



THE EFFECTIVENESS OF AN AGENT'S DIARY

It's all in the details

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Components of an Agent's Diary

An effective diary has several features, including the factual accuracy and depth of details contained in the diary. Factual accuracy includes recording specific dates of important events while explaining their significance. A well-written and easy-to-follow diary carefully preserves the chronological record of the agent's interactions with the displacee during these events.

The first event listed in an agent's diary should be the assignment of the file. The diary should document when the file was assigned and any research the agent may have conducted into the case prior to contact with the displacee. This research should include a review of the approved relocation planning document and any other initial information relevant to the displacee; this kind of information may have been provided by the displacee through comments made at initial public project meetings or during initial contacts with the engineering project team. A short, general description of the project as a whole is also appropriate.

The content of all discussions should be correctly memorialized from the beginning, starting with the first contact with the displacee. The diary's description of the discussions should contain clear details that will help the agent better anticipate the displacee's relocation challenges. The record of these discussions may also be useful if these statements become a point of dispute later on. Accurately recording these early conversations are important; often, the displacee will be more open and candid during the beginning of the relocation process. Some displacees will become less cooperative and communicative as time goes by, especially if they do not believe the relocation program will pay all of their expenses.

"If it isn't documented, it didn't happen!"

This old saying has particular significance for a relocation specialist. Proper documentation, especially through the agent's diary, is essential for a variety of reasons. One of the most important reasons is that the regulations require proper recordkeeping.

49 CFR 24.9 (a) states:

§ 24.9 Recordkeeping and reports.

- (a) *Records.* The Agency shall maintain adequate records of its acquisition and displacement activities in sufficient detail to demonstrate compliance with this part. These records shall be retained for at least 3 years after each owner of a property and each person displaced from the property receives the final payment to which he or she is entitled under this part, or in accordance with the applicable regulations of the Federal funding Agency, whichever is later.

Obviously, part of the required records referenced in this regulation include an agent's diary. The diary should document the events in the history of the relocation. Besides being necessary to fulfill the requirements of 49 CFR 24.9 (a), there are many practical reasons to prepare a carefully crafted diary.

For example, an accurate diary will become very useful in case of a relocation appeal by the displacee. Likewise, a good diary will be important when the file is sent to an agency reviewer to determine its accuracy and completeness. A comprehensive diary also helps the next agent who may work the file, should the original agent be reassigned.



All persons spoken with in connection with the relocation case and their relationships to the displacee should be documented along with their contact information. The diary should be clear that private details concerning the relocation were not communicated to persons other than the displacee and/or his or her designated representatives. In addition, the means of the communication, whether by phone conversation, email or by letter, should also be noted.

It's essential that the diary includes documentation of the agent's clear understanding of the situational facts and circumstances surrounding the relocation case. For example, factual, detailed descriptions of the displacement and replacement sites are necessary. Descriptions of residential displacement sites should include the number of rooms and amenities in the dwelling, as well as the number of family members and any special needs they might have. The diary should also describe the location of the replacement dwelling and indicate how it meets decent, safe and sanitary standards based upon such facts such as family size, ages of family members, etc. In the case of residential tenants, the income and financial means of the displacees should be documented.

For a non-residential relocation case, a description of the kind of business, its machinery, fixtures and personal property along with its production processes are necessary. The diary should give details about the replacement site and how it meets the needs of the business, as well as any future challenges the business anticipates at the replacement site. In both residential and non-residential cases, field trips to the old and new sites should be documented to show proper inspections were made and that move monitoring was conducted. In addition, the diary can describe whether the business is seasonal or full-time as well as where the business' client base is. The factual record in the diary should be objective, succinct and devoid of the agent's personal opinions.

The Importance of Following Procedures

Another characteristic of a well-written diary is that it demonstrates all of the agency's procedures have been followed. It is essential that the agent can prove the sponsoring agency's procedures were observed; this ensures the agent's actions will not be vulnerable to an appeal based on procedural grounds.

From the initial Notice of Eligibility (NOE) to the final claim, the agent needs to record he or she used the correct agency document templates. He or she also needs to demonstrate that the documents were issued in a timely and correct manner. For example, the diary should reflect that all General Information Notices (GIN), NOEs, Notices to Vacate, reminders on time left to file claims, etc. were issued at the correct times and were actually received by the displacee either by hand delivery or mail.

One of the most important procedures to displacees is the claims procedure. The diary should reflect when claims were received from the displacee, whether they were timely and that the length of time necessary to process claims was relayed to the displacee. Any requests to the displacee for additional information required to process claims should also be carefully recorded — these details will help avoid later possible accusations of delay or hardship to the displacee.

Lastly, the diary should reflect the date that the displacee actually received payment of the claim. If a claim is denied, the diary should reflect that the displacee was notified of the denial, the reasons for the denial and the right to appeal.

Documenting Advisory Services

Another important feature of the well-written diary is that it demonstrates the relocation agent provided sufficient advisory services to the displacee. The diary should show that the agent explained the overall relocation process and project schedule, along with the purpose and timing of all documents given to the displacee. In particular, the diary should demonstrate that the agent discussed the different alternatives as to benefits with the displacee and assisted them in choosing the most advantageous benefit category. For example, the diary should contain details on discussions of the various move options and whether a self-move or a commercial move would be best for the displacee. Documenting that the displacee made informed decisions on all benefit options helps strengthen the case that proper advisory services were rendered.

Other advisory services that should be documented include providing a list of potential replacement sites that meet the needs of the displacee and discussing the potential advantages and disadvantages of each site. The selection of a replacement site is one of the biggest relocation decisions a displacee has to make; the diary should reflect that the displacee was reasonably assisted in making his or her choice. The diary should also demonstrate that the agent suggested move planning services where appropriate and/or provided the required advisory assistance to reduce the hardship the displacee might encounter in meeting vacate schedules.

Conclusion

Although the agent's diary may refer to other documents in the file and need not repeat every word in those documents, the diary itself should stand alone with enough detail to survive review and any appeal. When relocation cases become contentious, memories tend to grow short and a well-written diary may be the most accurate reflection of actual events available. It is imperative that relocation professionals make every effort to keep accurate, complete and timely diary entries. 📌



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