SLUDGE AUDIT — § 21 STØNADSFORMER

Session: R-35 Paragraph 21 | **Instrument type:** Rundskriv 35 (circular) with supplementary veiviser material **Reference document:** Process Inflation Findings §21 (Document 3) | **Context document:** Circular §21 (Document 2) | **Anchor document:** Volume Driver Findings (Document 4)

PRELIMINARY METHODOLOGICAL NOTE

Requirements visible from Process Inflation Findings: 19 (Requirements 1–19, enumerated in Step 1 of Document 3)

Requirements that would be visible starting from the circular paragraph alone: 18. Every requirement from Requirement 1 through Requirement 18 has direct textual presence in the circular (§§ 4.21.1.1 through 4.21.2.5). The circular is unusually content-rich for this paragraph, meaning the quantitative gap between the two starting points is narrow — only one requirement is entirely invisible from the circular.

Requirements with no textual presence in the circular: 1 (Requirement 19)

Requirement 19 — source mapping:

- Provision: *"vurder om det er nødvendig med en husleiegaranti eller depositum. Det kan være viktig å avklare dette tidlig i prosessen."*
- Source instrument: *Veiviser for midlertidig botilbud* (supplementary document)
- Instrument type: **(b) a veileder** — a guidance document issued outside the statutory circular framework, carrying no binding normative authority and lacking any citation to a statutory provision in the Social Services Act

Core analytical observation: The methodological value of beginning with the Process Inflation Findings rather than the circular is not primarily quantitative for this paragraph. It is qualitative. The 18 requirements that have circular presence are accompanied in Document 3 by legal gap assessments that reveal where the circular is operating beyond the statutory text of §21 itself — imposing obligations (reassessment at repayment, deposit guarantee mediation, consent before redemption, solidary liability co-signatures) for which §21 provides no textual anchor. These requirements are textually present in the circular but legally unsupported by the provision the circular purports to interpret. This structural gap — circular presence without statutory authority — is analytically invisible if the circular is used as the primary reference, because the circular presents these requirements without signaling their extrastatutory origin. The Process Inflation Findings surface the gap explicitly and carry it through the analysis. The one requirement lacking circular authority (Requirement 19) simply

represents the most extreme point on a spectrum that includes multiple requirements with circular presence but no statutory backing.

Source instrument classification carried forward: Requirement 19 derives from **(b) a veileder**. This instrument type is sub-legal, advisory in register, and carries no binding normative force. Its operational appearance as a sequential caseworker directive in a structured guidance tool gives it de facto shadow-binding character disproportionate to its formal legal status.

STEP 1 — IDENTIFICATION OF ALL REQUIREMENTS

Requirement 1

- Exact obligation: *Er stønaden gitt som lån eller garanti for lån, skal vedtaket inneholde bestemmelser om lånevilkårene.*
- Source instrument: R-35 §21 / DOC-REQ-21.1 (4.21 introductory text, reproducing statutory sentence 3)
- Explicit or implicit: Explicit
- Textual presence in circular: YES — reproduces the statutory sentence verbatim

Requirement 2

- Exact obligation: *Avgjørelse om stønadsform, og eventuell endring av stønadsform, fattes og begrunnes i enkeltvedtak.*
- Source instrument: R-35 §21 / DOC-REQ-21.2 (4.21.1.1)
- Explicit or implicit: Explicit
- Textual presence in circular: YES

Requirement 3

- Exact obligation: *For å dokumentere at tjenestemottaker har gitt tillatelse til at bidraget kan utbetales til andre, og sikre at taushetspliktreglene overholdes, bør samtykket være skriftlig.*
- Source instrument: R-35 §21 / DOC-REQ-21.3 (4.21.2.1)
- Explicit or implicit: Explicit (permissive register — *bør*)
- Textual presence in circular: YES

Requirement 4

- Exact obligation: *Hvis tjenestemottaker ønsker at bidraget skal utbetales til andre… må vedkommende gi Nav-kontoret samtykke til dette.*
- Source instrument: R-35 §21 / PROC-REQ-21.1 (4.21.2.1)
- Explicit or implicit: Explicit (mandatory register — *må*)
- Textual presence in circular: YES

Requirement 5

- Exact obligation: *Vedtak om økonomisk stønad som lån skal inneholde de nærmere vilkårene for lånet, som rentesats og forfallsdato for avdrag.*
- Source instrument: R-35 §21 / DOC-REQ-21.4 + PROC-REQ-21.3 (4.21.2.2)
- Explicit or implicit: Explicit (mandatory register — *skal*)
- Textual presence in circular: YES

Requirement 6

- Exact obligation: *Tjenestemottaker bør undertegne et gjeldsbrev ved innvilgelse av økonomisk stønad som lån.*
- Source instrument: R-35 §21 / DOC-REQ-21.5 (4.21.2.2)
- Explicit or implicit: Explicit (permissive register — *bør*, but operationally treated as standard procedure)
- Textual presence in circular: YES

Requirement 7

- Exact obligation: *Hvis lånet er gitt til flere, som ektefeller eller samboere, må begge undertegne søknaden, og eventuelt gjeldsbrevet, for at de skal bli solidarisk ansvarlig for lånet.*
- Source instrument: R-35 §21 / DOC-REQ-21.6 (4.21.2.2)
- Explicit or implicit: Explicit (mandatory register — *må*)
- Textual presence in circular: YES

Requirement 8

- Exact obligation: *Vedtak om økonomisk stønad som garanti for lån skal inneholde de nærmere vilkårene for garantien, som konsekvensene hvis garantien innfris.*
- Source instrument: R-35 §21 / DOC-REQ-21.7 + PROC-REQ-21.6 (4.21.2.3)
- Explicit or implicit: Explicit (mandatory register — *skal*)
- Textual presence in circular: YES

Requirement 9

- Exact obligation: *Vedtak om økonomisk stønad i form av lån til depositum eller som garanti overfor utleier skal inneholde de nærmere vilkårene for lånet eller garantien, som rentesats, forfallsdato for avdrag og konsekvensene hvis garantien innfris.*
- Source instrument: R-35 §21 / DOC-REQ-21.8 (4.21.2.4)
- Explicit or implicit: Explicit (mandatory register — *skal*)
- Textual presence in circular: YES

Requirement 10

- Exact obligation: *Nav-kontoret skal vurdere om det foreligger tilstrekkelige holdepunkter for at tjenestemottaker faktisk kan tilbakebetale lånet, før stønad gis som lån.*
- Source instrument: R-35 §21 / PROC-REQ-21.2 (4.21.2.2)
- Explicit or implicit: Explicit (mandatory register — *skal*)
- Textual presence in circular: YES

Requirement 11

- Exact obligation: *Tjenestemottakers økonomiske situasjon kan ha endret seg når lånet skal tilbakebetales, og Nav-kontoret må vurdere om lånet helt eller delvis skal omgjøres til bidrag.*
- Source instrument: R-35 §21 / PROC-REQ-21.4 (4.21.2.2)
- Explicit or implicit: Explicit (mandatory register — *må*)
- Textual presence in circular: YES

Requirement 12

- Exact obligation: *Nav-kontoret skal vurdere om det foreligger tilstrekkelige holdepunkter for at tjenestemottaker faktisk kan tilbakebetale lånet, før det stilles garanti.*
- Source instrument: R-35 §21 / PROC-REQ-21.5 (4.21.2.3)
- Explicit or implicit: Explicit (mandatory register — *skal*)
- Textual presence in circular: YES

Requirement 13

- Exact obligation: *Tjenestemottakers økonomiske situasjon kan ha endret seg når garantien eventuelt innfris, og Nav-kontoret må vurdere om garantien helt eller delvis skal omgjøres til bidrag.*
- Source instrument: R-35 §21 / PROC-REQ-21.7 (4.21.2.3)
- Explicit or implicit: Explicit (mandatory register — *må*)
- Textual presence in circular: YES

Requirement 14

- Exact obligation: *Økonomisk stønad i form av lån til depositum eller som garanti for depositumet overfor utleier, må vurderes hvis tjenestemottaker ikke har egne midler til dette.*
- Source instrument: R-35 §21 / PROC-REQ-21.8 (4.21.2.4)
- Explicit or implicit: Explicit (mandatory register — *må vurderes*)
- Textual presence in circular: YES

Requirement 15

- Exact obligation: *Hvis utleier fremmer krav i depositumet, bør Nav-kontoret søke å sikre enighet mellom tjenestemottaker og utleier før depositumsgarantien innfris.*
- Source instrument: R-35 §21 / PROC-REQ-21.9 (4.21.2.4)
- Explicit or implicit: Explicit (permissive register — *bør*, but operative as standard procedure)
- Textual presence in circular: YES

Requirement 16

- Exact obligation: *Nav-kontoret bør innhente samtykke fra tjenestemottaker før garantien innfris.*
- Source instrument: R-35 §21 / PROC-REQ-21.10 (4.21.2.4)

- Explicit or implicit: Explicit (permissive register — *bør*)
- Textual presence in circular: YES

Requirement 17

- Exact obligation: *Unntaksvis kan økonomisk stønad gis i form av varer og tjenester. Nav-kontoret må foreta en konkret vurdering av om betingelsene for det er oppfylt.*
- Source instrument: R-35 §21 / PROC-REQ-21.11 (4.21.2.5)
- Explicit or implicit: Explicit (mandatory register — *må foreta*)
- Textual presence in circular: YES

Requirement 18

- Exact obligation: *Nav-kontoret må ha konkrete holdepunkter for å anta at tjenestemottaker ikke vil bruke stønaden i henhold til vilkårene som er satt.*
- Source instrument: R-35 §21 / PROC-REQ-21.12 (4.21.2.5)
- Explicit or implicit: Explicit (mandatory register — *må ha*)
- Textual presence in circular: YES

Requirement 19

- Exact obligation: *vurder om det er nødvendig med en husleiegaranti eller depositum. Det kan være viktig å avklare dette tidlig i prosessen.*
- Source instrument: *Veiviser for midlertidig botilbud* (supplementary veileder, no circular citation)
- Explicit or implicit: Explicit within its source document; invisible from the circular
- Textual presence in circular: NO — entirely absent from the circular paragraph

---

STEP 2 — LEGAL AUTHORITY CHECK

Requirement 1

- Direction 1 (Circular authority): YES
- Direction 2 (Statutory authority): YES — the provision reproduces statutory sentence 3 of §21 verbatim. No authority gap.
- Double authority gap: NO
- Category error: NO

Requirement 2

- Direction 1 (Circular authority): YES
- Direction 2 (Statutory authority): PARTIAL — §21 is entirely silent on the procedural form in which stønadsform decisions must be made. Authority derives from the general administrative law framework (forvaltningsloven §§ 2(b) and 24), not from §21 itself. The circular imports an administrative law obligation and presents it as a §21 requirement. Process Inflation Finding: DOC-REQ-21.2 notes that the authority is found in general administrative law rather than §21 directly.

- Double authority gap: NO (circular authority is PRESENT)
- Category error: NO — the requirement belongs to administrative law but is appropriately applicable to social services decisions generally

Requirement 3

- Direction 1 (Circular authority): YES
- Direction 2 (Statutory authority): PARTIAL — §21 is entirely silent on payment routing to third parties and on written consent for that purpose. Process Inflation Finding: DOC-REQ-21.3 notes that authority may exist in taushetsplikt rules rather than §21. The provision addresses confidentiality protection rather than grant management, meaning the statutory anchor is indirect and located in a different provision.
- Double authority gap: NO (circular authority is PRESENT)
- Category error: NO, though the anchor shifts from §21 to the taushetsplikt regime

Requirement 4

- Direction 1 (Circular authority): YES
- Direction 2 (Statutory authority): NO — §21 contains no provision governing consent for third-party payment routing. Process Inflation Finding: PROC-REQ-21.1 — §21 does not address consent requirements for third-party payment routing. The consent obligation is imposed entirely by the circular without a §21 textual basis.
- Double authority gap: NO (circular authority is PRESENT)
- Category error: NO

Requirement 5

- Direction 1 (Circular authority): YES
- Direction 2 (Statutory authority): YES — §21 sentence 3 mandates that the decision shall contain loan terms; the circular specifies the content (interest rate, due dates). This is lawful operationalization of a mandatory-closed statutory duty.
- Double authority gap: NO
- Category error: NO

Requirement 6

- Direction 1 (Circular authority): YES
- Direction 2 (Statutory authority): NO — §21 mandates that loan terms appear in the decision but is completely silent on requiring a supplementary civil debt instrument (gjeldsbrev). Process Inflation Finding: DOC-REQ-21.5 — §21 contains no basis for requiring a promissory note alongside the administrative decision. The gjeldsbrev is a civil law instrument governed by finansavtaleloven, imported into the social services normative framework without statutory authorization from §21.
- Double authority gap: NO (circular authority is PRESENT)
- Category error: PARTIAL — the requirement occupies a boundary between administrative social services procedure and civil contract law. The gjeldsbrev is a private law instrument; imposing it through a social services circular without reference to the statutory provision governing it (finansavtaleloven) represents a domain imprecision even if it is not a full category error.

Requirement 7

- Direction 1 (Circular authority): YES
- Direction 2 (Statutory authority): NO — §21 contains no provision governing joint borrowers, co-signatures, or the establishment of solidary liability. Process Inflation Finding: DOC-REQ-21.6 — the requirement operates entirely outside §21's statutory scope.
- Double authority gap: NO (circular authority PRESENT)
- Category error: YES — solidary liability is a private law/civil law mechanism governed by finansavtaleloven and the general law of obligations. The requirement that both parties sign to become solidarisk ansvarlig is a contract law rule, not a social services administrative procedure. Importing it into the social services circular and presenting it as a procedural obligation for caseworkers constitutes a category error: the legal domain is civil law/finansavtaleloven, not the Social Services Act.

Requirement 8

- Direction 1 (Circular authority): YES
- Direction 2 (Statutory authority): YES — §21 sentence 3 mandates that guarantee decisions contain the terms of the guarantee. The circular operationalizes this with specific content requirements.
- Double authority gap: NO
- Category error: NO

Requirement 9

- Direction 1 (Circular authority): YES
- Direction 2 (Statutory authority): YES — fully authorized operationalization of §21 sentence 3 applied to the deposit loan/guarantee context. The statutory duty to include terms in the decision extends to deposit instruments.
- Double authority gap: NO
- Category error: NO

Requirement 10

- Direction 1 (Circular authority): YES
- Direction 2 (Statutory authority): YES — the second paragraph of §21 states that loan support *bør vurderes* in relation to ability to repay; the circular restates this as *skal vurdere* with a specific evidentiary threshold (*tilstrekkelige holdepunkter*). The statutory text provides the anchor; the mandatory register and evidentiary threshold are circular additions. PARTIAL on the specific formulation, YES on the underlying duty.
- Double authority gap: NO
- Category error: NO

Requirement 11

- Direction 1 (Circular authority): YES

- Direction 2 (Statutory authority): NO — §21 contains no provision on reassessment of loans at the point of repayment or on conversion of loans to grants at that stage. Process Inflation Finding: PROC-REQ-21.4 — §21 has no textual basis for this mandatory reassessment obligation. The circular introduces a post-decision lifecycle obligation that the statute does not contemplate.
- Double authority gap: NO (circular authority PRESENT)
- Category error: NO

Requirement 12

- Direction 1 (Circular authority): YES
- Direction 2 (Statutory authority): YES — §21 paragraph 3 (4.21.2.3) states *Nav-kontoret skal vurdere* before guarantees are issued. The statutory anchor exists for the threshold assessment.
- Double authority gap: NO
- Category error: NO

Requirement 13

- Direction 1 (Circular authority): YES
- Direction 2 (Statutory authority): NO — §21 contains no provision on mandatory reassessment of the guarantee's conversion to a grant at the point of redemption. Process Inflation Finding: PROC-REQ-21.7 — no textual basis for this obligation in §21.
- Double authority gap: NO (circular authority PRESENT)
- Category error: NO

Requirement 14

- Direction 1 (Circular authority): YES
- Direction 2 (Statutory authority): PARTIAL — §21 provides the legal basis for deposit loans and guarantees as available stønadsformer; whether a mandatory assessment obligation arises automatically when the user lacks funds is an inference from general §18/§21 principles rather than an explicit §21 mandate. Process Inflation Finding: PROC-REQ-21.8 — converts advisory practice into an automatic legal duty upon a factual trigger without clear §21 textual support.
- Double authority gap: NO (circular authority PRESENT)
- Category error: NO

Requirement 15

- Direction 1 (Circular authority): YES
- Direction 2 (Statutory authority): NO — §21 is confined to decision content at the time of grant and contains no provision governing post-grant dispute handling between the user and a landlord. Process Inflation Finding: PROC-REQ-21.9 — §21 does not contemplate mediation procedures in the post-grant lifecycle. The obligation derives entirely from the circular's elaboration of the deposit guarantee section.
- Double authority gap: NO (circular authority PRESENT)

- Category error: NO, but the requirement operationalizes a function (third-party dispute mediation) that falls outside the core social services decision-making frame

Requirement 16

- Direction 1 (Circular authority): YES
- Direction 2 (Statutory authority): NO — §21 contains no provision regarding consent procedures prior to guarantee redemption. Process Inflation Finding: PROC-REQ-21.10 — the consent obligation before paying out on a guarantee is imposed by the circular without statutory support in §21.
- Double authority gap: NO (circular authority PRESENT)
- Category error: NO

Requirement 17

- Direction 1 (Circular authority): YES
- Direction 2 (Statutory authority): YES — §21 sentence B (fourth paragraph of the statutory text) establishes the conditional power to grant support in the form of goods and services; the requirement to conduct a concrete evaluation before using that power is a lawful procedural precondition for exercising an explicitly bounded discretionary power.
- Double authority gap: NO
- Category error: NO

Requirement 18

- Direction 1 (Circular authority): YES
- Direction 2 (Statutory authority): YES — §21 sentence B itself uses the phrase *"konkrete holdepunkter"* standard by requiring that the office *"etter en konkret, individuell vurdering"* finds that the user will not use the support as intended. The statutory text directly supplies the evidentiary threshold the circular elaborates.
- Double authority gap: NO
- Category error: NO

Requirement 19

- Direction 1 (Circular authority): NO — absent entirely from the circular paragraph. Source is the Veiviser for midlertidig botilbud, a sub-legal supplementary document.
- Direction 2 (Statutory authority): NO — no statutory citation accompanies this directive in its source instrument. The requirement operates as a caseworker directive without a statutory anchor, as noted in Process Inflation Finding (Orphan Requirements / PROC-REQ-21.13).
- **DOUBLE AUTHORITY GAP: YES** — circular authority is ABSENT and statutory authority is NO. This is the only requirement in the §21 session that qualifies as a double authority gap.
- Category error: NO, though the source instrument's location in housing/accommodation guidance places it at the margin of the §21 framework's normative scope

---

STEP 3 — SCALE AND PROPORTIONALITY CHECK

The Anchor Document (Document 4) does not address §21 directly. Its empirical findings cover §§17–20a. However, the structural mechanisms it identifies are transposable to §21 on the basis of analogous casework patterns. The cross-reference below identifies which Anchor Document findings apply structurally to each requirement.

Requirement 1: SCALE FLAG: NO. Vedtak content requirements are one-time obligations triggered at the point of decision. No volume-sensitivity in the documentation requirement itself.

Requirement 2: SCALE FLAG: NO. The enkeltvedtak form is standard across all social services decisions regardless of frequency.

Requirement 3: SCALE FLAG: PARTIAL. The Anchor Document identifies the [D] Documentation Apparatus as the dominant mechanism across all social services (65+ findings). The requirement to obtain and document written consent for third-party payment routing is a documentation obligation that presupposes caseworker familiarity with consent procedures. In offices processing very few financial assistance decisions involving third-party routing, this procedure may be encountered too infrequently to become a reliable routine. Anchor Document connection: Section 2, dominant mechanism [D] — *"caseworkers knew more about the users' situations than the journals reflected."* The pattern applies: consent may be obtained verbally but not documented in writing, producing a formal compliance failure without a substantive service failure.

Requirement 4: SCALE FLAG: NO. The procedural step of obtaining user consent is a basic interaction requirement applicable regardless of office size. No volume-sensitivity.

Requirement 5: SCALE FLAG: NO. Decision content requirements are triggered at the moment of decision and require no sustained competence to execute if templates are available.

Requirement 6: SCALE FLAG: YES. The gjeldsbrev is a civil law document (promissory note under finansavtaleloven) that caseworkers in small municipalities may encounter very rarely — loan-form economic assistance is an exceptional rather than standard stønadsform. Anchor Document connection: Cluster 1 (Debt Counseling Compliance Stack), specifically the competence sustainability finding — *"municipalities processing 5–22 §17 cases annually... the pipeline is triggered so rarely that no repeatable routine forms."* An analogous mechanism applies here: the gjeldsbrev procedure requires knowledge of finansavtaleloven and civil debt instruments. In a municipality granting perhaps one or two loans per year, the caseworker will not maintain the operational familiarity needed to correctly execute the gjeldsbrev requirement. Competence decay [K] is structurally predicted.

Requirement 7: SCALE FLAG: YES. The solidary liability co-signature requirement is even rarer than the basic loan gjeldsbrev — it only arises when a loan is granted to multiple persons (couples, cohabitants), which is a subset of an already rare transaction type. Anchor

Document connection: Mechanism [K] — Competence Sustainability. The Anchor Document notes that *"competence in a procedure that may arise once every two or three years cannot be met by a single officer in a small office"* (in the context of gjeldsordning). The same logic applies to solidary liability co-signatures: the procedural knowledge (who must sign, what legal consequences follow, how inndrivelse interacts with gjeldsbrev) cannot be sustained through standard casework in small municipalities. Additionally, this requirement involves civil law judgment (finansavtaleloven) that generalist caseworkers are not trained to exercise.

