business.
4. A communication, means to describe in detail the substance of the communication and to identify the persons making and receiving the communication, all persons present at the time of the communication, the date of the communication, the place of the communication, and if by telephone, the persons participating in the telephone call and the person making the telephone call.
5. An action, to state the date and place of the action, to identify the person or persons involved in the action and all witnesses to the action, and to describe the action in detail.

C. "Describe in detail," or similar words, means to identify each and every fact, item of information, action, or communication, which is in any way responsive or pertinent to the subject of the inquiry, and for each such fact, item of information, action, or

communication, to identify each and every source of your knowledge thereof and/or other basis for asserting its truth or existence.

D. A "Restitution Transaction" means a UIA interception of a claimant's state or federal tax refund, wage or bank account garnishments and a curtailment of UIA benefits.

E. "Agency" means UIA.

1. Complete description of all data fields utilized or available in database known as the Michigan Integrated Automated System (MiDAS) including all manuals, guidebooks, handbooks, reference guides, Help Indexes.

ANSWER:

2. Contracts with On Point Technologies to implement the Commercial Off the Shelf (COTS) recover software solutions.

ANSWER:

3. Complete description of all Fraud detection and collection improvements implemented in 2012 in MiDAS or other similar Agency databases.

ANSWER:

4. Description of the manner in which MiDAS has automated the process for administrative, lien and wage garnishments and tax refund intercepts allowing UIA to obtain restitution from claimants including but not limited to all emails FROM or TO Agency personnel relating to the design, modification, re-evaluation, calibration, assessment and implementation of the wage, liens, bank garnishments and Tax Refund interception Program.

ANSWER:

5. Unless otherwise provided in the above Request to Produce, complete description and copy of the Interstate Reciprocal Overpayment Recovery Agreement (IRORA) existing between UIA and USDOL permitting Crossmatch program offset process to recover UIA benefit overpayments including but not limited to all emails FROM or TO Agency personnel relating to the design, modification, re-evaluation, calibration, assessment and implementation of the IRORA or Crossmatch Program.

ANSWER:

6. Complete description and copy of Enterprise Fraud Detection System (EFDS) Project including programs which identify and report fraud characteristics by individuals or groups based on information derived from multiple sources or programs which recognize patterns in data that reveal organized attempts to defraud unemployment insurance sources including but not limited to all emails FROM or TO Agency personnel relating to the design, modification, re-evaluation, calibration, assessment and implementation of the EFDS Project.

ANSWER:

7. Complete description and copy of the Fraud analytics and alerts provided by SAS for the EFDS project to the Agency including but not limited to all emails FROM or TO Agency personnel relating to the design, modification, re-evaluation, calibration, assessment and implementation of the Fraud Analytics and Alerts prepared by SAS.

ANSWER:

8. Complete description and copy of the exploratory data analysis/reports performed by SAS on the UIA tax and benefits claim data in 2014 or subsequent dates

including but not limited to all emails FROM or TO Agency personnel relating to the design, modification, re-evaluation, calibration, assessment and implementation of the Exploratory Data analysis/reports.

ANSWER:

9. Complete description and copy of the development of the Graphical User Interface (GUI) for the EFDS Project performed by SAS including but not limited to all emails FROM or TO Agency personnel relating to the design, modification, re-evaluation, calibration, assessment and implementation of the GUI.

ANSWER:

10. Complete description and copy of the development of the User acceptance testing (UAT) reports prepared by SAS in March 2015 including but not limited to all emails FROM or TO Agency personnel relating to the design, modification, re-evaluation, calibration, assessment and implementation of the UAT.

ANSWER:

11. Complete description and copy of the final report submitted to UIA staff on January 27, 2015 regarding the Unemployment Insurance and Michigan Administrative Hearing System (MAHS) Appeals Improvements Project designed to improve USDOL Acceptable Levels of Performance for Lower Authority Appeals including but not limited to all emails FROM or TO Agency personnel relating to the design, modification, re-evaluation, calibration, assessment and implementation of the MAHS Project.