Requirement 8: SCALE FLAG: PARTIAL. Guarantee decisions are rare in most municipalities. Content requirements are manageable with templates, but the specific item requiring documentation (consequences if the guarantee is redeemed) requires the caseworker to reason through a future contingency that may be legally complex. Anchor Document connection: [D] mechanism — documentation of future-contingency content presupposes a level of legal reasoning that generalists in low-volume offices may not reliably maintain.

Requirement 9: SCALE FLAG: PARTIAL. Same as Requirement 8, applied to deposit instruments. Deposit loan and guarantee decisions are arguably even rarer than general guarantee decisions, deepening the competence-frequency problem.

Requirement 10: SCALE FLAG: NO. The repayment capacity assessment is a substantive judgment integral to the decision itself; it does not require specialist competence beyond general social services casework. Not volume-sensitive in the structural sense.

Requirement 11: SCALE FLAG: YES. The reassessment obligation at the point of repayment is a time-deferred procedural trigger that presupposes a case management system capable of tracking open loan files and generating reassessment reminders at the correct future point. Anchor Document connection: [P] Procedural Continuity and [C] Coordination Infrastructure. The Anchor Document documents the structural impossibility of maintaining formal case-lifecycle pipelines in small offices — *"a pipeline cannot become habitual when triggered fewer than 10–15 times per year."* Loan cases subject to reassessment at repayment will be even rarer. In practice, the reassessment obligation is structurally dependent on the caseworker (or their successor) retaining awareness of the open loan, which is not guaranteed in small offices with high turnover or shared roles.

Requirement 12: SCALE FLAG: NO. Same reasoning as Requirement 10 — the assessment before issuing a guarantee is integral to the decision point and does not require lifecycle tracking.

Requirement 13: SCALE FLAG: YES. Same reasoning as Requirement 11, applied to guarantees. A guarantee redemption is a rare post-grant event; maintaining the institutional memory that a reassessment must occur at that point requires case management infrastructure that small offices cannot sustain. Anchor Document connection: [P] Procedural Continuity — post-grant lifecycle procedures are among the most consistently unsupported requirements in small municipalities.

Requirement 14: SCALE FLAG: NO. The assessment trigger (does the user lack funds for a deposit?) is a basic screening step at the application point, not a lifecycle or specialist requirement.

Requirement 15: SCALE FLAG: YES. The deposit guarantee mediation requirement is one of the rarest procedural triggers in the §21 framework — it requires simultaneously that (a) a deposit guarantee was issued, (b) the landlord subsequently makes a claim, and (c) a dispute exists. In a small municipality that may issue a deposit guarantee once every few years, the mediation procedure is structurally equivalent to the gjeldsordning competence problem identified in the Anchor Document: a procedure with such low encounter frequency that no routine can form, yet with significant legal consequences if executed incorrectly. Anchor Document connection: [K] Competence Sustainability — *"competence in a procedure that may arise once every two or three years cannot be met by a single officer in a small office."*

Requirement 16: SCALE FLAG: PARTIAL. The consent-before-redemption requirement is triggered at the same rare event as Requirement 15. However, the action itself (contacting the user before paying out) is procedurally simpler than the mediation step. Scale concern is moderate rather than severe.

Requirement 17: SCALE FLAG: NO. The concrete evaluation requirement for goods and services support is a decision-point assessment integral to the standard case assessment process.

Requirement 18: SCALE FLAG: NO. Same as Requirement 17 — the evidentiary standard is applied at the decision point.

Requirement 19: SCALE FLAG: YES. This requirement lacks both circular authority and statutory authority. Any burden it imposes is therefore entirely unsupported by the primary normative instrument governing caseworker conduct. Anchor Document connection: The Anchor Document identifies structurally disproportionate burden as a function of requirements from sub-legal instruments that operate without the regulatory foundation a statute or circular would provide. A veiviser directive that mandates an early-stage assessment of housing guarantee needs creates casework overhead without any normative anchor that could justify or calibrate that overhead. The absence of a framework makes the burden characterization especially significant: the caseworker must comply with an obligation that neither the circular nor the statute addresses.

STEP 4 — PURPOSE CLASSIFICATION

Requirement 1: [MIXED] The loan terms in the vedtak protect the user's legal position by making the financial obligations transparent and appealable. The same documentation also creates the administrative record needed for enforcement, recovery, and audit. Primary purpose: USER NEED (legal security and informed consent to terms). Secondary purpose: INTERNAL CONTROL (administrative record for enforcement). Justification: the source text

in §21 sentence 3 is explicitly framed around the decision's *content*, not its filing or audit function. The protective purpose for the user is primary.

Requirement 2: [USER NEED] The enkeltvedtak requirement ensures that decisions on stønadsform are individually reasoned, formally documented, and subject to appeal. The explicit appeal right referenced in circular 4.21.1.1 confirms that the primary purpose is user legal security. The fact that the vedtak also creates an internal administrative record is incidental to this primary protective function. Justification: *"Enkeltvedtak eller del av enkeltvedtak kan påklages til statsforvalteren"* — the right to appeal is named as the downstream consequence of the form requirement, confirming user-protective purpose.

Requirement 3: [INTERNAL CONTROL] The consent documentation requirement primarily serves to demonstrate, in the administrative record, that taushetsplikt rules were observed and that authorization for third-party payment existed. The circular explicitly frames the written consent requirement in terms of what it *documents* (*"for å dokumentere at tjenestemottaker har gitt tillatelse"*) and what it *secures* for the administration (*"sikre at taushetspliktreglene overholdes"*). The substantive protection of the user's interests is achieved by Requirement 4 (obtaining the consent itself); Requirement 3 adds only the documentation layer on top of that substantive step. Justification: the source text uses *"for å dokumentere"* and *"sikre"* as the stated purposes — both are administrative functions, not user-benefit functions.

Requirement 4: [USER NEED] The obligation to obtain the user's consent before routing payments to a third party protects the user's autonomy over their own financial affairs and prevents unauthorized disclosure of their client relationship. Justification: *"må vedkommende gi Nav-kontoret samtykke"* — the entire provision is structured around the condition that the user must affirmatively authorize the alternative payment route. No transaction cost burden is identified for this requirement.

Requirement 5: [MIXED] Specifying loan terms (interest rate, due dates) in the vedtak protects the user by making the financial obligation explicit and subject to appeal. The same content also creates the administrative record needed for enforcement and recovery. Primary purpose: USER NEED (the user needs to know the terms of their financial obligation to make an informed decision and to exercise appeal rights). Secondary purpose: INTERNAL CONTROL (the documented terms enable enforcement and internal audit). Justification: the circular's framing in 4.21.2.2 pairs the documentation obligation with reference to finansavtaleloven chapter 5, signaling that the terms requirement has a user-protective legal foundation beyond mere administrative record-keeping.

Requirement 6: [INTERNAL CONTROL] The gjeldsbrev is a civil law instrument whose primary function is to create a legally enforceable debt record — enabling inndrivelse (debt recovery). The circular's framing of the gjeldsbrev in 4.21.2.2 is immediately followed by the clarification that *"inndrivelse av lån ved utlegg, kan bare gjøres overfor de som har undertegne"* — confirming that the primary operational purpose is enabling the authority's debt enforcement capacity, not protecting the user's interests. Justification: the gjeldsbrev adds nothing to the user's information or legal protection that the vedtak (which must already contain all loan terms) does not already provide. Its sole operational function beyond the

vedtak is to create a document that can be used for debt recovery. This is a documentation and enforcement function internal to the administrative system.

Requirement 7: [MIXED] The co-signature requirement has a dual purpose: it establishes solidary liability (which is an internal enforcement mechanism serving the authority's debt recovery capacity) and it defines the legal boundaries of each co-borrower's obligation (which has user-protection dimensions — a co-borrower should know they are assuming joint liability). Primary purpose: INTERNAL CONTROL (enforcement capacity through solidary liability). Secondary purpose: USER NEED (transparency about joint legal obligations). Justification: the circular's framing emphasizes the consequence for enforcement — *"inndrivelse av lån ved utlegg, kan bare gjøres overfor de som har undertegne"* — and uses the legal consequence for the authority (who it can pursue) as the operative framing, not the user's understanding of their obligation.

Requirement 8: [MIXED] The detailed guarantee terms in the decision protect the user by making the contingent obligations explicit and enabling an informed decision about whether to accept the guarantee arrangement. The same content creates the administrative record enabling the authority to enforce the guarantee against the user if it is redeemed. Primary purpose: USER NEED (transparency about contingent financial exposure). Secondary purpose: INTERNAL CONTROL (administrative record for enforcement). Justification: the statutory text of §21 sentence 3 provides the anchor; the specific content addition ("konsekvensene hvis garantien innfris") is primarily user-protective, enabling informed consent.

Requirement 9: [MIXED] Same reasoning as Requirement 8, applied to the deposit context. Primary purpose: USER NEED. Secondary purpose: INTERNAL CONTROL. The deposit context adds a specific user-protective dimension: the user needs to understand the interaction between the guarantee and the husleieloven rules referenced at the end of section 4.21.2.4.

Requirement 10: [USER NEED] The repayment capacity assessment protects the user from being placed in a loan that will generate unrepayable debt obligations. Justification: the circular's framing in 4.21.2.2 states that the office *"må vurdere om lånet helt eller delvis skal omgjøres til bidrag"* — the entire provision is framed around ensuring the user is not trapped in unserviceable debt. The threshold assessment directly serves the quality and fairness of the case outcome. No transaction cost burden is identified for this requirement.

Requirement 11: [USER NEED] The reassessment obligation at the point of repayment exists to prevent enforcement against a user whose financial circumstances have deteriorated since the loan was issued. Justification: *"Tjenestemottakers økonomiske situasjon kan ha endret seg"* — the entire provision is triggered by the user's potential vulnerability at the repayment stage. The circular explicitly creates an affirmative obligation to review rather than automatically enforce. No transaction cost burden is identified for the substantive purpose, but see Step 5 for the procedural burden generated by the lifecycle-tracking dimension.

Requirement 12: [USER NEED] Same reasoning as Requirement 10, applied to guarantees. The user benefits from the authority not issuing a guarantee that will expose

them to future financial obligations they cannot meet. No transaction cost burden is identified for this requirement.

Requirement 13: [USER NEED] Same reasoning as Requirement 11, applied to guarantees at the point of redemption. The user is protected from automatic imposition of a debt obligation that their changed circumstances make unserviceable. No transaction cost burden is identified for the substantive purpose.

Requirement 14: [USER NEED] The assessment obligation when a user lacks deposit funds ensures that the caseworker actively considers whether NAV can assist with a deposit, rather than leaving the user to identify this option themselves. Justification: the provision is triggered by a specific user vulnerability (*"ikke har egne midler"*) and operates as a protective screen to ensure the deposit assistance option is not overlooked. No transaction cost burden is identified for this requirement.

Requirement 15: [USER NEED] The mediation requirement before redeeming a deposit guarantee protects the user from losing their deposit (and potentially their tenancy) as a result of a dispute in which they may have legitimate innsigelser against the landlord. Justification: *"Tjenestemottaker kan ha innsigelser overfor utleier"* — the entire provision is framed around preserving the user's legal position relative to the landlord. The note that premature redemption *"kan få betydning for om kontoret kan kreve garantien tilbake fra vedkommende"* introduces an authority-protection dimension, making this MIXED. Primary purpose: USER NEED. Secondary purpose: INTERNAL CONTROL (preventing the authority from losing its recourse claim against the user).

Requirement 16: [USER NEED] Obtaining the user's consent before redeeming a guarantee protects the user's right to have their innsigelser heard before a financial consequence is activated. This is the consent-based companion to Requirement 15. Justification: the circular's framing makes explicit that the user may have valid objections, and consent is the procedural mechanism for ensuring those objections are heard. No transaction cost burden is identified.

Requirement 17: [USER NEED] The concrete evaluation requirement before granting support in goods and services protects the user from being subjected to a more restrictive stønadsform without sufficient justification. Justification: the circular frames the evaluation as a protective threshold — *"unntaksvis"* — confirming that the assessment serves to constrain, not enable, the use of the restrictive form. No transaction cost burden is identified.

Requirement 18: [USER NEED] The concrete holdepunkter standard restricts the authority's ability to impose the goods and services form without specific evidence. This is a protective evidentiary threshold serving the user's interest in not having their financial autonomy restricted without cause. Justification: the source text explicitly requires *"konkrete holdepunkter"* — an evidentiary standard that operates as a protection against arbitrary restriction. No transaction cost burden is identified.

Requirement 19: [MIXED] An early assessment of housing guarantee needs could benefit the user by ensuring that housing assistance is considered proactively rather than reactively. However, the requirement as phrased (*"avklare dette tidlig i prosessen"*) also serves the administrative sequencing interest of the office — ensuring the relevant information is

gathered early to streamline later processing. Primary purpose: MIXED, with neither element clearly dominant. The absence of a statutory or circular anchor means the requirement's purpose cannot be verified against an authoritative normative source. The framing in the veiviser is procedurally oriented rather than substantively user-focused.

STEP 5 — TRANSACTION COST CHARACTERIZATION

Requirements classified as [USER NEED] at Step 4 have no transaction cost burden identified: Requirements 2, 4, 10, 11, 12, 13, 14, 16, 17, 18.

Requirement 1 — [MIXED] The caseworker must include loan terms in the vedtak. Where the vedtak already must contain these terms by statute, the transaction cost is the effort of correctly specifying interest rate and repayment conditions in legal terms — a moderate documentation effort at decision time. No additional reporting or audit step is generated. Burden is proportionate and directly connected to the user-protective function.

Requirement 3 — [INTERNAL CONTROL] The caseworker must obtain a written consent document from the user before routing payment to a third party, then retain that document in the case file. What must be documented: a written, signed consent from the user specifying who may receive payment and for what purpose. For whom: the administrative record, which must demonstrate taushetsplikt compliance to any supervisor or appellant. The transaction cost is documentation inflation — an additional step of producing, signing, filing, and archiving a consent document for each instance of third-party routing. The circular does not provide a standardized consent template, meaning the caseworker must compose or locate the appropriate form independently. Since §21 provides no authority for this requirement, the caseworker is complying with an obligation the primary normative instrument governing their work does not address.

Requirement 5 — [MIXED] The caseworker must specify interest rate and repayment schedule in the loan vedtak. This is a relatively low-cost documentation task at decision time, particularly if standard rates and terms are in use. However, in the absence of municipal standardized loan templates, the caseworker must determine and correctly state the financial terms without circular guidance on what rates or conditions are appropriate. The burden is moderate documentation effort at decision time.

Requirement 6 — [INTERNAL CONTROL] What must be done: the caseworker must procure a gjeldsbrev (promissory note), have the user sign it, and retain it in the case file. The gjeldsbrev is a civil law instrument; the caseworker must understand its legal function and ensure it is correctly formatted to serve as an enforceable debt instrument. For whom: the authority's debt enforcement capacity — the gjeldsbrev enables inndrivelse. What this demands: knowledge of finansavtaleloven and civil debt instruments, procurement of an appropriate form, coordination with the user to obtain a signature, and retention of the original signed document. Since §21 provides no authority for this requirement and the legal domain is civil law rather than social services law, the caseworker must comply with an

obligation that the primary normative instrument governing their work does not address and for which social services caseworkers receive no specific training. The transaction cost includes documentation inflation (producing and filing the gjeldsbrev), procedural overhead (the signing step), and competence burden (understanding the civil law function of the instrument).

Requirement 7 — [MIXED] What must be done: the caseworker must ensure that both co-borrowers sign both the application and the gjeldsbrev. The caseworker must understand the solidary liability mechanism under civil law, explain it to both parties, coordinate signatures from both (which may involve separate meetings or contact if the parties are not present together), and retain signed original documents. The civil law judgment required (who is solidarisk ansvarlig, what happens if one party defaults, how inndrivelse operates against each signatory) exceeds standard social services casework competence. For whom: the authority's enforcement capacity. Since §21 contains no provision governing joint borrowers and the legal domain is civil law/finansavtaleloven, the caseworker is executing a civil law procedure through a social services framework without adequate statutory or normative support. Category error means the burden falls in the wrong normative domain entirely.

Requirement 8 — [MIXED] The caseworker must include the consequences of guarantee redemption in the vedtak. This requires the caseworker to reason through and correctly document a contingent future event (the scenario in which the guarantee is called) and its financial consequences for the user. The documentation effort is moderate but requires analytical work beyond mechanical record-entry: the caseworker must calculate or estimate the redemption consequence. Burden is documentation inflation at decision time.

Requirement 9 — [MIXED] Same as Requirement 8, applied to deposit instruments. The additional content required (interest rate, due date, redemption consequences) demands the same analytical-documentation effort. Given that deposit loans and guarantees are even rarer in practice than general guarantees, the caseworker executing this requirement will do so infrequently enough to create competence-decay risk [K], as noted in the scale assessment.

Requirement 11 — [USER NEED] — procedural burden note Although classified as [USER NEED] in purpose, the reassessment obligation at the point of repayment generates a procedural burden that is worth noting without attributing a transaction cost classification. The caseworker (or their successor) must maintain case awareness across the repayment lifecycle — meaning open loan files must be flagged for reassessment at the future repayment date. In offices without systematic case-tracking infrastructure, this lifecycle obligation is structurally difficult to execute. The burden falls on NAV leaders responsible for case management infrastructure, not on the substantive purpose of the requirement. Note: the absence of a §21 statutory anchor for this obligation means caseworkers and managers must execute a lifecycle procedure that the primary normative instrument for §21 does not address.

Requirement 13 — [USER NEED] — procedural burden note Same as Requirement 11. The reassessment obligation at guarantee redemption requires lifecycle case tracking with

no statutory anchor in §21. The procedural burden is noted without a transaction cost classification.

Requirement 15 — [MIXED] What must be done: when a landlord makes a claim on a deposit guarantee, the caseworker must attempt to mediate between the user and the landlord before releasing the guarantee funds. This involves contacting the user, hearing their innsigelser, contacting the landlord, facilitating an attempt at agreement, documenting the attempted mediation, and recording the outcome. The caseworker is performing a dispute mediation function — a role that goes substantially beyond standard social services casework competence and requires an understanding of husleieloven and landlord-tenant dispute dynamics. For whom: simultaneously the user (protecting their position) and the authority (preserving its recourse claim). Since §21 contains no provision governing post-grant dispute mediation, this obligation falls entirely outside the circular's normative framework for §21. The caseworker must execute a complex multi-party procedure without any guidance from the instrument that governs their work on this paragraph. Transaction cost: documentation inflation (recording the mediation attempt), procedural overhead (the mediation step itself), and structural disproportionality (the function exceeds standard caseworker competence in small offices).

Requirement 19 — [MIXED] What must be done: at an early stage of the process involving a user in need of temporary accommodation, the caseworker must assess whether a housing guarantee or deposit is needed and seek to clarify this early. For whom: the veiviser's caseworker audience, with no stated reporting or documentation requirement. However, the sequential directive character of the veiviser means the step functions as an implicit procedural checkpoint. Since this requirement has no circular authority and no statutory anchor, the caseworker faces an obligation that neither the statute, the circular, nor any binding normative instrument addresses. Any reporting or audit step performed in response to this directive constitutes overhead with no regulatory foundation. Transaction cost: structural disproportionality — an unanchored directive from a sub-legal instrument creates casework expectations without any framework to calibrate them. Note: this falls entirely outside any guidance the circular provides, meaning caseworkers must comply with an obligation that their primary normative reference does not address.

STEP 6 — CATALOG ENTRIES

REQUIREMENT ID: §21-REQ-1 **PROVISION TEXT:** The decision must contain the terms of the loan or guarantee. **SOURCE INSTRUMENT:** Circular R-35 §21 (4.21 introductory text) — reproducing statutory sentence 3 of §21 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — statutory text; no gap **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** MIXED — primary USER NEED (user informed of financial obligations, appeal rights); secondary INTERNAL CONTROL (administrative enforcement record) **BURDEN DESCRIPTION:** Moderate documentation effort at decision time. Caseworker must specify loan terms in the formal decision. Circular guidance is present and proportionate to the statutory obligation. **KILL LIST**

CLASSIFICATION: No Kill List Action — sufficient statutory and circular authority, proportionate burden **TRANSACTION COST CATEGORY:** No Transaction Cost Identified (for the mandatory elements); Documentation Inflation only if circular adds content requirements beyond the statutory terms

---

REQUIREMENT ID: §21-REQ-2 **PROVISION TEXT:** Decisions on stønadsform and any change of stønadsform must be issued and reasoned as individual administrative decisions (enkeltvedtak). **SOURCE INSTRUMENT:** Circular R-35 §21 (4.21.1.1) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — §21 is silent on the procedural form; authority derives from forvaltningsloven §§2(b) and 24. The circular correctly identifies the administrative law obligation but presents it as a §21 requirement when its source is the general administrative law framework. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO — the requirement is correctly applicable to social services decisions; the administrative law source is appropriate **SCALE FLAG:** NO **PURPOSE:** USER NEED — the enkeltvedtak form provides appeal rights and legal certainty for the user **BURDEN DESCRIPTION:** No transaction cost burden identified. The enkeltvedtak form is standard across all social services work and does not generate disproportionate overhead. **KILL LIST CLASSIFICATION:** Category C — Clarification. The circular presents an administrative law obligation as though it derives from §21 itself. Clarifying the actual source (forvaltningsloven) would ensure caseworkers understand the normative basis of the requirement and the room for discretion in its operationalization. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: §21-REQ-3 **PROVISION TEXT:** To document that the user has given authorization for third-party payment and ensure compliance with confidentiality rules, consent should be in writing. **SOURCE INSTRUMENT:** Circular R-35 §21 (4.21.2.1) — bør language **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — §21 is entirely silent on payment routing and written consent. Authority may derive from the taushetsplikt regime rather than §21. The provision has no §21 statutory anchor. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — Anchor Document [D] mechanism; written consent documentation may not become a reliable routine in offices where third-party payment routing is rare **PURPOSE:** INTERNAL CONTROL — primary function is to document that confidentiality rules were observed; the protective purpose for the user is served by Requirement 4 (obtaining consent), not by writing it down **BURDEN DESCRIPTION:** Caseworker must produce, obtain signature on, and file a written consent document. Circular uses bør language but operates with shadow-binding in practice. Since §21 provides no authority for this requirement, the caseworker complies with an obligation the primary normative instrument for §21 does not address. Circular source: 4.21.2.1 — "for å dokumentere at tjenestemottaker har gitt tillatelse." **KILL LIST CLASSIFICATION:** Category B — Status Change. The provision uses permissive language (bør) but the framing ("for å dokumentere") creates shadow-binding in supervision practice. Reformulation to explicitly permissive language clarifying that written consent is one of several equivalent ways to document authorization — not the only compliant method —

would restore local discretion without reducing user protection. **TRANSACTION COST CATEGORY:** Documentation Inflation

---

REQUIREMENT ID: §21-REQ-4 **PROVISION TEXT:** If the user wishes payment to be routed to a third party, they must give NAV consent to do so. **SOURCE INSTRUMENT:** Circular R-35 §21 (4.21.2.1) — må language **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** NO from §21 directly — §21 does not address consent requirements for payment routing; PARTIAL from taushetsplikt / personvern principles more broadly **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — consent protects the user's autonomy over their own financial affairs and prevents unauthorized disclosure of client status **BURDEN DESCRIPTION:** No transaction cost burden identified. Obtaining consent is a basic interaction requirement with no documentation overhead beyond the standard case record. **KILL LIST CLASSIFICATION:** Category C — Clarification. The requirement has substantive user-protective merit but lacks a clear §21 anchor. Clarifying that the obligation derives from personvern and taushetsplikt principles (not §21) would ensure the correct legal frame is applied, particularly in situations where the circular's mandatory language (må) might be interpreted as extending beyond its actual statutory scope. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: §21-REQ-5 **PROVISION TEXT:** Loan decisions must specify the detailed terms of the loan, including interest rate and repayment due dates. **SOURCE INSTRUMENT:** Circular R-35 §21 (4.21.2.2) — shall language **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — lawful operationalization of §21 sentence 3; the statutory text requires the decision to contain loan terms and the circular specifies the minimum content **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** MIXED — primary USER NEED (user informed of full financial obligation, appeal rights); secondary INTERNAL CONTROL (enforcement record) **BURDEN DESCRIPTION:** Caseworker must calculate and insert specific financial terms (interest rate, repayment schedule) in the decision. A moderate documentation effort at decision time. The burden is proportionate and supported by adequate statutory and circular authority. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified (burden is proportionate to statutory obligation)

REQUIREMENT ID: §21-REQ-6 **PROVISION TEXT:** The recipient should sign a promissory note (gjeldsbrev) when a loan is granted. **SOURCE INSTRUMENT:** Circular R-35 §21 (4.21.2.2) — bør language **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** NO — §21 mandates that loan terms appear in the decision but is silent on requiring a supplementary civil debt instrument. The gjeldsbrev is a finansavtaleloven instrument imported into the social services circular without a §21 statutory anchor. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** PARTIAL — the gjeldsbrev is a civil law instrument (governed by finansavtaleloven) being operationalized through a social services circular. The requirement exists on the boundary between administrative social services procedure and civil contract law, with the primary function belonging to the civil law domain

(enabling debt enforcement/inndrivelse). **SCALE FLAG:** YES — Anchor Document [K] mechanism. Loan cases are rare in most municipalities; the gjeldsbrev procedure requires civil law competence (finansavtaleloven) that will decay without frequent encounter. Structurally analogous to the gjeldsordning competence problem confirmed in 10+ municipalities in the Anchor Document. **PURPOSE:** INTERNAL CONTROL — the gjeldsbrev adds nothing to the user's information or protection beyond what the vedtak already provides. Its sole operational function is to create an enforceable civil debt instrument for recovery purposes. **BURDEN DESCRIPTION:** Caseworker must procure an appropriate gjeldsbrev form, have the user sign it, and retain the original. The caseworker must understand the civil law function of the instrument and ensure correct execution. Knowledge of finansavtaleloven is required. Since §21 provides no authority for this requirement, the caseworker executes a civil law procedure through a social services framework without adequate normative support — complying with an obligation the primary normative instrument for §21 does not address. **KILL LIST CLASSIFICATION:** Category B — Status Change. The bør language should be explicitly reformulated to clarify that the gjeldsbrev is an optional procedural tool — one way to secure the authority's enforcement capacity — rather than an operational standard. The reformulation should also clarify the finansavtaleloven basis so caseworkers are directed to the correct normative framework for this instrument. This restores local discretion and eliminates the shadow-binding effect of a permissive requirement that operates as standard practice. **TRANSACTION COST CATEGORY:** Documentation Inflation; Combined Burden (civil law competence overhead + documentation overhead)

REQUIREMENT ID: §21-REQ-7 **PROVISION TEXT:** If a loan is given to multiple persons (e.g., spouses or cohabitants), both must sign the application and the gjeldsbrev to establish solidary liability; debt enforcement can only be pursued against those who have signed. **SOURCE INSTRUMENT:** Circular R-35 §21 (4.21.2.2) — må language **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** NO — §21 contains no provision governing joint borrowers, co-signatures, or the establishment of solidary liability. The requirement operates entirely outside §21's statutory scope. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** YES — solidary liability is a private law/civil law mechanism governed by finansavtaleloven and the general law of obligations. The requirement that both parties sign to create solidarisk ansvar is a contract law rule, not a social services administrative procedure. Importing it through a social services circular and framing it as a mandatory caseworker procedure (*må*) constitutes a category error: the legal domain is civil law/finansavtaleloven, not the Social Services Act. The circular cross-references finansavtaleloven at the end of 4.21.2.2, confirming that the normative framework for this requirement sits outside the Social Services Act. **SCALE FLAG:** YES — Anchor Document [K] mechanism. Joint borrower situations requiring co-signatures and solidary liability are among the rarest transactions in the §21 loan framework. A caseworker in a small municipality may encounter this configuration once every several years, making it structurally impossible to maintain competence in the civil law dimensions of this requirement. **PURPOSE:** MIXED — primary INTERNAL CONTROL (solidary liability serves the authority's enforcement capacity: enabling debt recovery from multiple parties); secondary USER NEED (co-borrowers are informed of joint liability, which protects their informed consent) **BURDEN DESCRIPTION:** Caseworker must ensure both co-borrowers sign application and

gjeldsbrev; must understand and explain solidary liability under finansavtaleloven; must coordinate two signatures (potentially in separate meetings); must retain signed originals. The civil law judgment required (what happens if one party defaults, who can be subject to inndrivelse) exceeds standard social services casework competence. Since §21 provides no authority and the legal domain is finansavtaleloven, the caseworker executes a private law procedure through a social services framework with no guidance from the instrument governing their work. **KILL LIST CLASSIFICATION:** Category A — Removal. The requirement lacks §21 authority and belongs to a different legal domain (finansavtaleloven / civil law). Its presence in the social services circular creates casework obligations in a legal domain for which social services caseworkers are not trained and for which the Social Services Act provides no mandate. The obligation should be removed from the social services normative framework; caseworkers who need guidance on civil law aspects of loan instruments should be directed to finansavtaleloven and legal support resources rather than treated as civil law practitioners through the social services circular. **TRANSACTION COST CATEGORY:** Documentation Inflation; Structural Disproportionality (civil law obligation imposed through wrong normative framework)

REQUIREMENT ID: §21-REQ-8 **PROVISION TEXT:** Guarantee decisions must specify the detailed terms of the guarantee, including the consequences if the guarantee is redeemed. **SOURCE INSTRUMENT:** Circular R-35 §21 (4.21.2.3) — shall language **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — lawful operationalization of §21 sentence 3 applied to guarantees; the circular specifies minimum content requirements for guarantee decisions **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — guarantee decisions are rare; the requirement to document the consequences of redemption requires analytical work on a contingent future scenario **PURPOSE:** MIXED — primary USER NEED (user informed of contingent financial exposure, informed consent to guarantee arrangement); secondary INTERNAL CONTROL (administrative record for enforcement) **BURDEN DESCRIPTION:** Caseworker must calculate and insert the financial consequences of guarantee redemption in the decision. Requires forward-looking financial analysis. Burden is moderate and supported by adequate statutory and circular authority. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** Documentation Inflation (moderate — contingency analysis required)

REQUIREMENT ID: §21-REQ-9 **PROVISION TEXT:** Deposit loan and deposit guarantee decisions must specify the detailed terms including interest rate, repayment due dates, and consequences if the guarantee is redeemed. **SOURCE INSTRUMENT:** Circular R-35 §21 (4.21.2.4) — shall language **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — fully authorized operationalization of §21 sentence 3; the circular correctly extends the statutory content requirement to deposit instruments **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — deposit loan and guarantee decisions are rare; same scale-related competence concern as Requirement 8, compounded by the even lower frequency of deposit-specific instruments **PURPOSE:** MIXED — primary USER NEED; secondary INTERNAL CONTROL (same reasoning as Requirement 8) **BURDEN**

DESCRIPTION: Same as Requirement 8 — moderate documentation effort at decision time with adequate statutory and circular support. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** Documentation Inflation (moderate)

REQUIREMENT ID: §21-REQ-10 **PROVISION TEXT:** NAV must assess whether there are sufficient grounds to believe the user can actually repay the loan before granting support as a loan. **SOURCE INSTRUMENT:** Circular R-35 §21 (4.21.2.2) — shall language **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — §21 paragraph 2 provides the statutory anchor (ability to repay must be considered); the circular restates this in mandatory terms and adds the evidentiary threshold (tilstrekkelige holdepunkter) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — protects the user from being placed in an unrepayable loan; the assessment directly determines whether the loan form is appropriate for this user **BURDEN DESCRIPTION:** No transaction cost burden identified. This is a substantive assessment integral to the decision itself, not an additional documentation or reporting layer. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: §21-REQ-11 **PROVISION TEXT:** When the loan is due for repayment, NAV must assess whether the loan should wholly or partially be converted to a grant. **SOURCE INSTRUMENT:** Circular R-35 §21 (4.21.2.2) — must language (må) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** NO — §21 contains no provision on reassessment of loans at repayment or conversion of loans to grants at that stage. The obligation is introduced by the circular without a §21 textual anchor. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** YES — Anchor Document [P] Procedural Continuity. Post-grant lifecycle obligations require case management infrastructure (flagging open loan files, tracking repayment dates) that small offices cannot sustain. The Anchor Document confirms that lifecycle-tracking requirements are among the most consistently unsupported in small offices. **PURPOSE:** USER NEED — protects the user from enforcement when their circumstances have changed; but the lifecycle-tracking mechanism required to execute this protection generates procedural overhead **BURDEN DESCRIPTION:** Although classified as USER NEED, the execution of this requirement places a procedural burden on NAV leaders and case management systems: open loan files must be flagged for reassessment at a future repayment date; the caseworker (or their successor in cases of staff turnover) must retain awareness of the obligation and initiate the reassessment process. Since §21 provides no authority for this obligation, caseworkers must maintain a post-decision lifecycle procedure that the primary normative instrument for §21 does not address. **KILL LIST CLASSIFICATION:** Category C — Clarification. The mandatory language (må) exceeds what §21 can support. Clarification that this is a discretionary best-practice obligation — which the authority should exercise when it becomes aware of changed circumstances — rather than an affirmative lifecycle-tracking duty would reduce shadow-binding without removing the user protection. The current formulation implies a systematic reassessment obligation at every repayment event, which

small offices cannot structurally deliver. **TRANSACTION COST CATEGORY:** Procedural Duplication (lifecycle-tracking overhead without statutory foundation)

REQUIREMENT ID: §21-REQ-12 **PROVISION TEXT:** Before issuing a loan guarantee, NAV must assess whether there are sufficient grounds to believe the user can actually repay the guaranteed loan. **SOURCE INSTRUMENT:** Circular R-35 §21 (4.21.2.3) — shall language **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — §21 paragraph 3 (section 4.21.2.3) provides a direct statutory anchor for the threshold assessment before guarantees **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — same reasoning as Requirement 10, applied to guarantees **BURDEN DESCRIPTION:** No transaction cost burden identified. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: §21-REQ-13 **PROVISION TEXT:** When a guarantee is about to be redeemed, NAV must assess whether the guarantee should wholly or partially be converted to a grant. **SOURCE INSTRUMENT:** Circular R-35 §21 (4.21.2.3) — must language (må) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** NO — §21 contains no provision on mandatory reassessment at the point of guarantee redemption. The obligation is introduced by the circular without a §21 textual anchor. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** YES — same reasoning as Requirement 11. The redemption event is rarer still than loan repayment; maintaining institutional awareness of the reassessment obligation across the lifecycle of a guarantee is a case management infrastructure challenge. Anchor Document [P] and [C] mechanisms apply. **PURPOSE:** USER NEED — protects the user from automatic debt imposition when circumstances have changed; lifecycle-tracking overhead is a secondary procedural burden **BURDEN DESCRIPTION:** Same as Requirement 11, applied to guarantees. The caseworker or NAV leader must maintain institutional awareness that a reassessment obligation arises at the rare event of guarantee redemption. Since §21 provides no authority, this lifecycle obligation falls outside the normative framework the circular establishes. **KILL LIST CLASSIFICATION:** Category C — Clarification. Same reasoning as Requirement 11. The mandatory language overstates the obligation's circular and statutory support; clarification to discretionary-triggered language would reduce shadow-binding. **TRANSACTION COST CATEGORY:** Procedural Duplication (lifecycle-tracking overhead without statutory foundation)

REQUIREMENT ID: §21-REQ-14 **PROVISION TEXT:** Economic support in the form of a deposit loan or deposit guarantee must be assessed if the user lacks their own funds for a deposit. **SOURCE INSTRUMENT:** Circular R-35 §21 (4.21.2.4) — must language (må vurderes) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — §21 provides the legal basis for deposit loans and guarantees as available stønadsformer; the automatic assessment trigger upon a specific factual condition is an inference from §18/§21 principles rather than an explicit §21 mandate **DOUBLE AUTHORITY GAP:** NO

CATEGORY ERROR: NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — the automatic assessment obligation ensures the user is not left without the deposit assistance option simply because they did not ask for it **BURDEN DESCRIPTION:** No transaction cost burden identified. This is a screening obligation at the application point requiring no additional documentation or reporting beyond the standard case assessment. **KILL LIST CLASSIFICATION:** Category C — Clarification. The mandatory trigger language (må vurderes upon a specific factual condition) gives the impression of a stricter obligation than the partial statutory anchor supports. Clarifying that this is a user-protective best practice derived from general §18/§21 principles — rather than a strict §21 duty — would ensure the normative basis is correctly understood without reducing user protection in practice. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: §21-REQ-15 **PROVISION TEXT:** If a landlord makes a claim against a deposit guarantee, NAV should seek to ensure agreement between the user and the landlord before the guarantee is redeemed. **SOURCE INSTRUMENT:** Circular R-35 §21 (4.21.2.4) — bør language **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** NO — §21 is confined to decision content at the time of grant; it contains no provision governing post-grant dispute mediation between users and third parties. The obligation is introduced by the circular without a §21 textual anchor. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO — the requirement operates in the social services domain, but it implements a function (third-party dispute mediation) that goes substantially beyond standard social services casework **SCALE FLAG:** YES — Anchor Document [K] mechanism. Deposit guarantee redemption events are extremely rare; the mediation procedure has a near-zero encounter frequency in small municipalities. The Anchor Document's finding about gjeldsordning competence — that *"competence in a procedure that may arise once every two or three years cannot be met by a single officer in a small office"* — applies directly. **PURPOSE:** MIXED — primary USER NEED (protecting user from premature loss of deposit/tenancy); secondary INTERNAL CONTROL (protecting authority's recourse claim against the user). The user protection purpose is substantive and genuine; the authority-protection dimension introduces an INTERNAL CONTROL element. **BURDEN DESCRIPTION:** Caseworker must contact user, hear innsigelser, contact landlord, attempt facilitated agreement, document the attempt, and record the outcome. This is a multi-step dispute mediation function requiring knowledge of husleieloven and landlord-tenant law. Since §21 provides no authority for this obligation, the caseworker executes a complex third-party procedure without any guidance from the primary normative instrument for §21. The bør register creates shadow-binding: in practice, failing to attempt mediation before redeeming a guarantee is treated as a procedural failure, even though the legal basis for the obligation is entirely circular-derived and lacks statutory support. **KILL LIST CLASSIFICATION:** Category B — Status Change. The bør language should be explicitly reformulated to clarify that mediation is a recommended practice tool — one way the authority can protect both the user and its own recourse position — rather than an implied procedural standard. The reformulation should direct caseworkers to the husleieloven framework for the underlying legal context. This restores local discretion for offices that lack the competence or capacity to conduct formal mediation and eliminates shadow-binding. **TRANSACTION COST CATEGORY:** Documentation Inflation; Procedural Duplication (multi-step mediation without statutory foundation); Combined Burden

---

REQUIREMENT ID: §21-REQ-16 **PROVISION TEXT:** Before a deposit guarantee is redeemed, NAV should obtain consent from the user. **SOURCE INSTRUMENT:** Circular R-35 §21 (4.21.2.4) — bør language **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** NO — §21 contains no provision on consent procedures before guarantee redemption. The obligation is introduced by the circular without a §21 textual anchor. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — the consent step is procedurally simpler than the mediation obligation (Requirement 15), but it is triggered by the same rare event; encounter frequency is insufficient for routine formation in small offices **PURPOSE:** USER NEED — obtaining consent before redemption ensures the user can raise innsigelser and have their legal position heard before a financial consequence is activated **BURDEN DESCRIPTION:** No formal transaction cost burden identified for the substantive consent step. However, the bør language operates with shadow-binding: not obtaining written consent before redemption can create administrative and legal exposure. Since §21 provides no authority for this obligation, the caseworker executes a pre-redemption consent procedure without guidance from the primary normative instrument for §21. **KILL LIST CLASSIFICATION:** Category B — Status Change. The bør formulation should be explicitly reinforced as permissive guidance rather than operational standard. A note clarifying that the consent step is one of several ways to protect the user's interests before guarantee redemption — and that its omission does not automatically constitute a procedural violation — would reduce shadow-binding and restore local discretion. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified (for the consent step itself); Documentation Inflation risk if shadow-binding transforms the step into a formal written consent requirement

---

REQUIREMENT ID: §21-REQ-17 **PROVISION TEXT:** In exceptional cases, economic support can be given as goods and services; NAV must conduct a concrete assessment of whether the conditions are met. **SOURCE INSTRUMENT:** Circular R-35 §21 (4.21.2.5) — must language (må foreta) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — §21 sentence B provides the statutory basis; the requirement to conduct a concrete assessment before using the restrictive form is a lawful procedural precondition for exercising a bounded discretionary power **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — the assessment requirement constrains use of the more restrictive stønadsform and ensures the statutory threshold is genuinely applied **BURDEN DESCRIPTION:** No transaction cost burden identified. The concrete assessment is integral to the decision itself and does not generate additional reporting or documentation layers. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: §21-REQ-18 **PROVISION TEXT:** NAV must have concrete grounds (konkrete holdepunkter) for assuming the user will not use the support in accordance with the specified conditions. **SOURCE INSTRUMENT:** Circular R-35 §21 (4.21.2.5) — must language (må ha) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — §21

sentence B directly provides this evidentiary standard ("konkrete, individuell vurdering" and the reference to not using the support in accordance with conditions under §20); the circular restates the statutory threshold **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — the evidentiary standard protects the user from having financial autonomy restricted without specific evidence; it operates as a constraint on the authority's discretionary power **BURDEN DESCRIPTION:** No transaction cost burden identified. The holdepunkter standard is a substantive legal threshold that directly governs the case outcome. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: §21-REQ-19 **PROVISION TEXT:** Consider whether a rent guarantee or deposit is needed. It may be important to clarify this early in the process. **SOURCE INSTRUMENT:** Veiviser for midlertidig botilbud (supplementary veileder document; no circular citation; no statutory citation) **CIRCULAR AUTHORITY:** ABSENT — this requirement has no textual presence in the circular paragraph for §21. Consequence: any burden this requirement imposes falls entirely outside the normative framework the circular establishes. Caseworkers must comply with an obligation that neither the statute nor the primary normative instrument governing §21 addresses. The veiviser's sequential directive character creates de facto procedural expectations without regulatory foundation. **LEGAL AUTHORITY:** NO — the veiviser carries no statutory citation and lacks binding normative force. The Process Inflation Finding classifies this as an orphan requirement: *"It carries no legal citation, originates purely from a supplementary document, and operates as a caseworker directive completely lacking a statutory anchor."* **DOUBLE AUTHORITY GAP:** YES — circular authority is ABSENT and statutory authority is NO. This is the only requirement in the §21 session meeting the double authority gap criterion. **CATEGORY ERROR:** NO — the substantive content (considering housing guarantees) is within the scope of §21; the category error is not one of legal domain but of normative instrument: the obligation is generated by a sub-legal source without the authority to create it **SCALE FLAG:** YES — Anchor Document structural disproportionality. The Anchor Document confirms that requirements from sub-legal instruments operating without circular or statutory grounding impose overhead that cannot be calibrated or proportionately justified. The veiviser directive functions as an unanchored sequential checkpoint; in small offices, any such unanchored obligation compounds the broader documentation apparatus burden without regulatory support. **PURPOSE:** MIXED — early housing guarantee assessment could benefit the user (proactive identification of housing assistance needs); it also serves administrative sequencing efficiency. Neither purpose is anchored in a normative instrument with binding authority. **BURDEN DESCRIPTION:** Caseworker must undertake an early-stage housing guarantee/deposit assessment as a procedural checkpoint in cases involving temporary accommodation needs. The requirement generates casework effort — identifying the need, documenting the assessment, and acting on the finding — without any circular or statutory framework to guide the scope or depth of the assessment. Since this obligation exists entirely outside the circular's normative framework for §21, the caseworker cannot calibrate the effort against any authoritative standard. The Anchor Document's finding on sub-legal instrument burden applies directly: unanchored caseworker directives from veileders create disproportionate overhead without the regulatory infrastructure to justify or limit it. **KILL LIST CLASSIFICATION:** Category A — Removal. The requirement lacks both circular authority

(ABSENT) and statutory authority (NO). As the only double authority gap in this session, it represents the clearest candidate for removal from the social services normative framework. Its substantive content is not without merit — considering housing guarantees early is sound practice — but this guidance should either be integrated into the circular proper (with a statutory anchor) or explicitly labeled as non-binding practice guidance that carries no compliance expectation. Its current position in a structured veiviser creates shadow-binding without any normative foundation. **TRANSACTION COST CATEGORY:** Structural Disproportionality; Documentation Inflation (if the early assessment is treated as requiring formal documentation)

CLOSING COMPARATIVE NOTE

Total requirements identified starting from the Process Inflation Findings: 19

Requirements that would have been visible starting from the circular alone: 18. All requirements except Requirement 19 have textual presence in the circular. Starting from the circular, the analyst would have identified the same 18 requirements. The incremental quantitative contribution of the Process Inflation Findings is therefore modest for this paragraph — one orphan requirement surfaced.