ANSWER:

12. Copies of all communications from the Agency to the USDOL or Michigan Department of Treasury relating to the interception of federal or state tax refunds for alleged overpayment or fraudulent collection of UIA benefits.

ANSWER:

13. Copies of all manuals, guidebooks, handbooks, reference guides, Help Indexes used by Agency personnel to handle overpayment, fraud or restitution requests for information, determinations, hearings, re-determinations, collections, evaluations, assessments, data reviews, appeals, protests or related activities.

ANSWER:

14. Complete description and copies of preformatted content of administrative decisions used by the Agency in MiDAS or other databases activities including but not limited to all emails FROM or TO Agency personnel relating to the design, modification, re-evaluation, calibration, assessment and implementation of the preformatted content of administrative decisions used by the Agency.

ANSWER:

15. Complete description and copies of the Crossmatch Programs designed to identify theft, overpayment and fraud prevention and detection programs including but not limited to all emails FROM or TO Agency personnel relating to the design, modification, re-evaluation, calibration, assessment and implementation of the Crossmatch Programs.

ANSWER:

16. Complete description and copy of the random selection for audit of claimant files as part of the Crossmatch and Benefit Accuracy Measurement Program including but

not limited to all emails FROM or TO Agency personnel relating to the design, modification, re-evaluation, calibration, assessment and implementation of the random audit programs.

ANSWER:

17. On an EXCEL spreadsheet using data extracted from Defendant's databases provide the name, address, email and telephone number of each person from September 9, 2012 to present who has had experienced a Restitution Transaction, including:

1. wage or bank garnishment because of alleged fraud or overpayment,
2. placement of lien because of alleged fraud or overpayment,
3. Discontinuation of UIA benefits because of alleged fraud
4. Experienced state or federal tax refund interception
5. dates of all Restitution Transactions,
6. the amounts and dates of each collected Restitution Transaction,
7. UIA initial assessments of each Restitution Transaction before collection and date of each Assessment.
8. Date of Determination or re-determination relating to the Restitution Transaction and name of UIA employee making the determination or re-determination.

ANSWER:

18. All emails or written communication from or to UIA personnel from or to claimants relating to the assessment, determination and collection of the applicable Restitution Transaction.

ANSWER:

19. Copies of all work papers, underlying data, statistical developments, statistical reports, evaluations used to prepare the Office of Auditor General, Performance Audit Report (Report) of the UIA, report number 641-0316-11, Released January 2012 including but not limited to all emails FROM or TO Agency personnel relating to the designs, modifications, re-evaluations, calibrations, assessments used to support and serve as the factual basis for the Report.

ANSWER:

20. Copies of all UIA forms used by the Agency to notify claimants of investigations, assessments, determinations, redeterminations, Appeals, protests relating to Restitution Transactions.

ANSWER:

21. Complete description of the investigative, assessment, determination, redetermination, appeals, and protests relating to Restitution Transaction process, including a description of which portions of each process are automated, which include oversight by an agency employee or representative.

ANSWER:

22. Complete description (and any related documents) of the manner in which the Agency processes appeals and protests relating to Restitution Transactions.

ANSWER:

23. Organizational chart of the UIA, including those agents responsible for the investigation of fraud, determinations and redeterminations, appeals and protests.

ANSWER:

PITT, McGEHEE, PALMER, & RIVERS, P.C.

By: /s/Jennifer L. Lord
Kevin M. Carlson (P67704)
Jennifer L. Lord (P46912)
Michael L. Pitt (P24429)
Attorneys for Plaintiff
117 W. Fourth Street, Suite 200
Royal Oak, MI 48067
Tel: (248) 398-9800
Fax: (248) 398-9804
kcarlson@pittlawpc.com
jlord@pittlawpc.com
mpitt@pittlawpc.com

Dated: September 14, 2015