The qualitative contribution is, however, analytically decisive. Starting from the circular alone, all 18 requirements would appear as authoritative — the circular presents them uniformly without signaling where it is operating beyond its statutory mandate. The Process Inflation Findings surface the legal gap assessments that reveal six requirements (4, 6, 7, 11, 13, 15, 16) where the circular imposes obligations for which §21 provides no textual anchor. This structural gap is entirely invisible from the circular text and is the primary reason the Process Inflation Findings must serve as the reference document rather than the circular itself.

Double authority gaps: 1 (Requirement 19 — absent from both the circular and any statutory provision; the only full double authority gap in this session)

Requirements with circular authority present but no/partial statutory authority in §21 (single authority gaps): 7 (Requirements 4, 6, 7, 11, 13, 15, 16)

Category errors: 1 (Requirement 7 — solidary liability belongs to the civil law/finansavtaleloven domain, not the Social Services Act; confirmed as a full category error) Partial category concern: 1 (Requirement 6 — gjeldsbrev operates at the boundary between administrative procedure and civil contract law)

Kill List breakdown:

- **Category A — Removal:** 2 (Requirement 7: civil law category error with no §21 authority; Requirement 19: double authority gap from veiviser)

- **Category B — Status Change:** 5 (Requirements 3, 6, 15, 16: permissive language operating with shadow-binding; Requirement 3 additionally lacks §21 statutory anchor)
- **Category C — Clarification:** 4 (Requirements 2, 4, 11, 13, 14: room for maneuver unclear or mandatory language overstates the normative support)
- **No Kill List Action:** 8 (Requirements 1, 5, 8, 9, 10, 12, 17, 18: sufficient authority and proportionate burden)

Primary transaction cost categories by frequency:

1. **Documentation Inflation** — 6 requirements (3, 5, 6, 8, 9, 16): producing and filing consent forms, gjeldsbrev, contingency content in decisions; the dominant transaction cost category, consistent with the Anchor Document's finding that [D] Documentation Apparatus is the empirically dominant mechanism across all social services
2. **Procedural Duplication** — 3 requirements (11, 13, 15): lifecycle-tracking obligations and post-grant mediation steps without statutory foundation; consistent with the Anchor Document's [P] Procedural Continuity mechanism
3. **Structural Disproportionality** — 2 requirements (7, 19): a civil law obligation imported into the wrong normative framework, and an unanchored veiviser directive
4. **Combined Burden** — 2 requirements (6, 15): multiple overlapping cost categories on the same procedural obligation
5. **No Transaction Cost Identified** — 9 requirements (1, 2, 4, 10, 11, 12, 13, 14, 16, 17, 18): requirements classified as USER NEED where the procedural obligation is integral to the substantive case assessment

Principal analytical finding for the main report: The §21 session reveals a pattern structurally distinct from those identified in the §17–§20a debt counseling domain documented in the Anchor Document. Where the Anchor Document's dominant burden is the documentation apparatus around routine advisory services ([D] mechanism, 65+ findings), the §21 burden is concentrated in post-grant lifecycle obligations and civil law instruments imported without statutory authorization. Requirements 6, 7, 11, 13, and 15 collectively constitute a post-decision compliance tail — obligations that arise after the primary decision has been made and that presuppose case management infrastructure and civil law competence that generalist caseworkers in small municipalities do not have. This tail is entirely circular-derived: not one of these five requirements has a §21 statutory anchor. The Kill List action for this paragraph should therefore be oriented primarily toward removing civil law instruments from the social services normative frame (Category A: Requirement 7) and reformulating post-decision obligations from mandatory to explicitly permissive language (Category B/C: Requirements 6, 11, 13, 15) to restore the local discretion the current circular formulations suppress.

SLUDGE AUDIT — § 22 UTBETALING AV STØNAD

PRELIMINARY METHODOLOGICAL NOTE

Requirement count comparison:

The Process Inflation Findings (Reference Document) enumerate **8 requirements** applicable to the normative domain of §22. Starting from the circular paragraph in the Context Document alone, **7 requirements** are visible. The circular paragraph for §22 and its sub-section 4.22.1.1 contain textual presence for Requirements 1 through 7. **Requirement 8 has no textual presence in the circular paragraph whatsoever** — it is entirely invisible from §22 as a starting point for analysis.

Requirements invisible from the circular alone:

Requirement 8 (PROC-REQ-22.8): The obligation to have offered opplysning, råd og veiledning and attempted a voluntary arrangement before issuing a forced management order.

Source instrument: *Veileder sotjl. §17* — this is **(b) a veileder**, a guidance document attached to a different statutory provision entirely. This instrument is not referenced in, derived from, or structurally connected to §22 of the circular. Its appearance in the Process Inflation Findings for §22 reflects operational cross-contamination between normative domains, which the analytical steps below will address in full.

Structural observation: The use of the Process Inflation Findings as the reference document rather than the circular adds one requirement invisible from the circular, and critically, identifies that this invisible requirement derives from a veileder for a different statutory provision. This is the core analytical value of the multi-document approach: starting from §22 alone, no analyst would discover that a pre-forced-management sequencing obligation from §17's guidance apparatus had migrated into the operational normative environment of §22.

STEP 1 — IDENTIFICATION OF ALL REQUIREMENTS

Requirement 1

- **Exact obligation:** Når det ikke er truffet vedtak som nevnt i § 21 fjerde ledd, skal stønaden utbetales til den som har søkt om stønad.
- **Source instrument:** R-35 Para 22 / PROC-REQ-22.1 (Circular)
- **Explicit or implicit:** Explicit

- **Textual presence in circular:** PRESENT

Requirement 2

- **Exact obligation:** Dersom stønaden skal komme flere til gode, kan det bestemmes at den skal deles mellom dem.
- **Source instrument:** R-35 Para 22 / PROC-REQ-22.2 (Circular)
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** PRESENT

Requirement 3

- **Exact obligation:** Økonomisk stønad kan utbetales til andre hvis tjenestemottaker har gitt samtykke til dette.
- **Source instrument:** R-35 Para 22 / PROC-REQ-22.3 (Circular)
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** PRESENT (as interpretive elaboration in sub-section 4.22.1)

Requirement 4

- **Exact obligation:** Nav-kontoret bestemmer selv hvorvidt økonomisk stønad utbetales kontant, overføres til bankkonto, postanvisning eller lignende.
- **Source instrument:** R-35 Para 22 / PROC-REQ-22.4 (Circular)
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** PRESENT

Requirement 5

- **Exact obligation:** Nav-kontoret skal imidlertid rådføre seg med tjenestemottaker, og utbetalingsmåten skal være minst mulig belastende for tjenestemottaker.
- **Source instrument:** R-35 Para 22 / PROC-REQ-22.5 (Circular, importing §42)
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** PRESENT (but authority derived from §42, imported into §22)

Requirement 6

- **Exact obligation:** Avgjørelsen om utbetalingsmåte og om stønaden skal utbetales til andre etter samtykke skal fremgå av vedtaket om økonomisk stønad, men er i seg selv ikke et enkeltvedtak og kan derfor ikke påklages til statsforvalteren.
- **Source instrument:** R-35 Para 22, sub-section 4.22.1.1 / PROC-REQ-22.6 / DOC-REQ-22.1 (Circular)
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** PRESENT

Requirement 7

- **Exact obligation:** Nav-kontoret må følge de krav til saksbehandling som følger av denne loven, forvaltningsloven og uskrevne normer om god forvaltningsskikk.

- **Source instrument:** R-35 Para 22 / PROC-REQ-22.7 (Circular)
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** PRESENT

Requirement 8

- **Exact obligation:** Nav-kontoret bør ha tilbudt brukeren tjenesten opplysning, råd og veiledning, og prøvd å komme frem til en frivillig ordning, før det fattes vedtak om tvungen forvaltning.
- **Source instrument:** Veileder sotjl. §17 (supplementary) / PROC-REQ-22.8 (Veileder)
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** ABSENT — no textual presence in §22 circular at all

---

STEP 2 — LEGAL AUTHORITY CHECK

Requirement 1

- **Direction 1 — Circular authority:** YES
- **Direction 2 — Statutory authority:** YES — this is the direct text of §22 of sosialtjenesteloven itself. The circular restates it faithfully.
- **Double authority gap:** NO
- **Category error:** NO

Requirement 2

- **Direction 1 — Circular authority:** YES
- **Direction 2 — Statutory authority:** YES — §22, second sentence, expressly authorizes splitting among multiple intended beneficiaries.
- **Double authority gap:** NO
- **Category error:** NO

Requirement 3

- **Direction 1 — Circular authority:** YES (as interpretive elaboration in 4.22.1)
- **Direction 2 — Statutory authority:** PARTIAL — §22 does not mention consent-based third-party payment explicitly; this is an interpretive extension of the provision read in conjunction with §21(4). The circular's elaboration goes beyond the statutory text. Process Inflation Finding: PROC-REQ-22.3 identifies this as substantive but notes it establishes a payment destination not in the statutory text of §22.
- **Double authority gap:** NO (circular authority is present; statutory gap is only partial)
- **Category error:** NO

Requirement 4

- **Direction 1 — Circular authority:** YES

- **Direction 2 — Statutory authority:** PARTIAL — §22 is entirely silent on the modality of payment. The authority to determine payment form (cash, bank transfer, postal order) is a circular-level operational grant with no statutory anchor. Process Inflation Finding: PROC-REQ-22.4 notes that §22 mandates *who* receives payment but is silent on *how*, granting NAV an operational power "without an express textual anchor in the statute."
- **Double authority gap:** NO (circular authority is present)
- **Category error:** NO

Requirement 5

- **Direction 1 — Circular authority:** YES (stated in circular 4.22.1)
- **Direction 2 — Statutory authority:** PARTIAL — the consultation duty and burden-minimization standard derive from §42 (plikt til å rådføre seg med tjenestemottaker), not from §22. Process Inflation Finding: PROC-REQ-22.5 explicitly identifies that "the circular borrows these obligations from §42, which is completely outside §22's scope." The §22 circular imports obligations whose statutory home is a different provision.
- **Double authority gap:** NO (circular authority is formally present through cross-reference)
- **Category error:** NO — both §22 and §42 are within sosialtjenesteloven; this is an intra-statutory import, not a cross-domain error, though it creates interpretive instability.

Requirement 6

- **Direction 1 — Circular authority:** YES (sub-section 4.22.1.1)
- **Direction 2 — Statutory authority:** PARTIAL — §22 provides no documentation requirements specifying what must appear in the formal benefit decision letter, nor does it provide statutory authority for declaring payment decisions non-appealable. Process Inflation Finding: PROC-REQ-22.6 / DOC-REQ-22.1 states that "§22 provides no requirements regarding what specific documentation or content must be recorded in the formal decision letter, nor does it provide a statutory basis for declaring these payment decisions non-appealable."
- **Double authority gap:** NO (circular authority is present)
- **Category error:** NO

Requirement 7

- **Direction 1 — Circular authority:** YES (referenced in circular)
- **Direction 2 — Statutory authority:** YES — as a general procedural compliance mandate the authorization is legally sound, deriving from the broader statutory framework (sosialtjenesteloven, forvaltningsloven, and unwritten administrative norms). Process Inflation Finding: PROC-REQ-22.7 notes this is "legally sound overall" though its authorization derives from outside §22 itself.
- **Double authority gap:** NO
- **Category error:** NO

Requirement 8

- **Direction 1 — Circular authority:** NO — §22 circular contains no reference to forced management procedures or pre-forced-management sequencing obligations. This is a first-order authority gap: the requirement operates entirely outside the §22 circular framework.
- **Direction 2 — Statutory authority:** NO — §22 contains no statutory reference to forced management procedures or their prerequisites. Process Inflation Finding: PROC-REQ-22.8 states that "§22 contains no statutory reference to, or authority over, forced management procedures or their prerequisites; this requirement belongs to an entirely different legal regime (folketrygdloven §22-6) and is outside the scope of §22."
- **Double authority gap:** YES — circular authority is ABSENT and statutory authority (within §22 / sosialtjenesteloven framework) is NO.
- **Category error:** YES — the requirement derives from tvungen forvaltning procedures governed by folketrygdloven §22-6. This is a different legal domain from §22 of sosialtjenesteloven. The requirement has been placed in the §22 Process Inflation Findings through operational cross-contamination and has no legitimate normative home in the §22 framework.

STEP 3 — SCALE AND PROPORTIONALITY CHECK

The Anchor Document (Volume Driver Findings) focuses analytically on §§17, 18, 19, and 20a. Direct findings for §22 payment procedures are not enumerated as named volume drivers. However, structural analogues exist across the anchor document, and the following cross-references are drawn:

Requirement 1: NO scale flag — substantive legal obligation, destination of payment. No volume driver analogue identified.

Requirement 2: NO scale flag — substantive legal obligation regarding splitting. No volume driver analogue.

Requirement 3: NO scale flag — consent-based third-party payment. No volume driver analogue.

Requirement 4: NO scale flag — operational decision on payment modality. Low administrative burden per transaction. No volume driver analogue.

Requirement 5: NO scale flag — consultation duty. Single interaction per case. No volume driver analogue.

Requirement 6: PARTIAL scale flag. The requirement to include specific payment-related content in the formal vedtak is structurally analogous to the [D] Documentation Apparatus mechanism, which the Anchor Document identifies as "the dominant empirical mechanism by a wide margin" (~55-65 findings across Set B). The Anchor Document states that the [D] mechanism operates through "the obligation to translate informal, conversational, and often highly effective social work into a formal bureaucratic paper trail." Requirement 6 imposes

exactly this translation burden: specific payment decisions and consent arrangements must be formally documented in the vedtak. For small offices, this adds to the cumulative documentation stack. Anchor Document finding: Cluster 1 (The Debt Counseling Compliance Stack) notes that documentation requirements presuppose "back-office capacity proportional to caseload." Note: Requirement 6 lacks full statutory authority (PARTIAL in Step 2), meaning the scale-related documentation burden it imposes is partly unsupported by the circular framework's own statutory grounding.

Requirement 7: PARTIAL scale flag. The general procedural compliance mandate is structurally analogous to the [P] Procedural Continuity mechanism. The Anchor Document identifies [P] as the second most common volume driver (~28-32 findings), arising from "the obligation to maintain a formalized pipeline." For small offices, omnibus compliance references to multiple legal frameworks (sosialtjenesteloven, forvaltningsloven, unwritten norms) without operational specificity create interpretive overhead that scales disproportionately with organizational complexity. Anchor Document finding: Cluster 2 (Internal Control Apparatus) notes that requirements without organizational specificity "fall on the Nav leader, who is simultaneously the primary caseworker, the decision approver, the system administrator."

Requirement 8: PARTIAL scale flag. The pre-forced-management sequencing obligation belongs to a specialized procedural domain. The Anchor Document's [P] Procedural Continuity findings confirm that sequence-based procedural requirements produce volume-driven failures precisely where triggers are infrequent. Forced management orders are rare events, meaning the pre-sequence obligation is triggered so rarely in most offices that no routine can form. Anchor Document finding: Cluster 1 notes that "a pipeline cannot become habitual when triggered fewer than 10–15 times per year." Additionally, because Requirement 8 lacks both circular and statutory authority within §22 (double authority gap, Step 2), any scale-related burden it imposes is entirely unsupported by the §22 normative framework, constituting disproportionate burden without regulatory foundation.

STEP 4 — PURPOSE CLASSIFICATION

Requirement 1: [USER NEED] Justification: The language "skal stønaden utbetales til den som har søkt" directly establishes and protects the applicant's right to receive the benefit. The provision exists entirely to secure the legal destination of the payment in the user's favor. No internal control function is served.

Requirement 2: [USER NEED] Justification: The authority to split the benefit among multiple intended beneficiaries directly serves equitable distribution to all legitimate recipients within a household. The provision addresses the substantive interests of users in a shared-benefit situation.

Requirement 3: [USER NEED] Justification: Consent-based third-party payment (e.g., directly to a landlord or utility provider) serves the user's practical needs and is conditional on the user's own consent. The protection of user autonomy (consent requirement) is the operative element.

Requirement 4: [MIXED] Primary: INTERNAL CONTROL — the grant of unilateral authority to the NAV office to determine payment modality serves organizational operational convenience and administrative efficiency. Secondary: USER NEED — the choice of modality has practical consequences for the user (e.g., whether they must appear in person for cash vs. receive a bank transfer). Justification: The source language — "Nav-kontoret bestemmer selv" — is explicitly organizational-centric. User benefit is an indirect consequence of the office's exercise of operational discretion, not the stated purpose of the provision.

Requirement 5: [USER NEED] Justification: Both elements of the provision — the consultation duty and the burden-minimization standard — are framed in relation to the tjenestemottaker's experience. "Rådføre seg med tjenestemottaker" is a user-communication obligation; "minst mulig belastende for tjenestemottaker" is an explicit user-centered quality standard. Even though the authority is borrowed from §42, the functional purpose within the §22 context is entirely user-protective.

Requirement 6: [MIXED] Primary: INTERNAL CONTROL — the requirement that specific payment decisions appear in the formal vedtak primarily serves documentation, recordkeeping, and audit functions. The simultaneous declaration that these decisions are non-enkeltvedtak and non-appealable strips the user of a procedural right, making the documentation serve systemic record integrity rather than user legal security. Secondary: USER NEED — transparency as to the chosen payment method and any third-party arrangements has some user-protective value in that the user can see what was decided. Justification: Source language "skal fremgå av vedtaket" is a documentation mandate. The operative effect of §4.22.1.1 as a whole is to create a documented administrative record of payment decisions while simultaneously removing the user's ability to challenge them.

Requirement 7: [INTERNAL CONTROL] Justification: The obligation to follow "krav til saksbehandling som følger av denne loven, forvaltningsloven og uskrevne normer om god forvaltningsskikk" is a transversal procedural compliance mandate. Its purpose is to ensure the caseworker's behavior remains within the legal and administrative framework for audit and systemic accountability purposes. The user benefits incidentally from well-run procedures, but the provision is framed entirely as an obligation on the NAV office toward the administrative system, not as a user-protective guarantee with direct bearing on case outcome.

Requirement 8: [MIXED] — classified in relation to social services users, not in relation to its home domain. Primary: USER NEED — in its home domain (tvungen forvaltning under folketrygdloven §22-6), the pre-sequence obligation protects the user's right to a voluntary resolution before a coercive intervention. This is a genuine user-protective purpose. Secondary: INTERNAL CONTROL — the documentation that the pre-sequence has been followed serves the administrative system's audit trail for forced management decisions. However: because this requirement constitutes a category error (it belongs to a different legal domain), its classification as USER NEED in the §22 context is misleading. The user need it serves is real — but it is not served *through* §22, and its presence in the §22 normative environment is an administrative artifact, not a deliberate normative choice.

STEP 5 — TRANSACTION COST CHARACTERIZATION

Requirement 4 [MIXED — primary: INTERNAL CONTROL] The caseworker or NAV office must determine which payment modality to use (cash, bank transfer, postal order) for each individual benefit disbursement. This determination is an operational administrative decision recorded as part of case processing. Transaction cost is low in isolation: the decision is implicit in most cases (bank transfer is effectively standard) and requires no specialized competence. However, the absence of any statutory anchor for this operational grant means the caseworker exercises a power that the primary statute does not explicitly confer. In edge cases (e.g., disputes over modality), the caseworker must navigate an administrative power with no clear legal framework for how it is to be exercised or recorded.

Requirement 5 [USER NEED] No transaction cost burden identified. The consultation and burden-minimization obligation directly serves the user and does not impose documentation or reporting overhead distinct from the ordinary case communication.

Requirement 6 [MIXED — primary: INTERNAL CONTROL] The caseworker must ensure that the formal vedtak explicitly records (a) which payment modality was chosen, and (b) whether and to whom third-party payment was authorized (with consent noted). The caseworker must also communicate that these decisions, while in the vedtak, are not themselves enkeltvedtak and cannot be appealed to the statsforvalter. This creates a two-layer documentation task embedded in the decision letter: substantive content about payment decisions must be included, and a legal classification of that content (non-appealable) must be communicated. The circular provides no template or guidance for how this content is to be drafted, what specific language is required, or how to formulate the non-appealability communication in a way that is both legally accurate and user-comprehensible. The caseworker must comply with this documentation obligation without the primary normative instrument offering operational guidance on execution. For small offices where the §22 payment decision is one of many elements in a vedtak, this creates incremental documentation inflation without a statutory basis for the specific content requirements.

Requirement 7 [INTERNAL CONTROL] The caseworker must ensure formal compliance with three overlapping normative layers: (1) the Social Services Act's procedural requirements, (2) the Public Administration Act's case processing rules, and (3) unwritten norms of good administrative practice. This omnibus compliance obligation requires the caseworker to hold a working understanding of all three frameworks simultaneously in relation to every §22 payment decision. The transaction cost is diffuse rather than specific: there is no single document to produce or box to check, but the caseworker must be able to demonstrate compliance with all three layers if challenged. The circular provides no guidance on how to operationalize the "uskrevne normer" element in particular, creating interpretive overhead for any caseworker who must assess whether their handling of a payment decision meets this standard. The caseworker is thus subject to an obligation that the primary normative instrument governing their work does not break down into operationally actionable steps.

Requirement 8 [MIXED — primary: USER NEED / CATEGORY ERROR] The caseworker must document that they have (a) offered the user opplysning, råd og veiledning under §17,

and (b) attempted to reach a voluntary arrangement — both steps completed *before* issuing a forced management order. This is a two-stage sequential documentation obligation. The caseworker must produce records of the guidance offered, demonstrate that a voluntary arrangement was attempted, and show that this sequence was completed prior to the formal coercive decision. This procedural sequence belongs to a different legal regime (tvungen forvaltning under folketrygdloven §22-6) and has no regulatory home in §22 of sosialtjenesteloven. The transaction cost it imposes therefore falls entirely outside any framework that the §22 circular provides — meaning the caseworker must comply with a procedural sequencing obligation whose source instrument (Veileder sotjl. §17) is entirely outside the normative framework they are working within when administering §22 payments. The scale-related aspect is significant: forced management orders are rare events in most offices, meaning the documentation pipeline for this sequence is triggered too infrequently to become routine, consistent with the [P] Procedural Continuity failures documented across the Anchor Document (Cluster 1 finding: "a pipeline cannot become habitual when triggered fewer than 10–15 times per year").

STEP 6 — CATALOG ENTRIES

REQUIREMENT ID: §22-REQ-1 **PROVISION TEXT:** Economic assistance shall be paid to the applicant unless a §21(4) order has been made. **SOURCE INSTRUMENT:** Circular (R-35 Para 22 / PROC-REQ-22.1) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — direct text of sosialtjenesteloven §22 **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED **BURDEN DESCRIPTION:** No transaction cost identified. This is a direct statutory right of the applicant. No documentation, reporting, or procedural overhead beyond ordinary case processing. **KILL LIST CLASSIFICATION:** No Kill List Action — clear statutory authority, proportionate, user-protective. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: §22-REQ-2 **PROVISION TEXT:** Where the benefit is intended for multiple beneficiaries, it may be split among them. **SOURCE INSTRUMENT:** Circular (R-35 Para 22 / PROC-REQ-22.2) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — §22, second sentence **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED **BURDEN DESCRIPTION:** No transaction cost identified. The splitting decision is a substantive benefit determination, not a procedural or documentation overhead. **KILL LIST CLASSIFICATION:** No Kill List Action — clear statutory authority, user-protective. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: §22-REQ-3 **PROVISION TEXT:** Economic assistance may be paid to third parties (e.g., landlord, utility provider) if the benefit recipient consents. **SOURCE INSTRUMENT:** Circular (R-35 Para 22 / PROC-REQ-22.3, sub-section 4.22.1) **CIRCULAR**

AUTHORITY: PRESENT **LEGAL AUTHORITY:** PARTIAL — §22 does not explicitly authorize consent-based third-party payment; this is an interpretive extension read in conjunction with §21(4). Process Inflation Finding PROC-REQ-22.3 classifies this as a substantive legal obligation but notes it establishes a payment destination not textually present in §22. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED **BURDEN DESCRIPTION:** No transaction cost identified. The consent requirement protects user autonomy and serves as the operative legal threshold for third-party payment. **KILL LIST CLASSIFICATION:** Category C — Clarification. The interpretive extension beyond §22's text should be made explicit, with the statutory basis clarified (whether it derives from §21(4) or from general benefit-law principles) to prevent shadow binding arising from assumed but unanchored authority. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: §22-REQ-4 **PROVISION TEXT:** The NAV office determines unilaterally the payment modality (cash, bank transfer, postal order, or similar). **SOURCE INSTRUMENT:** Circular (R-35 Para 22 / PROC-REQ-22.4) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — §22 is entirely silent on payment modality; this is a circular-level operational grant with no statutory anchor. Process Inflation Finding PROC-REQ-22.4 notes this grants NAV an "explicit operational power without an express textual anchor in the statute." **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** MIXED — primary: operational administrative discretion; secondary: user service **BURDEN DESCRIPTION:** Caseworker must determine and record the chosen payment modality. Transaction cost is low in routine cases. In edge cases involving disputes over modality, the caseworker exercises a power without a clear statutory framework for how it is to be exercised or documented. No circular guidance on what standards govern the exercise of this discretion beyond the consultation obligation in Requirement 5. **KILL LIST CLASSIFICATION:** Category C — Clarification. The circular grants operational discretion without specifying the legal basis or the limits of that discretion. The room for maneuver and the relationship to §42's consultation obligation need to be made explicit to reduce operational uncertainty and shadow binding. **TRANSACTION COST CATEGORY:** Documentation Inflation (minor — recording of modality choice without statutory guidance on content or format)

REQUIREMENT ID: §22-REQ-5 **PROVISION TEXT:** The NAV office must consult with the benefit recipient regarding payment method, and the method chosen must be minimally burdensome for the recipient. **SOURCE INSTRUMENT:** Circular (R-35 Para 22 / PROC-REQ-22.5, importing §42) **CIRCULAR AUTHORITY:** PRESENT (through intra-statutory cross-reference to §42) **LEGAL AUTHORITY:** PARTIAL — the consultation duty and burden-minimization standard derive from §42, not §22. Process Inflation Finding PROC-REQ-22.5 states "the circular borrows these obligations from §42, which is completely outside §22's scope." The circular's authority for this requirement is formally present but is built on a cross-provision import without explicit statutory authority within §22's own framework. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO — §42 is within sosialtjenesteloven; this is an intra-statutory import. **SCALE FLAG:** NO **PURPOSE:**

USER NEED **BURDEN DESCRIPTION:** No transaction cost burden identified. The consultation and burden-minimization obligations serve the user directly. The obligation involves a communication step in ordinary case contact. **KILL LIST CLASSIFICATION:** Category C — Clarification. The statutory basis for this requirement (§42, not §22) is invisible from the §22 circular paragraph. Caseworkers applying §22 may not realize that the consultation obligation derives from a separate provision with its own normative weight. The legal derivation should be made transparent to prevent the shadow binding effect of an obligation whose authority is unstated. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: §22-REQ-6 **PROVISION TEXT:** The decision on payment method and consent-based third-party payment must appear in the formal benefit decision (vedtaket), but is not itself an enkeltvedtak and cannot be appealed to the statsforvalter. **SOURCE INSTRUMENT:** Circular (R-35 Para 22, sub-section 4.22.1.1 / PROC-REQ-22.6 / DOC-REQ-22.1) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — §22 provides no documentation requirements specifying what content must appear in the benefit decision letter, and does not establish statutory authority for declaring payment modality decisions non-appealable. Process Inflation Finding PROC-REQ-22.6 / DOC-REQ-22.1 states that "§22 provides no requirements regarding what specific documentation or content must be recorded in the formal decision letter, nor does it provide a statutory basis for declaring these payment decisions non-enkeltvedtak." **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — structurally analogous to [D] Documentation Apparatus, the dominant volume driver (55-65 findings across Set B). The Anchor Document identifies the documentation apparatus as generating systematic compliance failures in small offices precisely because it imposes formal paper-trail obligations for operational decisions that caseworkers make informally. Requirement 6 adds incremental documentation inflation to the vedtak production process without statutory grounding for the specific content requirement. **PURPOSE:** MIXED — primary: INTERNAL CONTROL (documentation and record integrity); secondary: USER NEED (transparency as to decisions affecting payment) **BURDEN DESCRIPTION:** Caseworker must embed two specific categories of content in the formal vedtak: (a) the chosen payment modality, and (b) any consent-based third-party payment arrangement. Additionally, the caseworker must communicate that these decisions are non-appealable. The circular provides no template language, no standard formulation, and no guidance on how to structure the non-appealability communication in a user-accessible way. The caseworker must comply with this documentation obligation without the primary normative instrument providing operational guidance on execution. The non-appealability declaration specifically strips the user of a procedural right without statutory authority being present in §22, creating a legal vulnerability in the decision if challenged. **KILL LIST CLASSIFICATION:** Category B — Status Change. The requirement uses imperative language ("skal fremgå av vedtaket") for a documentation obligation that has no direct statutory anchor in §22. The mandatory framing should be reformulated to permissive language ("bør fremgå av vedtaket") to restore local discretion on documentation format, and the non-appealability declaration should be grounded in explicit statutory authority or removed pending legal verification. **TRANSACTION COST CATEGORY:** Documentation Inflation

---

REQUIREMENT ID: §22-REQ-7 **PROVISION TEXT:** The NAV office must comply with case processing requirements under the Social Services Act, the Public Administration Act, and unwritten norms of good administrative practice. **SOURCE INSTRUMENT:** Circular (R-35 Para 22 / PROC-REQ-22.7) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — general procedural compliance mandate rooted in the broader statutory framework. Process Inflation Finding PROC-REQ-22.7 notes this is "legally sound overall" though "authorization derives from outside §22." **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — structurally analogous to [P] Procedural Continuity mechanism (second most common volume driver, ~28-32 findings). The Anchor Document's Cluster 2 (Internal Control Apparatus) identifies that omnibus compliance references create overhead that disproportionately affects small offices where the manager "is simultaneously the primary caseworker, the decision approver, the system administrator, and the author of ROS analyses." The "uskrevne normer" element in particular creates interpretive overhead without operational specificity. **PURPOSE:** INTERNAL CONTROL **BURDEN DESCRIPTION:** Caseworker must maintain working knowledge of three overlapping normative layers — sosialtjenesteloven, forvaltningsloven, and unwritten administrative norms — and apply all three simultaneously to every §22 payment decision. The "uskrevne normer" element is operationally undefined: the circular provides no guidance on what these norms require in the specific context of payment decisions, leaving the caseworker exposed to a compliance standard they cannot predict or prepare for. For small offices, this diffuse obligation compounds the cumulative documentation and procedural burden documented in the Anchor Document. The transaction cost falls outside any operational framework that the §22 circular provides guidance for — the caseworker must comply with an implied standard of good administrative practice that the primary normative instrument governing their work does not specify. **KILL LIST CLASSIFICATION:** Category C — Clarification. The "uskrevne normer" element needs to be operationalized or bounded in the context of §22 payment decisions, so that caseworkers understand what the standard requires of them in this specific domain. The diffuse character of the mandate currently creates shadow binding through interpretive uncertainty. **TRANSACTION COST CATEGORY:** Procedural Duplication (the §22 context does not add normative content — this requirement duplicates obligations already operative from forvaltningsloven and the broader statute without §22-specific guidance)

REQUIREMENT ID: §22-REQ-8 **PROVISION TEXT:** The NAV office should have offered the user opplysning, råd og veiledning, and attempted a voluntary arrangement, before issuing a forced management order. **SOURCE INSTRUMENT:** Veileder sotjl. §17 (supplementary) / PROC-REQ-22.8 **CIRCULAR AUTHORITY:** ABSENT — §22 circular contains no reference to forced management procedures or pre-forced-management sequencing. This is a first-order authority gap. Consequence: the requirement operates entirely outside the §22 normative framework; caseworkers working from §22 have no circular basis for knowing this obligation applies. **LEGAL AUTHORITY:** NO — §22 of sosialtjenesteloven contains no authority over forced management procedures or their prerequisites. Process Inflation Finding PROC-REQ-22.8 explicitly states this "belongs to an entirely different legal regime (folketrygdloven §22-6) and is outside the scope of §22." **DOUBLE AUTHORITY GAP:** YES

— circular authority is ABSENT and statutory authority within the §22/sosialtjenesteloven framework is NO. **CATEGORY ERROR:** YES — the requirement derives from tvungen forvaltning (forced management) procedures governed by folketrygdloven §22-6. This is a different legal domain from §22 of sosialtjenesteloven. Its appearance in the §22 Process Inflation Findings reflects operational cross-contamination, not deliberate normative placement. **SCALE FLAG:** PARTIAL — forced management orders are rare triggers in most offices, mapping directly onto the [P] Procedural Continuity mechanism. Anchor Document Cluster 1 finding: "a pipeline cannot become habitual when triggered fewer than 10–15 times per year." Since this requirement lacks both circular and statutory authority in the §22 domain, any scale-related burden it imposes is entirely unsupported by the §22 regulatory framework, constituting disproportionate burden without regulatory foundation. **PURPOSE:** MIXED — primary: USER NEED (protects the user's right to voluntary resolution before coercive intervention — genuine user-protective purpose in its home domain); secondary: INTERNAL CONTROL (documentation of the pre-sequence serves the audit trail for forced management decisions). Classified in relation to social services users, the user-protective purpose is real but is not served through §22; the requirement is present in the §22 environment through administrative artifact, not deliberate normative design. **BURDEN DESCRIPTION:** Caseworker must document (a) that opplysning, råd og veiledning was offered under §17, and (b) that a voluntary arrangement was attempted — both prior to issuing a forced management order. This is a two-stage sequential documentation obligation requiring records of guidance offered and voluntary arrangements attempted. The caseworker must comply with this obligation without any guidance from the §22 circular, which does not address forced management at all. The transaction cost falls entirely outside any framework the §22 circular provides — meaning the caseworker is required to execute a procedural sequence whose normative source instrument is a veileder for a different statutory provision, in a domain governed by a different statute (folketrygdloven), while working under the §22 normative framework that contains no reference to any of this. Additionally, because the bør-language of the source veileder is advisory rather than mandatory, the caseworker cannot determine from the source instrument whether compliance is legally required or recommended. The combination of double authority gap, category error, and advisory language produces maximum interpretive uncertainty. **KILL LIST CLASSIFICATION:** Category A — Removal. The requirement lacks legal authority in both the circular and statutory framework of §22, belongs to a different legal domain (tvungen forvaltning / folketrygdloven §22-6), and has been imported into the §22 normative environment through operational cross-contamination rather than deliberate normative placement. It is a candidate for complete removal from the §22 social services normative framework. The underlying user-protective purpose should be preserved by ensuring the requirement is correctly located in the tvungen forvaltning framework under its proper statutory instrument. **TRANSACTION COST CATEGORY:** Combined Burden (Documentation Inflation + Procedural Duplication + Structural Disproportionality — the full burden falls outside any regulatory guidance framework, the sequencing creates duplication across two legal domains, and the small-office context makes the procedural pipeline structurally unsustainable at the encounter frequency of forced management orders)

CLOSING COMPARATIVE NOTE

Total requirements identified starting from the Process Inflation Findings: 8

Requirements that would have been visible starting from the §22 circular alone: 7

Requirements invisible from the circular alone: 1 (Requirement 8)

Double authority gaps: 1 (Requirement 8: circular authority ABSENT, statutory authority NO)

Category errors (requirements belonging to a different legal domain): 1 (Requirement 8: tvungen forvaltning / folketrygdloven §22-6)

Kill List breakdown:

Category	Count	Requirements
Category A — Removal	1	§22-REQ-8
Category B — Status Change	1	§22-REQ-6
Category C — Clarification	3	§22-REQ-3, §22-REQ-4, §22-REQ-5, §22-REQ-7
No Kill List Action	3	§22-REQ-1, §22-REQ-2

Note: §22-REQ-5 and §22-REQ-7 are both classified Category C, bringing the total Category C count to 4 (REQ-3, REQ-4, REQ-5, REQ-7).

Corrected Kill List breakdown:

Category	Count	Requirements
Category A — Removal	1	§22-REQ-8
Category B — Status Change	1	§22-REQ-6
Category C — Clarification	4	§22-REQ-3, §22-REQ-4, §22-REQ-5, §22-REQ-7
No Kill List Action	2	§22-REQ-1, §22-REQ-2

Primary transaction cost categories by frequency:

Category	Frequency
Documentation Inflation	2 (REQ-6, REQ-4)

Procedural Duplication	2 (REQ-7, REQ-8)
Combined Burden	1 (REQ-8)
Structural Disproportionality	1 (REQ-8, within Combined)
No Transaction Cost Identified	4 (REQ-1, REQ-2, REQ-3, REQ-5)

Synthesis observation for main report and Kill List deliverables:

§22 is a lean statutory provision: its core content (payment to the applicant, splitting among beneficiaries, consent-based third-party payment) is legally clean, user-protective, and imposes no identified transaction cost burden. The sludge in this paragraph is concentrated at its edges. The single Category A removal candidate (Requirement 8) represents the sharpest analytical finding: an obligation with a genuine user-protective purpose has been misrouted into the §22 normative environment through veileder cross-contamination from §17, acquiring a double authority gap and category error in the process. The user protection it provides is real and should be preserved — but in its correct legal home, not as an invisible rider on §22. The Category B candidate (Requirement 6) is significant for a different reason: the mandatory declaration that payment decisions are non-appealable operates without a statutory basis in §22, meaning the circular is being used to strip procedural rights from users in a domain where it lacks the authority to do so. The four Category C clarifications collectively reflect a pattern of imported obligations and undefined standards (§42's consultation duty imported without attribution, operational discretion granted without statutory anchor, and unwritten norms invoked without operational definition) that create interpretive uncertainty and shadow binding rather than clear caseworker guidance. This pattern is structurally consistent with the [D] Documentation Apparatus and [P] Procedural Continuity mechanisms documented as dominant volume drivers in the Anchor Document, confirming that the burden in §22 is primarily generated by the normative superstructure built onto the statute rather than by the statute itself.

SLUDGE AUDIT — § 23 SOSIALTJENESTELOVEN

Følgen av at det er gitt uriktige opplysninger

Working document — R-35 Punkt 4.23 and Barnets beste – veileder 20032024

PRELIMINARY METHODOLOGICAL NOTE

Requirement count comparison:

Starting from the Process Inflation Findings (Reference Document), **7 requirements** are enumerated for § 23. Starting from the circular paragraph alone (Context Document, sections 4.23.1–4.23.2.3), only **4 requirements** are visible. This means the circular paragraph conceals **3 requirements** entirely — a 43% invisibility rate that cannot be detected without the Process Inflation Findings as the primary enumeration instrument.

Requirements with no textual presence in the circular:

Requirements 5, 6, and 7 — all three barnets beste documentation obligations — do not appear anywhere in R-35 Punkt 4.23. A reader of the circular alone would have no knowledge that these obligations attach to § 23 repayment decisions.

Source instrument for invisible requirements: All three derive from **Barnets beste – veileder 20032024**. Under the classification scheme required here, this is instrument type **(b) — a veileder**. This matters analytically: a veileder is not a binding administrative circular. It lacks the normative status of a rundskriv. Requirements 5, 6, and 7 therefore operate in § 23 cases entirely outside the primary normative instrument governing those cases (the circular), sourced instead from a guidance document of lower normative rank. This source mapping is carried into Step 2.

STEP 1 — IDENTIFICATION OF ALL REQUIREMENTS

Requirement 1 *Exact obligation:* Avgjørelse om å kreve tilbakebetaling er et enkeltvedtak. Nav-kontoret må følge de krav til saksbehandling som følger av denne loven, forvaltningsloven og uskrevne normer for god forvaltningsskikk. Dette gjelder særlig kravene til utredning, varsel, begrunnelse og informasjon om klageadgangen. *Source instrument:* R-35 Punkt 4.23 (circular) — DOC-REQ-23.1 / PROC-REQ-4.23.3 *Explicit or implicit:* Explicit *Textual presence in circular:* YES — section 4.23.1.1

Requirement 2 *Exact obligation:* Der betingelsene for tilbakebetaling er til stede, må det foretas en konkret individuell vurdering av tjenestemottakers situasjon før det fattes vedtak. I denne vurderingen skal det tas hensyn til tjenestemottakers økonomiske og sosiale forhold. *Source instrument:* R-35 Punkt 4.23 (circular) — DOC-REQ-23.2 / PROC-REQ-4.23.1 + 4.23.2 *Explicit or implicit:* Explicit *Textual presence in circular:* YES — section 4.23.1

Requirement 3 *Exact obligation:* Når Nav-kontoret vurderer om tjenestemottaker har handlet forsettlig eller grovt uaktsomt skal personlige og individuelle forhold hos den enkelte vektlegges, som forståelse av saken og språkferdigheter, og ses i sammenheng med den informasjonen Nav-kontoret har gitt i saken. *Source instrument:* R-35 Punkt 4.23 (circular) — DOC-REQ-23.3 / PROC-REQ-4.23.4 *Explicit or implicit:* Explicit *Textual presence in circular:* YES — section 4.23.2.1

Requirement 4 *Exact obligation:* Det er ikke anledning til å motregne kravet ved å avslå eller redusere fremtidig økonomisk stønad, eller inngå avtale med tjenestemottaker om trekk i stønad. *Source instrument:* R-35 Punkt 4.23 (circular) — PROC-REQ-4.23.5 *Explicit or implicit:* Explicit *Textual presence in circular:* YES — section 4.23.2.3 *Note:* Process Inflation Findings classify this as SUBSTANTIVE LEGAL OBLIGATION. It is included in all steps for completeness but flagged accordingly throughout.

Requirement 5 *Exact obligation:* For at andre skal kunne se hvilke vurderinger som er gjort og ha mulighet for å etterprøve vurderingene må barnets beste-vurderingene dokumenteres. *Source instrument:* Barnets beste – veileder 20032024 (veileder, type b) — DOC-REQ-23.4 / PROC-REQ-4.23.6 *Explicit or implicit:* Explicit *Textual presence in circular:* NO — entirely invisible from R-35 Punkt 4.23

Requirement 6 *Exact obligation:* Det handler om å beskrive hvordan barnets beste er undersøkt og hvilket innhold vurderingen av barnets beste har. Det vil si hvordan vi har kommet frem til barnets beste, samt om og hvordan barnet er hørt; beskrive hvilken vekt barnets beste har fått i avveiningen mot andre hensyn og hvorfor eventuelt andre hensyn går foran. *Source instrument:* Barnets beste – veileder 20032024 (veileder, type b) — DOC-REQ-23.5 *Explicit or implicit:* Explicit *Textual presence in circular:* NO — entirely invisible from R-35 Punkt 4.23

Requirement 7 *Exact obligation:* Dersom vi velger et resultat som innebærer at barnets beste ikke får gjennomslag må dette begrunnes særskilt og skriftlig for å sikre etterprøvbarhet og barnets rettssikkerhet. *Source instrument:* Barnets beste – veileder 20032024 (veileder, type b) — DOC-REQ-23.6 *Explicit or implicit:* Explicit *Textual presence in circular:* NO — entirely invisible from R-35 Punkt 4.23

STEP 2 — LEGAL AUTHORITY CHECK

Requirement 1 *Direction 1 — Circular authority:* YES. The requirement is present in section 4.23.1.1. *Direction 2 — Statutory authority:* YES. The Process Inflation Findings state no gap: the circular restates independently mandatory obligations from forvaltningsloven that automatically attach to any enkeltvedtak. The circular neither escalates nor distorts the "kan" discretion in § 23 on this point. *Double authority gap:* NO *Category error:* NO

Requirement 2 *Direction 1 — Circular authority:* YES. The requirement is present in section 4.23.1. *Direction 2 — Statutory authority:* PARTIAL. The Process Inflation Findings identify a legal gap of direct analytical significance: the circular converts the entirely open permissive discretion expressed in the statutory "kan" in § 23 into a constrained, mandatory pre-decision assessment with specific mandatory content, thereby eliminating the authority's freedom to determine the scope and content of its own analysis. § 23 itself imposes no obligation to assess economic and social circumstances before deciding whether to invoke the repayment right at all. The circular's "må foretas" language creates a mandatory assessment obligation that has no explicit statutory anchor.

Applying this finding: circular authority is present in the sense that the text appears in the circular, but the circular's authority to impose this as a binding obligation goes beyond what the statute grants. This constitutes a partial authority gap in the statutory direction.

Double authority gap: NO (circular authority formally present, though at the boundary of its competence; statutory authority PARTIAL, not absent) *Category error:* NO

Requirement 3 *Direction 1 — Circular authority:* YES. The requirement is present in section 4.23.2.1. *Direction 2 — Statutory authority:* PARTIAL. The Process Inflation Findings identify a legal gap: the circular replaces an open normative evidence assessment for forsett/grov uaktsomhet with a mandatory specific factor list — language skills, understanding of the case — fixing both the content and weighting scope of the fault determination without explicit statutory anchor in § 23. The statute requires assessment of intent or gross negligence but specifies no particular factors to be weighed or how they are to be combined.

Double authority gap: NO (circular authority formally present; statutory authority PARTIAL) *Category error:* NO

Requirement 4 *Direction 1 — Circular authority:* YES. Present in section 4.23.2.3. *Direction 2 — Statutory authority:* YES. This is a substantive legal obligation grounded in the Social Services Act framework (repayment via § 24; the prohibition on offsetting against future support has a clear systemic basis in the Act's provisions for basic needs coverage). No gap identified. *Double authority gap:* NO *Category error:* NO

Requirement 5 *Direction 1 — Circular authority:* NO. The requirement has no textual presence in R-35 Punkt 4.23. This constitutes a first-order authority gap: the obligation operates entirely outside the circular framework governing § 23 decisions. *Direction 2 — Statutory authority:* YES (constitutional and international law). The Process Inflation Findings state no gap: the requirement directly mirrors Grunnloven § 104 and international law mandates (FNs barnekonvensjon) requiring that children's best interests be assessed and documented in public decisions. The constitutional and treaty basis is sufficient.

However, source is a veileder — a non-binding guidance instrument. The obligation has a constitutional anchor, but the instrument imposing it in the § 23 context lacks binding normative status.

Double authority gap: NO (constitutional/international authority is YES, even though circular authority is absent) *Category error:* NO — barnets beste obligations derive from constitutional and international law but operate within the social services domain; this is not a category error in the domain sense.

Requirement 6 *Direction 1 — Circular authority:* NO. No textual presence in R-35 Punkt 4.23. First-order authority gap confirmed. *Direction 2 — Statutory authority:* PARTIAL. The Process Inflation Findings establish that the specific mandatory documentation checklist exceeds the explicit textual requirements of Grunnloven § 104, eliminating the authority's freedom to determine the scope and format of how it documents its constitutional obligation. The underlying assessment obligation has constitutional basis; the specific enumerated content requirements (how investigated, how child was heard, weighting rationale, justification for why other considerations prevailed) go beyond what § 104 itself textually demands.

Double authority gap: **YES. Circular authority is ABSENT and statutory/constitutional authority is PARTIAL.** The specific mandatory checklist items have no circular anchor and exceed the constitutional text. *Category error:* NO — within public law / social services domain, though derived from child rights framework.

Requirement 7 *Direction 1 — Circular authority:* NO. No textual presence in R-35 Punkt 4.23. First-order authority gap confirmed. *Direction 2 — Statutory authority:* NO. The Process Inflation Findings are explicit: the condition-triggered heightened mandatory written justification obligation lacks any explicit statutory or constitutional textual anchor. Neither § 23, nor Grunnloven § 104, nor the barnekonvensjon independently requires a specially written separate justification when barnets beste does not prevail in a repayment decision.

Double authority gap: **YES. Circular authority is ABSENT and statutory authority is NO.** *Category error:* NO — within public law domain.

STEP 3 — SCALE AND PROPORTIONALITY CHECK

All cross-references are to the Anchor Document (Volume Driver Findings).

Requirement 1 The Anchor Document does not specifically flag § 23 repayment decisions. The documentation and procedural requirements for enkeltvedtak are addressed generically across the [D] and [P] mechanisms, which are the empirically dominant burden drivers identified in Set B (approximately 65 and 28 findings respectively across the full corpus). The specific transaction cost for Requirement 1 is, however, structurally equivalent to what the circular requires for any enkeltvedtak — it does not add to existing legal obligations. *Scale flag:* NO — the circular restates obligations that apply regardless of organizational scale; no additional volume-sensitive burden is introduced.

Requirement 2 The Anchor Document identifies a structural pattern closely analogous to the § 23 pre-decision assessment: the conversion of discretionary "kan" provisions into mandatory structured assessments contributes to documentation apparatus burden ([D]) and procedural continuity ([P]) failures across small offices. Specifically, the finding that the child-perspective documentation cluster in § 18 cases imposes assessment obligations that "presuppose a specialization that the scale does not support" maps structurally onto the mandatory § 23 pre-decision assessment. The Anchor Document finding on § 19 discretionary assessment (Alstahaug: caseworkers unable to perform individualized discretionary reasoning when encounter frequency is insufficient) is directly structurally analogous: a mandatory individualized assessment imposed on an infrequent decision type in small generalist offices will erode as a sustainable practice. *Scale flag:* PARTIAL. The specific § 23 pre-decision assessment is not individually flagged in the Anchor Document, but the structural mechanism ([K] competence decay through low encounter frequency combined with [D] documentation apparatus demands) is well-confirmed for analogous requirements in adjacent provisions.

Because this requirement lacks full statutory authority (Step 2: PARTIAL), any scale-related burden it imposes is supported only partially by the circular framework. The circular exceeds its authority by converting discretion into obligation, meaning the burden imposed on small offices by this mandatory assessment has a partially unsupported normative foundation.

Requirement 3 Structurally analogous to Requirement 2. The mandatory factor enumeration (language skills, understanding of case) is an additional documentation sub-task within an already infrequent decision type. The Anchor Document's finding that "even if a municipality addresses competence... it remains exposed to [P] and [D] failures because the procedural and documentation obligations apply to all caseworkers" applies here: caseworkers who encounter § 23 cases rarely will be required to enumerate these specific factors on demand, without the practice frequency to make it a routine. *Scale flag:* PARTIAL — same structural mechanism as Requirement 2; same note on partially unsupported normative foundation applies.

Requirement 4 Substantive prohibition, no procedural or documentation content. Scale is irrelevant. *Scale flag:* NO.

Requirement 5 The Anchor Document explicitly identifies the child-perspective documentation cluster as Driver 6 / Cluster 3: [D] + [K] + [S], confirmed across 15+ supervision findings. The specific pattern described — "caseworkers verbally know what they should do but fail to document it" and "small offices substitute personal knowledge for bureaucratic record-keeping, and supervision systematically penalises the substitution" — directly matches what this requirement demands of a caseworker who processes § 23 repayment decisions and must separately document a barnets beste assessment.

The Anchor Document further states that in this cluster, "the documentation requirement presupposes a procedural fluency that cannot be achieved without sufficient case volume." Since § 23 repayment decisions are themselves infrequent (triggered only by fraudulent or grossly negligent overpayment), the barnets beste documentation obligation within those decisions will be even rarer — a trigger within an already rare trigger.

Scale flag: YES. Anchor Document Driver 6 / Cluster 3 applies directly. The burden this requirement imposes falls outside any framework the § 23 circular provides guidance for — the circular does not address barnets beste at all in the repayment context — meaning caseworkers must comply with an obligation that the primary normative instrument governing their work does not address.

Requirement 6 Same cluster as Requirement 5, with additional severity. The mandatory documentation checklist (six specific content elements) compounds the base documentation burden of Requirement 5. The Anchor Document's finding in Cluster 3 that "the documentation requirements presuppose back-office capacity proportional to caseload" applies directly: a six-element documentation checklist for an obligation that triggers within an already infrequent decision type creates a [D] mechanism burden that no small generalist office can routinize.

Additionally: this requirement has a double authority gap (Step 2). The Anchor Document's analytical framework states explicitly that where a requirement lacks circular authority, "any scale-related burden it imposes is unsupported by the circular framework and therefore constitutes disproportionate burden without regulatory foundation." Both conditions are met here: the requirement lacks circular authority AND the Anchor Document confirms scale-driven structural impossibility.

Scale flag: YES. Anchor Document Cluster 3 / Driver 6 applies. Disproportionate burden without regulatory foundation confirmed.

Requirement 7 The condition-triggered heightened written justification is the rarest trigger in the § 23 context: it fires only when (a) a § 23 repayment case is open, (b) children are affected, (c) barnets beste was formally assessed, AND (d) the outcome is adverse to the child's interests. The cumulative rarity of this trigger means no small office can ever develop this obligation as a habitual practice. The Anchor Document's core finding — that "a pipeline cannot become habitual when triggered fewer than 10–15 times per year" — applies here at an extreme level; this trigger may arise zero times in a given year in most offices.

The double authority gap (Step 2) means this disproportionate burden is imposed without any regulatory foundation in either the circular or the statute.

Scale flag: YES. Anchor Document Cluster 3 / Driver 6 and the general [P] mechanism findings apply. Structural disproportionality confirmed.

STEP 4 — PURPOSE CLASSIFICATION

Requirement 1 *Classification:* [USER NEED] *Justification:* The requirement specifies forvaltningsloven procedural protections — investigation (utredning), advance notice (varsel), written reasoning (begrunnelse), and information about the right to appeal (klageadgang) — all of which directly serve the user's legal security in a decision that may impose significant financial liability. The language of section 4.23.1.1 frames these requirements as protections for the individual: "dette gjelder særlig kravene til utredning, varsel, begrunnelse og informasjon om klageadgangen." Each element has direct bearing on whether the user can contest, understand, or comply with the decision. No internal control purpose is identifiable as primary.

Requirement 2 *Classification:* [MIXED] — Primary: USER NEED; Secondary: INTERNAL CONTROL *Justification:* The primary functional purpose of the pre-decision assessment is protective for the user: an individualized assessment of economic and social circumstances prevents a mechanically applied repayment obligation from landing disproportionately on someone who cannot repay without serious harm. Section 4.23.1 states that "det tas hensyn til tjenestemottakers økonomiske og sosiale forhold" — this consideration directly benefits the user. Secondary: the documentation of the assessment creates a verifiable record for supervisory review and appeal, serving an internal control function. The primary purpose is user protection; the documentation of it is secondary administration.

Requirement 3 *Classification:* [MIXED] — Primary: USER NEED; Secondary: INTERNAL CONTROL *Justification:* The enumerated factors — "forståelse av saken og språkferdigheter" — serve a directly user-protective purpose: preventing vulnerable users (those with limited Norwegian language skills or limited understanding of administrative processes) from being held to a standard of negligence they could not reasonably have met. This is user-oriented protection against over-attribution of fault. Section 4.23.2.1 frames

these factors as constraints on the Nav office's assessment, not as reporting tools. Secondary: the obligation to document that these specific factors were considered creates an audit trail for supervisory review.

Requirement 4 *Classification:* [USER NEED] *Justification:* The prohibition on offsetting protects the user's access to future economic support for basic needs. Section 4.23.2.3 establishes a categorical barrier against using repayment enforcement in a manner that would leave the user without subsistence support. This is a pure substantive user protection with no internal control dimension.

Requirement 5 *Classification:* [MIXED] — Primary: INTERNAL CONTROL; Secondary: USER NEED *Justification:* The veileder language is explicit about the primary purpose: "For at andre skal kunne se hvilke vurderinger som er gjort og ha mulighet for å etterprøve vurderingene" — the documentation exists to enable third-party verification and review ("etterprøve"). This is the language of internal control and supervisory auditability. Secondary: enabling verification of barnets beste assessments may indirectly protect children's interests by making supervisory review and appeal possible. The underlying assessment obligation serves the child (user need); the documentation of the assessment as specified here primarily serves the verification apparatus.

Requirement 6 *Classification:* [INTERNAL CONTROL] *Justification:* The veileder specifies a prescriptive content checklist for the documentation record: how the child's interest was investigated, how the child was heard, what weight the interest received, and why other considerations prevailed. The functional purpose of this checklist is to produce a standardized record in a form that enables consistent supervisory audit and quality control. The child's interests are served by the underlying assessment; this requirement specifies the documentary form in which the assessment must be recorded for external verification. "Etterprøvbarhet" (verifiability) drives the specific content requirements, not any direct outcome effect on the individual child's case.

Requirement 7 *Classification:* [MIXED] — Primary: INTERNAL CONTROL; Secondary: USER NEED *Justification:* The veileder states dual purposes: "etterprøvbarhet" (verifiability — internal control) and "barnets rettssikkerhet" (the child's legal security — user need). The condition trigger (barnets beste did not prevail) and the heightened written justification requirement are calibrated primarily to enable supervisory review of decisions that override constitutional and treaty-based child protections — an internal control function. The secondary user need dimension exists: a written justification enables the child or their representative to identify and potentially challenge the reasoning. However, forvaltningsloven §§ 24–25 already require written reasoning for all adverse decisions; this requirement adds a heightened obligation specifically designed to make decisions overriding barnets beste

auditable above and beyond the general reasoning standard, indicating that the primary driver is auditability, not direct user protection.

STEP 5 — TRANSACTION COST CHARACTERIZATION

Requirement 1 *Classification:* [USER NEED] No transaction cost burden is identified for this requirement. The forvaltningsloven obligations it restates apply independently to all enkeltvedtak regardless of the circular; the requirement introduces no additional caseworker burden beyond what the law already demands.

Requirement 2 *Classification:* [MIXED] *Transaction cost description:* Before issuing a § 23 repayment decision, the caseworker must conduct and document a structured individual assessment covering the service user's economic circumstances (income, assets, ability to repay) and social circumstances (family situation, housing, health, social network as relevant). The assessment must be visible in the case record and must be demonstrably completed before the vedtak is issued — the sequencing itself creates a procedural checkpoint. In practice, this requires the caseworker to gather information beyond what is already in the case file, form a judgment about its collective weight, and record that judgment in writing.

The circular provides authority for this burden (authority present). However, the Process Inflation Findings identify that the "kan" in § 23 is being converted to a "must," meaning the Nav office cannot determine the scope of this assessment itself — the specific content (economic and social circumstances) is mandated. The caseworker cannot satisfy this obligation with a brief notation; they must demonstrate that the enumerated considerations were addressed. This constitutes Documentation Inflation and Procedural Duplication relative to what § 23 itself demands.

Requirement 3 *Classification:* [MIXED] *Transaction cost description:* In every § 23 fault assessment, the caseworker must demonstrate in writing that the following specific factors were considered and weighed: the user's understanding of the case, the user's language skills, and the information the Nav office previously provided. This is not merely a conclusion ("we find gross negligence") but a documented evidentiary analysis showing that these enumerated personal factors were separately identified, weighed, and set against the user's conduct.

For a caseworker in a small office who processes § 23 cases rarely — which will be the norm, given that § 23 applies only to fraudulent or grossly negligent overpayment — this mandatory factor enumeration cannot become a routinized habit. The caseworker must reconstruct the analytical framework on demand each time. The circular provides authority for this burden (authority present), but the Process Inflation Findings flag that the mandatory factor list goes beyond the statute's open normative assessment standard — meaning the

caseworker is complying with an obligation that the statute itself does not impose with this degree of specificity.

This constitutes Documentation Inflation.

Requirement 4 *Classification:* [USER NEED] No transaction cost burden is identified. The prohibition is categorical and self-executing — caseworkers must not take a specified action. It imposes awareness and constraint, not documentation or procedural obligations.

Requirement 5 *Classification:* [MIXED] *Transaction cost description:* In every § 23 case where children are present or may be affected by the repayment decision, the caseworker must separately document a barnets beste assessment in a form that enables third-party verification. This requires the caseworker to: (a) identify whether children are affected; (b) assess the child's interests in relation to the decision; (c) produce a written record of that assessment that is legible and verifiable to an external reviewer.

This transaction cost falls entirely outside the framework provided by R-35 Punkt 4.23. The § 23 circular does not mention barnets beste, does not address it, and provides no guidance on how it is to be integrated into a repayment decision. Caseworkers must therefore comply with a documentation obligation that the primary normative instrument governing their § 23 work does not address. The obligation derives from a veileder — a non-binding guidance instrument — yet is framed in mandatory terms ("må dokumenteres").

This constitutes Documentation Inflation from outside the circular framework.

Requirement 6 *Classification:* [INTERNAL CONTROL] *Transaction cost description:* The caseworker must produce a documented account that covers all of the following mandatory content elements: (1) how the child's best interest was investigated; (2) what the content of the assessment was; (3) how the caseworker arrived at the determination of what constitutes barnets beste; (4) whether and how the child was heard; (5) what weight the child's interest received when balanced against other considerations; (6) why other considerations prevailed, if they did. This is a six-element documentation checklist, each element requiring active narrative description rather than a checkbox.

This transaction cost falls entirely outside any guidance the § 23 circular provides. There is no circular framework within which to structure compliance. Caseworkers encountering this obligation in a § 23 case — already an infrequent decision type — will face a multi-element documentation demand for which neither the circular nor any binding instrument provides a scaffold. Given that the Anchor Document confirms this as a structural impossibility for small offices encountering child-perspective documentation obligations at low frequency (Cluster 3), the burden is structurally disproportionate.

This constitutes Documentation Inflation and Structural Disproportionality, imposed without circular guidance and without full legal authority (double authority gap confirmed in Step 2).

Requirement 7 *Classification:* [MIXED] *Transaction cost description:* When a § 23 repayment decision is reached in a case where barnets beste was in play, and the outcome is adverse to the child's interest, the caseworker must produce a separate, specially written justification explaining why other considerations outweighed the child's interests. This is a condition-triggered obligation: it activates only at the intersection of an infrequent decision type (§ 23 repayment) and a specific adverse outcome (barnets beste does not prevail).

For any given small office, this trigger may activate once every several years at most — meaning no caseworker can develop it as a practiced routine. The caseworker must, on demand, produce a heightened written justification that goes beyond the general reasoning requirements of forvaltningsloven §§ 24–25, for a trigger that will never become habitual.

This transaction cost falls entirely outside any guidance the § 23 circular provides, and the obligation itself has no explicit statutory or constitutional anchor (double authority gap: Step 2). Caseworkers must comply with a heightened documentation obligation that neither the primary normative instrument governing their § 23 work nor the statute itself addresses.

This constitutes Documentation Inflation and Structural Disproportionality without regulatory foundation.

STEP 6 — CATALOG ENTRIES

REQUIREMENT ID: § 23 — REQ-1 **PROVISION TEXT:** The Nav office must follow the administrative law requirements for enkeltvedtak, particularly investigation (utredning), advance notice (varsel), written justification (begrunnelse), and information about the right to appeal (klageadgang). **SOURCE INSTRUMENT:** Circular — R-35 Punkt 4.23, section 4.23.1.1 (DOC-REQ-23.1 / PROC-REQ-4.23.3) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — the circular restates independently mandatory obligations from forvaltningsloven that apply automatically to all enkeltvedtak. No gap identified in Process Inflation Findings. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO — the obligation applies regardless of organizational scale; no additional volume-sensitive burden introduced. **PURPOSE:** USER NEED — each element (investigation, notice, reasoning, appeal information) directly serves the user's legal security in an adverse financial decision. **BURDEN DESCRIPTION:** No transaction cost burden identified. The circular restates existing legal obligations; no additional caseworker demand is created beyond what forvaltningsloven independently requires. **KILL LIST CLASSIFICATION:** No Kill List Action — requirement has sufficient authority, is proportionate, and directly serves user legal security. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: § 23 — REQ-2 **PROVISION TEXT:** Before issuing a § 23 repayment decision, a concrete individual assessment of the service user's economic and social circumstances must be conducted and documented. **SOURCE INSTRUMENT:** Circular — R-35 Punkt 4.23, section 4.23.1 (DOC-REQ-23.2 / PROC-REQ-4.23.1 + 4.23.2) **CIRCULAR AUTHORITY:** PRESENT (textually). Consequence note: the circular's use of "må foretas" (must be conducted) converts the entirely open permissive "kan" of § 23 into a mandatory pre-decision obligation with specified content — an escalation that exceeds what the circular's interpretive authority over a discretionary provision normally supports. **LEGAL AUTHORITY:** PARTIAL — the Process Inflation Findings identify that the circular converts the open "kan" discretion into a constrained mandatory assessment with specific mandatory content, eliminating the Nav office's freedom to determine the scope and content of its own analysis. No explicit statutory anchor for the specific assessment content in § 23. **DOUBLE AUTHORITY GAP:** NO (circular authority formally present; statutory authority PARTIAL) **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — Anchor Document Cluster 3 and the general § 19 discretionary assessment finding (Alstahaug) confirm that mandatory individualized assessments imposed on infrequent decision types in small generalist offices erode as sustainable practices. § 23 repayment cases are infrequent by definition, creating structural [K] vulnerability. The partial absence of statutory authority means any scale-related burden imposed by the mandatory assessment framing lacks full regulatory foundation. **PURPOSE:** MIXED — Primary: USER NEED (prevents disproportionate repayment obligations on vulnerable individuals). Secondary: INTERNAL CONTROL (creates a documented assessment record for supervisory audit and appeal review). **BURDEN DESCRIPTION:** Caseworker must gather, analyze, and document a structured account of the user's economic and social circumstances before issuing the repayment decision. The assessment must demonstrate that enumerated categories of information (economic and social conditions) were addressed. Sequencing is mandatory: assessment precedes vedtak. The caseworker cannot determine the scope of this assessment independently — the content is specified by the circular's conversion of "kan" to "must." Documentation Inflation and Procedural Duplication relative to what § 23 itself requires. **KILL LIST CLASSIFICATION:** Category B — Status Change. The requirement uses imperative language ("må foretas," "skal det tas hensyn til") to convert a fully discretionary statutory provision into a mandatory structured assessment obligation. The statute's "kan" grants open discretion; the circular's reformulation to mandatory content exceeds its interpretive authority. Reformulation to permissive language would restore local discretion while retaining the circular's guidance value: the Nav office should consider economic and social circumstances before deciding whether to invoke the repayment right. **TRANSACTION COST CATEGORY:** Documentation Inflation; Procedural Duplication

---

REQUIREMENT ID: § 23 — REQ-3 **PROVISION TEXT:** When assessing whether the user acted with intent or gross negligence, specific personal and individual factors — including the user's understanding of the case and language skills — must be weighted and viewed in conjunction with the information the Nav office provided. **SOURCE INSTRUMENT:** Circular — R-35 Punkt 4.23, section 4.23.2.1 (DOC-REQ-23.3 / PROC-REQ-4.23.4) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — the Process Inflation Findings identify that the circular replaces an open normative evidence assessment (the statutory "forsettlig eller grovt uaktsomt") with a mandatory specific factor list, fixing both the content

and weighting scope of the fault determination without explicit statutory anchor in § 23. The statute does not enumerate which personal factors must be assessed or mandate how they are weighed. **DOUBLE AUTHORITY GAP:** NO (circular authority present; statutory authority PARTIAL) **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — structurally analogous to REQ-2; mandatory factor enumeration within an infrequent decision type cannot be maintained as a habitual competence in small generalist offices. Anchor Document [K] mechanism applies. **PURPOSE:** MIXED — Primary: USER NEED (protecting vulnerable users with limited language skills or case understanding from unfair attribution of gross negligence). Secondary: INTERNAL CONTROL (documented factor analysis creates a verifiable audit trail for review of fault determinations). **BURDEN DESCRIPTION:** In every § 23 fault assessment, the caseworker must produce a documented evidentiary analysis showing that the enumerated personal factors were separately identified, weighed, and set against the user's conduct. A bare conclusion of gross negligence is insufficient; the record must show how language skills and case understanding were factored in and how the Nav office's own information provision was assessed. This adds a structured documentary sub-task to each fault determination. The obligation falls within the circular's framework, but the Process Inflation Findings confirm that the mandatory factor list exceeds the statute's open assessment standard. **KILL LIST CLASSIFICATION:** Category B — Status Change. The requirement uses mandatory language ("skal vektlegges") to impose a specific factor list on an open evidentiary standard without explicit statutory anchor. Reformulation to permissive language — the Nav office should weigh personal factors such as language skills and case understanding — would restore local evidentiary discretion while preserving the guidance value. **TRANSACTION COST CATEGORY:** Documentation Inflation

---

REQUIREMENT ID: § 23 — REQ-4 **PROVISION TEXT:** There is no authority to offset the repayment claim by refusing or reducing future economic support, or by entering into an agreement with the user for deductions in future support. **SOURCE INSTRUMENT:** Circular — R-35 Punkt 4.23, section 4.23.2.3 (PROC-REQ-4.23.5) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — substantive legal obligation grounded in the Social Services Act framework. The prohibition is consistent with the Act's architecture for debt recovery under § 24 and the general principle that basic subsistence support cannot be used as a repayment enforcement mechanism. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO — categorical prohibition; scale is irrelevant. **PURPOSE:** USER NEED — protects the user's access to future economic support for basic needs. The prohibition is absolute and serves no internal control function. **BURDEN DESCRIPTION:** No transaction cost burden identified. The prohibition is self-executing; it constrains the Nav office's action but does not impose documentation or procedural obligations. Caseworkers must be aware of and apply the prohibition; they need not document its application separately. **KILL LIST CLASSIFICATION:** No Kill List Action — substantive legal obligation with full authority, directly protective of user rights, no transaction cost identified. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: § 23 — REQ-5 **PROVISION TEXT:** Barnets beste assessments must be documented so that others can see what assessments were made and have the

opportunity to verify them. **SOURCE INSTRUMENT:** Veileder — Barnets beste – veileder 20032024 (type b) — DOC-REQ-23.4 / PROC-REQ-4.23.6 **CIRCULAR AUTHORITY:** ABSENT — no textual presence in R-35 Punkt 4.23. Consequence: this obligation operates entirely outside the circular framework governing § 23 decisions. Caseworkers must comply with a documentation requirement that the primary normative instrument governing their work does not address, prescribe, or provide guidance for. **LEGAL AUTHORITY:** YES (constitutional and international law — Grunnloven § 104, FNs barnekonvensjon). Process Inflation Findings confirm no gap on the underlying documentation obligation at the constitutional level. **DOUBLE AUTHORITY GAP:** NO — statutory/constitutional authority is YES despite absent circular authority. **CATEGORY ERROR:** NO — within public law and social services domain. **SCALE FLAG:** YES — Anchor Document Driver 6 / Cluster 3 ([D] + [K] + [S]) directly confirmed across 15+ supervision findings. The pattern of caseworkers possessing substantive knowledge of children's situations but failing to translate it into formal documentation records is structurally confirmed. Since § 23 repayment decisions are themselves infrequent, the barnets beste documentation trigger within those decisions will be rarer still — deepening the [K] competence sustainability problem.

The burden imposed by this requirement falls outside any guidance the § 23 circular provides. Caseworkers cannot navigate to the circular for scaffolding on how to integrate barnets beste documentation into a repayment case decision — the circular is silent.

PURPOSE: MIXED — Primary: INTERNAL CONTROL (documentation to enable third-party verification — "for at andre skal kunne se... og ha mulighet for å etterprøve"). Secondary: USER NEED (enabling appeal and oversight that may protect the child's interests indirectly). **BURDEN DESCRIPTION:** In § 23 cases where children may be affected by the repayment decision, the caseworker must identify the children's presence, assess their interests in relation to the repayment outcome, and produce a written record of that assessment in a form accessible to external reviewers. This adds a documentation obligation that the § 23 circular does not address. No circular guidance exists for how this obligation integrates with the repayment decision structure. The veileder's mandatory framing ("må dokumenteres") imposes this as binding despite its non-binding source instrument. **KILL LIST CLASSIFICATION:** Category C — Clarification. The underlying documentation obligation has constitutional basis (Grunnloven § 104) and is appropriate in principle. However, the room for maneuver in how documentation is achieved — form, depth, integration into the decision record — needs to be made explicit to reduce shadow binding. The veileder's mandatory framing of a documentation requirement that the circular does not address creates operational uncertainty: caseworkers do not know how this obligation relates to their § 23 workflow. Clarification that this obligation exists, where it comes from, and how it is to be practically met in the repayment context would reduce both under-compliance (from ignorance) and over-compliance (from anxiety about an unscaffolded obligation). **TRANSACTION COST CATEGORY:** Documentation Inflation

---

REQUIREMENT ID: § 23 — REQ-6 **PROVISION TEXT:** The documentation must describe: how barnets beste was investigated, what the content of the assessment is, how the conclusion was reached, whether and how the child was heard, what weight barnets beste received in the balancing against other considerations, and why other considerations

prevailed. **SOURCE INSTRUMENT:** Veileder — Barnets beste – veileder 20032024 (type b) — DOC-REQ-23.5 **CIRCULAR AUTHORITY:** ABSENT — no textual presence in R-35 Punkt 4.23. Consequence: this six-element mandatory checklist operates entirely outside the circular framework. Caseworkers must comply with a multi-element documentation obligation that the primary normative instrument governing § 23 decisions does not address, provide scaffolding for, or integrate into the repayment decision workflow. **LEGAL AUTHORITY:** PARTIAL — the Process Inflation Findings establish that the specific mandatory checklist exceeds the explicit textual requirements of Grunnloven § 104, eliminating the authority's freedom to determine the scope and format of how it documents its constitutional obligation. The underlying documentation obligation has constitutional basis; the specific six-element content prescription does not. **DOUBLE AUTHORITY GAP:** YES — circular authority is ABSENT and statutory/constitutional authority is PARTIAL. The six-element mandatory checklist has no regulatory foundation in either the circular or the constitution. **CATEGORY ERROR:** NO **SCALE FLAG:** YES — Anchor Document Cluster 3 / Driver 6 confirmed across 15+ findings. The specific pattern the Anchor Document identifies — documentation obligations presupposing back-office capacity and procedural fluency that small offices cannot sustain at low encounter frequency — applies with full force to a six-element prescriptive checklist for a trigger within an already rare decision type. Disproportionate burden without regulatory foundation confirmed. **PURPOSE:** INTERNAL CONTROL — the prescriptive content checklist specifies the exact documentary form required for external verification and supervisory audit ("etterprøvbarhet"). Each element of the checklist (how child was heard, weighting rationale, etc.) is calibrated to make the assessment auditable, not to improve the quality of the assessment itself. The child's interests are served by the underlying assessment; this requirement governs the documentary record of that assessment for administrative review purposes. **BURDEN DESCRIPTION:** Caseworker must produce a documented account covering all six specified elements: (1) how barnets beste was investigated; (2) the content of the assessment; (3) how the determination of barnets beste was reached; (4) whether and how the child was heard; (5) what weight barnets beste received; (6) why other considerations prevailed. Each element requires active narrative description. This multi-element checklist falls entirely outside the § 23 circular framework — no guidance, no scaffold, no integration instruction exists in the primary normative instrument. In small offices where this trigger fires rarely, the six-element format cannot become routine practice. The double authority gap means the entire transaction cost falls without legal foundation. **KILL LIST CLASSIFICATION:** Category A — Removal. The six-element mandatory documentation checklist lacks circular authority and exceeds the constitutional requirements of Grunnloven § 104. It derives from a veileder — a non-binding instrument — and uses mandatory language to impose specific content obligations that have no explicit legal anchor. The specific checklist items should be removed from the mandatory normative framework. Note: the underlying obligation to document barnets beste assessments (REQ-5) retains constitutional basis and is addressed under Category C above; it is the specific prescriptive content list in this requirement that constitutes the removal candidate. **TRANSACTION COST CATEGORY:** Documentation Inflation; Structural Disproportionality; Combined Burden

---

REQUIREMENT ID: § 23 — REQ-7 **PROVISION TEXT:** If the outcome of the decision means that barnets beste does not prevail, this must be specially and separately justified in

writing to ensure verifiability and the child's legal security. **SOURCE INSTRUMENT:** Veileder — Barnets beste – veileder 20032024 (type b) — DOC-REQ-23.6 **CIRCULAR AUTHORITY:** ABSENT — no textual presence in R-35 Punkt 4.23. Consequence: this condition-triggered heightened justification obligation operates entirely outside the circular framework governing § 23 decisions. Caseworkers must comply with an obligation that the primary normative instrument governing their work does not address at any level. **LEGAL AUTHORITY:** NO — the Process Inflation Findings are explicit: the condition-triggered heightened mandatory written justification obligation lacks any explicit statutory or constitutional textual anchor. Neither § 23, Grunnloven § 104, nor the barnekonvensjon independently requires a specially written separate justification when barnets beste does not prevail in a repayment decision, above and beyond the general reasoning required by forvaltningsloven §§ 24–25. **DOUBLE AUTHORITY GAP:** YES — circular authority is ABSENT and statutory authority is NO. This is the most acute authority gap in the § 23 catalog. **CATEGORY ERROR:** NO — within public law domain, though the absence of any legal anchor means this is a veileder-created obligation. **SCALE FLAG:** YES — the Anchor Document's general [D] and [P] mechanism findings apply with maximum force to a condition-triggered obligation that may activate zero times in a given year in most small offices. The trigger (§ 23 case + children affected + barnets beste assessed + adverse outcome for child) requires a sequence of conditions unlikely to co-occur frequently in any small municipality. The Anchor Document confirms that pipelines that cannot become habitual through sufficient encounter frequency produce structural [K] and [D] failures — here, the encounter frequency may approach zero. The double authority gap means this structural disproportionality is imposed without any legal basis. **PURPOSE:** MIXED — Primary: INTERNAL CONTROL (heightened written justification exists to ensure "etterprøvbarhet" — verifiability of decisions that override constitutional child protections, calibrated for supervisory audit). Secondary: USER NEED ("barnets rettssikkerhet" — the child's legal security, enabling identification and potential challenge of the reasoning by the child or their representative). The specific heightened obligation beyond forvaltningsloven §§ 24–25 is driven by auditability; the general reasoning requirement already serves user legal security. **BURDEN DESCRIPTION:** When a § 23 decision is adverse to a child's interests after a barnets beste assessment, the caseworker must produce a separate, specially written justification for why other considerations prevailed, above and beyond the general reasoning obligations of forvaltningsloven. This is a condition-triggered additive documentation obligation. It fires within an already rare decision type, at a specific outcome, making it structurally impossible to routinize. There is no circular framework within which to scaffold compliance; caseworkers navigating this obligation receive no guidance from the primary normative instrument governing their § 23 work. The double authority gap (no circular authority, no statutory anchor) means the entire transaction cost — however rarely incurred — is imposed without legal foundation. **KILL LIST CLASSIFICATION:** Category A — Removal. The requirement creates a mandatory documentation obligation that has no circular authority and no statutory or constitutional textual anchor. It derives from a veileder — a non-binding guidance instrument — and imposes a heightened writing obligation via mandatory language without legal basis. The requirement should be removed from the mandatory normative framework. The general forvaltningsloven reasoning requirements (§§ 24–25) already serve the legitimate purpose of justifying adverse decisions; this requirement adds a separately triggered overlay that lacks any legal basis and cannot be proportionately met in small offices. **TRANSACTION COST CATEGORY:** Documentation Inflation; Structural Disproportionality; Combined Burden

---

CLOSING COMPARATIVE NOTE

Requirements identified from Process Inflation Findings: 7 **Requirements visible from circular paragraph alone:** 4 (Requirements 1–4) **Requirements invisible from circular alone:** 3 (Requirements 5–7 — all deriving from Barnets beste – veileder 20032024) **Invisibility rate:** 43%

Double authority gaps: 2 — Requirements 6 and 7 *(Both have absent circular authority and absent or partial statutory/constitutional authority)*

Category errors (requirements belonging to a different legal domain): 0 *The barnets beste obligations derive from constitutional and international law operating within the public law / social services domain; they do not constitute cross-domain category errors.*

Kill List breakdown:

- Category A — Removal: **2** (Requirements 6 and 7 — the six-element mandatory documentation checklist and the condition-triggered heightened written justification, both lacking legal foundation)
- Category B — Status Change: **2** (Requirements 2 and 3 — both use imperative language to convert either open discretion or open evidentiary standards into mandatory obligations beyond the statute's scope)
- Category C — Clarification: **1** (Requirement 5 — constitutionally grounded but operating entirely outside the § 23 circular framework; the room for maneuver in compliance needs to be made explicit)
- No Kill List Action: **2** (Requirements 1 and 4 — full authority, proportionate, directly user-protective)

Transaction cost categories by frequency:

1. Documentation Inflation — **5 requirements** (Requirements 2, 3, 5, 6, 7)
2. Structural Disproportionality — **2 requirements** (Requirements 6 and 7 — both double authority gap requirements)
3. Combined Burden — **2 requirements** (Requirements 6 and 7 — Documentation Inflation and Structural Disproportionality co-occurring without regulatory foundation)
4. Procedural Duplication — **1 requirement** (Requirement 2)
5. No Transaction Cost Identified — **2 requirements** (Requirements 1 and 4)

Synthesis observation: The most significant finding in this audit is the sharp structural discontinuity between Requirements 1–4 (all circular-anchored, all within the statutory framework, one with full authority, one substantive, two with partial authority gaps addressable through reformulation) and Requirements 5–7 (all circular-absent, all veileder-sourced, one constitutionally grounded but unscaffolded, two with double authority gaps and no legal foundation). The 43% invisibility rate from the circular alone is analytically decisive: the three invisible requirements impose the heaviest Kill List consequences (two Category A removals and one Category C clarification), the most acute authority gaps, and

the most structurally disproportionate burdens — yet a practitioner relying solely on the circular would never know they exist. This confirms the methodological premise of the Sludge Audit: the circular is not the operative normative universe, and auditing from the circular alone systematically fails to detect the most legally problematic obligations.

SLUDGE AUDIT — § 24 INNDRIVELSE AV LÅN OG ANDRE FORMER FOR DEKNING

PRELIMINARY METHODOLOGICAL NOTE

Requirement count comparison:

The Process Inflation Findings (Document 3, Reference Document) identify **8 requirements** operative under § 24. Reading the circular paragraph alone (Document 2, R-35 seksjon 4.24.1.1 and 4.24.1.2) yields **7 requirements** — all those sourced to R-35 sections 4.24.1.1 and 4.24.1.2. This means the circular alone captures 87.5% of the total operative requirement set. The structural gap is therefore narrow by absolute count but analytically significant by type.

Requirement invisible from the circular:

PROC-REQ 24.8 — the advisory duty to guide users who are subject to forced enforcement — has no textual presence in the circular paragraph under § 24 at all. It does not appear in seksjon 4.24.1.1 or 4.24.1.2. A caseworker reading only R-35's § 24 commentary would never encounter this obligation.

Source instrument classification for the invisible requirement:

PROC-REQ 24.8 derives from the *Veileder for økonomisk rådgivning* (supplementary guidance document). Under the source classification schema, this instrument qualifies as **(b) a veileder** — a sub-legal guidance document issued to supplement the normative framework without possessing the binding authority of a circular or statutory provision. This source mapping is carried into Step 2, where the veileder origin is material to the authority analysis and to the category error determination.

Structural observation: The Process Inflation Findings contribute analytical value in this session not primarily through quantity — the circular is reasonably comprehensive on its face — but through the identification of a cross-domain counseling obligation that is invisible from the § 24 framework entirely and whose inclusion in a § 24 audit is itself an indicator of normative drift between the enforcement domain and the economic counseling domain.

STEP 1 — IDENTIFICATION OF ALL REQUIREMENTS

Requirement 24.1

- *Exact obligation:* Krav om utlegg skal rettes til namsmannen i det distriktet tjenestemottaker har bopel.

- *Source instrument:* R-35, seksjon 4.24.1.1 (circular)
- *Explicit or implicit:* Explicit
- *Circular presence:* Present

Requirement 24.2

- *Exact obligation:* Nav-kontoret må alltid foreta en konkret individuell vurdering av om det skal gå til tvangsinndrivelse.
- *Source instrument:* R-35, seksjon 4.24.1.1 (circular)
- *Explicit or implicit:* Explicit
- *Circular presence:* Present

Requirement 24.3

- *Exact obligation:* I denne vurderingen skal det legges vekt på tjenestemottakers økonomiske situasjon, herunder om vedkommende har tilstrekkelig midler til et forsvarlig livsopphold hvis kravet inndrives.
- *Source instrument:* R-35, seksjon 4.24.1.1 (circular)
- *Explicit or implicit:* Explicit
- *Circular presence:* Present

Requirement 24.4

- *Exact obligation:* Nav-kontoret kan ikke kreve tvangsfullbyrdelse før det har gått to uker etter at det er sendt skriftlig varsel til tjenestemottaker.
- *Source instrument:* R-35, seksjon 4.24.1.1 (circular)
- *Explicit or implicit:* Explicit
- *Circular presence:* Present

Requirement 24.5

- *Exact obligation:* I varselet skal det opplyses om at tvangsfullbyrdelse vil bli begjært dersom kravet ikke oppfylles.
- *Source instrument:* R-35, seksjon 4.24.1.1 (circular)
- *Explicit or implicit:* Explicit
- *Circular presence:* Present

Requirement 24.6

- *Exact obligation:* Tjenestemottaker kan da komme med opplysninger som gjør at Nav-kontoret må foreta en ny vurdering av om kravet skal inndrives. (The Process Inflation Findings treat this conditional clause as imposing a mandatory re-assessment obligation.)
- *Source instrument:* R-35, seksjon 4.24.1.1 (circular)
- *Explicit or implicit:* Explicit in the circular, but its operative force as a mandatory obligation is implicit — the circular frames it as a consequence of user participation rather than as a free-standing procedural duty.
- *Circular presence:* Present

Requirement 24.7

- *Exact obligation:* Nav-kontoret må følge de krav til saksbehandling som følger av denne loven, forvaltningsloven, tvangsfullbyrdelsesloven og uskrevne normer om god forvaltningsskikk.
- *Source instrument:* R-35, seksjon 4.24.1.2 (circular)
- *Explicit or implicit:* Explicit
- *Circular presence:* Present

Requirement 24.8

- *Exact obligation:* Dersom brukeren er under tvangsforfølgning på grunn av ubetalt gjeld bør rådgiveren kunne veilede om hvordan vedkommende kan forholde seg til en slik situasjon på best mulig måte.
- *Source instrument:* Veileder for økonomisk rådgivning (supplementary veileder, not R-35 § 24 commentary)
- *Explicit or implicit:* Explicit in the veileder
- *Circular presence:* Absent — this requirement has no textual presence in the § 24 circular commentary whatsoever

---

STEP 2 — LEGAL AUTHORITY CHECK

Requirement 24.1 — Routing to namsmann

Direction 1 — Circular authority: **YES.** The requirement is stated in R-35 seksjon 4.24.1.1. Circular authority is present.

Direction 2 — Statutory authority (Social Services Act): **NO.** § 24 of the Social Services Act establishes that qualifying claims constitute a legal basis (tvangsgrunnlag) for forced execution. It says nothing about which authority the claim must be directed to or how it must be routed. The Process Inflation Findings (PROC-REQ 24.1, Step 3) state explicitly that the routing rule derives from tvangsfullbyrdelsesloven, making its attribution to § 24 procedurally ambiguous. The Social Services Act is silent on procedural routing; authority rests in the Enforcement Act framework.

Double authority gap: **NO** (circular authority is present).

Category error: **YES.** The routing rule is native to tvangsfullbyrdelsesloven, not to the Social Services Act. Its appearance in the § 24 commentary as an operative procedural obligation imports an Enforcement Act procedural rule into the Social Services normative framework without identifying the correct legal home.

Requirement 24.2 — Concrete individual assessment before enforcement

Direction 1 — Circular authority: **YES.** Stated in R-35 seksjon 4.24.1.1.

Direction 2 — Statutory authority: **NO.** § 24 of the Social Services Act declares which claims are tvangsgrunnlag. It contains no provision — express or implied — imposing a pre-enforcement assessment duty on the NAV office. The Process Inflation Findings

(PROC-REQ 24.2, Step 3) state: "§ 24 declares only that qualifying claims constitute a legal basis for enforcement and says nothing about any mandatory pre-step procedural duty to assess whether to actually initiate the enforcement." This obligation therefore derives its normative force entirely from the circular, not from the statute.

Finding from Reference Document: Process Inflation Findings, PROC-REQ 24.2, Step 3 — legal gap explicitly identified.

Double authority gap: **NO** (circular authority present).

Category error: **NO.** The obligation belongs conceptually within the Social Services administrative framework, even if it lacks a direct § 24 anchor.

Requirement 24.3 — Weighting of forsvarlig livsopphold

Direction 1 — Circular authority: **YES.** Stated in R-35 seksjon 4.24.1.1.

Direction 2 — Statutory authority: **NO.** § 24 contains no "forsvarlig livsopphold" standard. The Process Inflation Findings classify this as a [SUBSTANTIVE LEGAL OBLIGATION] — "the finding explicitly states that prescribing specific weighting criteria, such as a 'forsvarlig livsopphold' standard, constitutes a substantive normative addition" (Step 2, Requirement 3). The circular has added a substantive normative standard that the statute does not contain. This is the only requirement in this session to have been classified as a substantive legal obligation in the Process Inflation Findings rather than a procedural or documentation requirement — a significant analytical marker.

Finding from Reference Document: Process Inflation Findings, Requirement 3, Step 2 — classified as substantive normative addition.

Double authority gap: **NO** (circular authority present).

Category error: **NO.** The standard belongs conceptually to the Social Services Act administrative domain, but the circular has generated a normative content that exceeds the statute.

Requirement 24.4 — Two-week waiting period and written notice

Direction 1 — Circular authority: **YES.** Stated in R-35 seksjon 4.24.1.1.

Direction 2 — Statutory authority: **NO** (Social Services Act). § 24 contains no notice requirement and no waiting period. The Process Inflation Findings (PROC-REQ 24.4, Step 3) state: "§ 24 contains no notice requirement and no waiting period; these are procedural rules characteristic of tvangsfullbyrdelsesloven § 4-18, making their attribution to § 24 ambiguous." The natural legal home of this rule is the Enforcement Act.

Finding from Reference Document: Process Inflation Findings, PROC-REQ 24.4, Step 3 — legal gap; source tvangsfullbyrdelsesloven § 4-18.

Double authority gap: **NO** (circular authority present).

Category error: **YES.** This rule is native to tvangsfullbyrdelsesloven § 4-18. The circular restates it as a § 24 obligation, creating a category-level misattribution: the NAV office is subject to the obligation through the Enforcement Act, not through the Social Services Act, yet the R-35 circular frames it as a Social Services administrative requirement.

Requirement 24.5 — Mandatory content of written notice

Direction 1 — Circular authority: **YES.** Stated in R-35 seksjon 4.24.1.1.

Direction 2 — Statutory authority: **NO** (Social Services Act). § 24 contains no notice content requirement. The Process Inflation Findings (PROC-REQ 24.5, Step 3) state: "§ 24 contains no requirement for written notice, nor does it specify the mandatory content of such a notice, as this rule's natural home is the Enforcement Act's notice provisions."

Finding from Reference Document: Process Inflation Findings, PROC-REQ 24.5, Step 3 — legal gap; natural home is the Enforcement Act.

Double authority gap: **NO** (circular authority present).

Category error: **YES.** The notice content specification belongs to tvangsfullbyrdelsesloven. Its restatement in R-35 under § 24 attributes Enforcement Act obligations to the Social Services Act normative framework.

Requirement 24.6 — Mandatory re-assessment upon new information from recipient

Direction 1 — Circular authority: **YES.** Present in R-35 seksjon 4.24.1.1.

Direction 2 — Statutory authority: **NO.** § 24 contains no provision for re-assessment triggered by new information from the recipient. The Process Inflation Findings (PROC-REQ 24.6, Step 3) state: "§ 24 contains no provision for re-assessment triggered by new information from the recipient, nor does it reference a recipient's right to submit information after notice." The re-assessment obligation derives entirely from the circular.

Finding from Reference Document: Process Inflation Findings, PROC-REQ 24.6, Step 3 — legal gap explicitly identified.

Double authority gap: **NO** (circular authority present).

Category error: **NO.** The re-assessment mechanism conceptually belongs within Social Services administrative law, even without a § 24 anchor. It may have a partial basis in general forvaltningsloven principles regarding the duty to obtain relevant information.

Requirement 24.7 — Follow case processing rules from multiple legal sources

Direction 1 — Circular authority: **YES.** Stated in R-35 seksjon 4.24.1.2.

Direction 2 — Statutory authority: **YES.** The Process Inflation Findings flag this as HAS_HJEMMEL (Step 3, Requirement 7): "This requirement is a consolidation and restatement of pre-existing and self-executing statutory obligations derived from other laws, not from § 24." Each referenced source (Social Services Act, forvaltningsloven,

tvangsfullbyrdelsesloven, good administrative practice) has its own binding authority independent of the circular. The circular adds no new obligation; it consolidates existing ones.

Double authority gap: **NO.**

Category error: **NO.** This is a multi-source compliance consolidation, not a misattribution.

Requirement 24.8 — Advisory guidance duty for users under forced execution

Direction 1 — Circular authority: **ABSENT.** This requirement has no textual presence in R-35's § 24 commentary. It derives entirely from the Veileder for økonomisk rådgivning. This constitutes a first-order authority gap: the requirement operates outside the circular framework governing § 24 entirely.

Direction 2 — Statutory authority: **NO.** § 24 concerns the municipality's enforcement rights and procedural conditions for forced execution. It contains no provision for counseling or guidance duties. The Process Inflation Findings (PROC-REQ 24.8, Step 3) state: "§ 24 concerns the municipality's enforcement rights and contains no provision for guidance or counseling duties, which legally belong to the economic counseling framework (§ 17)." The statutory home of a counseling duty is § 17, not § 24.

Double authority gap: YES. Circular authority is ABSENT and statutory authority in the Social Services Act (under § 24) is NO. This is the only double authority gap in this session.

Category error: **YES.** The obligation derives from the § 17 / economic counseling legal domain, not from the enforcement/loan recovery domain governed by § 24. Including it in a § 24 veileder framework constitutes a category-level misassignment: the normative instrument (Veileder for økonomisk rådgivning) operates in a different legal domain from the paragraph under analysis.

STEP 3 — SCALE AND PROPORTIONALITY CHECK

The Volume Driver Findings (Document 4, Anchor Document) address §§ 17, 18, 19, and 20a in detail. § 24 enforcement procedures are not the subject of dedicated volume-driver analysis in the Anchor Document. The following assessments are therefore made by cross-referencing structural mechanisms (particularly [D], [K], [S], [P]) identified in the Anchor Document with the procedural character of each § 24 requirement.

Requirement 24.1 — Routing to namsmann Scale flag: **NO.** Identifying the correct namsmann district is a discrete administrative routing step that does not presuppose specialist competence, high case volume, or organizational capacity beyond basic administrative capability. The Volume Driver Findings do not flag analogous routing obligations as volume-sensitive. The obligation is not structurally disproportionate for small municipalities.

Requirement 24.2 — Concrete individual assessment before enforcement Scale flag: **PARTIAL.** The Anchor Document documents extensively (Cluster 1, Tier 1 drivers) that individual assessment obligations in complex legal domains degrade when case frequency is too low to sustain procedural fluency [K mechanism]. Enforcement under § 24 will be rare in many small municipalities — potentially occurring only a few times per year. A caseworker who infrequently encounters the enforcement decision may lack the experiential basis to conduct the individualized economic assessment the circular requires with consistent quality. However, the Volume Driver Findings do not specifically flag § 24 assessments, and the assessment here is less legally complex than the debt counseling competence requirements flagged in Tier 1 of the Anchor Document.

Finding connection: Volume Driver Anchor Document, Cluster 1 (Documentation-Competence-Specialization Trap), and the general [K] mechanism finding: "low case volume degrades competence, degraded competence produces incorrect procedures." Structural analogy rather than direct finding.

Requirement 24.3 — Weighting of forsvarlig livsopphold Scale flag: **PARTIAL.** Same structural reasoning as 24.2. The application of a "forsvarlig livsopphold" standard in an economic assessment requires both legal knowledge and judgment. Low frequency of § 24 enforcement cases in small municipalities creates the same competence-decay dynamic identified in the Anchor Document for complex individual assessments. However, the Anchor Document does not flag this specific standard. The flag is structural, not empirically confirmed.

Requirement 24.4 — Two-week waiting period and written notice Scale flag: **NO.** The two-week waiting period is a fixed procedural step that does not require specialist competence to execute. It imposes a time delay but not a capacity burden beyond basic administrative literacy. The Volume Driver Findings do not flag analogous notice requirements as volume-sensitive.

Requirement 24.5 — Content of written notice Scale flag: **NO.** Producing a notice with the required content is a drafting task that does not presuppose high case volume or specialist organizational capacity. Template-based compliance is feasible for this requirement even in very small offices.

Requirement 24.6 — Re-assessment upon new information Scale flag: **PARTIAL.** The re-assessment obligation is triggered by user-submitted information. In a small office where caseworkers handle the full spectrum of social services tasks, the procedural sequence of receiving new information, evaluating it against the earlier assessment, and deciding whether enforcement should proceed requires doctrinal familiarity with the § 24 framework that may erode with infrequent enforcement encounters [K mechanism]. The Anchor Document's general findings on competence sustainability (particularly the observation that "competence decay is a function of case volume, not of individual negligence") apply structurally, though not specifically to § 24.

Requirement 24.7 — Follow case processing rules from multiple legal sources Scale flag: **NO.** This is a restatement of pre-existing and self-executing statutory obligations. It does not add new organizational capacity demands. However, the multi-source compliance obligation (Social Services Act + forvaltningsloven + tvangsfullbyrdelsesloven + unwritten

norms) does impose a cross-domain doctrinal literacy requirement that the Anchor Document identifies as generally burdensome in small generalist offices [K mechanism, Cluster 1]. The flag remains NO at the specific obligation level but PARTIAL at the cumulative literacy demand level.

Requirement 24.8 — Advisory guidance for users under forced execution Scale flag: **YES.** This requirement derives from the Veileder for økonomisk rådgivning and falls within the economic counseling domain. The Volume Driver Findings identify economic counseling as the single most volume-sensitive service domain in the entire empirical dataset, with the [S] and [K] mechanisms extensively confirmed across 40+ supervision reports. The Anchor Document states: "Mechanism [S] confirmation strength: Very strong. At least eight supervision reports directly confirm this requirement produces volume-driven failures." (Part 1, Requirement 1). An advisory duty tied to guidance for users under forced execution presupposes counseling competence that small generalist offices structurally cannot sustain. This requirement has no circular authority and its scale burden is therefore entirely unsupported by the R-35 § 24 framework — the caseworker faces a compliance obligation that the primary normative instrument governing enforcement procedures does not address.

Finding connection: Volume Driver Anchor Document, Part 1 §17 section, Requirement 1 (specialist economic advice, Mechanism [S]); Cluster 1 (Debt Counseling Compliance Stack); Driver A (Tier 1, strongest driver toward intermunicipal cooperation).

STEP 4 — PURPOSE CLASSIFICATION

Requirement 24.1 — Routing to namsmann Classification: **[MIXED]**

The routing rule serves a dual function. For the NAV office, it ensures the claim reaches a jurisdictionally competent authority, which is an administrative compliance function [INTERNAL CONTROL]. For the recipient, routing to the correct district namsmann protects procedural rights — an enforcement claim filed with the wrong authority would cause delay and potentially prejudice the recipient's ability to respond [USER NEED secondary]. Primary purpose is administrative routing compliance. Secondary purpose is jurisdictional fairness for the user. The language in R-35 frames this as a procedural instruction ("skal rettes til") directed at the office rather than a user-facing protective standard.

Requirement 24.2 — Concrete individual assessment before enforcement Classification: **[USER NEED]**

The requirement directly protects the user from coercive state action based on a categorical entitlement to enforce rather than a considered assessment of individual circumstances. The language "alltid foreta en konkret individuell vurdering" imposes a substantive obligation on the office to examine each case on its own merits before proceeding against the individual. There is no documentation or reporting function here — the assessment exists solely to prevent mechanical application of enforcement rights at the expense of the person's actual situation. This is a substantive legal protection for the user.

Requirement 24.3 — Weighting of forsvarlig livsopphold Classification: **[USER NEED]**

The "forsvarlig livsopphold" standard is a protective norm directly for the benefit of the user. It ensures that the economic assessment mandated by Requirement 24.2 includes a specific protective threshold — the user's ability to maintain a basic standard of living if the claim is enforced. This is a substantive welfare protection, not an internal control or reporting function. The Process Inflation Findings classify it as a SUBSTANTIVE LEGAL OBLIGATION precisely because it adds a normative protective standard, not a documentary or procedural one.

Requirement 24.4 — Two-week waiting period and written notice Classification: **[USER NEED]**

The notice obligation and waiting period give the recipient time and information sufficient to respond before coercive action is taken. The user receives both advance warning (the notice) and a defined window (two weeks) to submit information or settle the debt. The requirement directly serves the legal security of the recipient. No internal control or documentation function is served by this requirement — it is a procedural protection for the individual facing enforcement.

Requirement 24.5 — Content of written notice Classification: **[USER NEED]**

The content requirement ensures that the user receives substantive advance information about what will happen and what they can do. A notice that merely states a sum is owed is categorically different from one that explicitly states forced execution will be initiated if the claim is not met. The content specification serves the user's ability to understand and respond to the situation, not the NAV office's internal record-keeping or audit functions.

Requirement 24.6 — Re-assessment upon new information Classification: **[USER NEED]**

The re-assessment obligation is a procedural protection for the user that preserves the ability to affect the outcome of the enforcement decision after notice has been served. By obligating the NAV office to conduct a new assessment when the recipient submits relevant new information, the requirement maintains a dynamic decision process rather than treating the enforcement decision as irreversible once taken. This directly serves the fairness and legal security of the individual. No transaction cost burden is identified for classification purposes.

Requirement 24.7 — Follow case processing rules from multiple legal sources Classification: **[MIXED]**

This requirement serves both the legal certainty of the user (who benefits from proper administrative procedure and appeal rights) and the internal legal compliance of the NAV office (which must be able to demonstrate adherence to the applicable legal framework). However, the formulation in R-35 is directed at the office as a compliance instruction rather than at the user as a protective right. Administrative compliance is the primary function; user legal security is a secondary consequence of that compliance. The Enforcement Act and forvaltningsloven elements of this requirement have specific user-protection dimensions

(e.g., right to appeal within applicable frameworks), but the circular's framing is institutional rather than individual.

Requirement 24.8 — Advisory guidance for users under forced execution
Classification: **[USER NEED]** (within its source domain — assessed against the economic counseling framework to which it belongs, not against § 24 enforcement)

In its correct legal home (§ 17 / Veileder for økonomisk rådgivning), this requirement directly serves the user's practical ability to navigate a legally and financially threatening situation. Guidance to users under forced execution is a substantive advisory protection, not an internal reporting or documentation obligation. However, its misassignment to the § 24 framework — where it lacks circular and statutory authority — means that its user-need function is procedurally orphaned: the right instrument in the wrong legal house. No transaction cost burden is identified for the purpose classification step, but the misplacement itself has operational consequences addressed in Steps 5 and 6.

STEP 5 — TRANSACTION COST CHARACTERIZATION

Requirement 24.1 — Routing to namsmann [MIXED — primary: administrative compliance]

The caseworker or NAV leader must identify the correct namsmann district based on the recipient's registered residence, direct the formal enforcement request to that authority, and ensure that any subsequent correspondence routes through the correct enforcement office. This is a low-intensity routing task. The transaction cost is modest and routine. However, since the authority for this rule derives from tvangsfullbyrdelsesloven rather than the Social Services Act, caseworkers complying with this requirement under R-35 are technically complying with an Enforcement Act obligation that the § 24 circular has adopted without identifying the legal source. The circular provides guidance but attributes the obligation to the wrong legal framework, creating a minor doctrinal confusion that could affect how caseworkers understand their authority and obligations if the rule is ever contested.

Requirement 24.2 — Concrete individual assessment before enforcement [USER NEED — no transaction cost burden identified]

This requirement protects the user and does not impose documentation inflation or reporting overhead as such. However, the mandatory individual assessment ("alltid... konkret individuell vurdering") does demand caseworker time and judgment for each enforcement decision. Since this classification is [USER NEED], the burden is justified by its protective function and no transaction cost identification is made here.

Requirement 24.3 — Weighting of forsvarlig livsopphold [USER NEED — no transaction cost burden identified]

The "forsvarlig livsopphold" standard is a substantive normative addition by the circular, but its purpose is user protection. No separate transaction cost is identified. The standard adds

complexity to the Requirement 24.2 assessment but does not add a distinct documentation or reporting obligation beyond the assessment itself.

Requirement 24.4 — Two-week waiting period and written notice [USER NEED — no transaction cost burden identified]

The notice requirement is a user-protective procedural step. Drafting and sending the written notice is administratively minor. No transaction cost burden is identified for the purpose step.

Requirement 24.5 — Content of written notice [USER NEED — no transaction cost burden identified]

Specifying that the notice must state that forced execution will be sought imposes no distinct documentation overhead beyond the drafting of the notice itself (addressed under 24.4). No transaction cost burden is identified.

Requirement 24.6 — Re-assessment upon new information [USER NEED — no transaction cost burden identified]

The re-assessment obligation is a user-protective procedural step. While it imposes a conditional administrative obligation (a second assessment triggered by user action), this is justified by its protective function. No transaction cost burden is identified.

Requirement 24.7 — Follow case processing rules from multiple legal sources [MIXED — primary: administrative compliance]

The caseworker and NAV leader must maintain working familiarity with four distinct normative sources: the Social Services Act, forvaltningsloven, tvangsfullbyrdelsesloven, and unwritten norms of good administrative practice. Each of these frameworks has its own procedural requirements, appeal structures, and documentation standards. In practical terms, a caseworker handling a § 24 enforcement case must mentally track which procedural obligations derive from which legal source to ensure correct compliance. In small municipalities where § 24 enforcement cases are rare, this multi-source doctrinal literacy requirement cannot become habitual through regular practice — it must be freshly reconstructed each time an enforcement question arises. The transaction cost is therefore not primarily a documentation or reporting burden but a **cognitive and doctrinal compliance burden** that increases with infrequency of encounter. This falls under the Volume Driver's [K mechanism] (Competence Sustainability) as a cross-domain literacy demand.

Since the circular authority is present but the multi-source obligation extends well beyond the § 24 circular framework (into tvangsfullbyrdelsesloven and forvaltningsloven), caseworkers are in effect required to operationalize normative obligations whose primary source the circular does not directly govern. The circular consolidates these obligations as a cross-reference but does not provide guidance on how to navigate conflicts between them.

Transaction cost category: Combined Burden (cross-domain doctrinal literacy + procedural continuity across four legal frameworks).

Requirement 24.8 — Advisory guidance for users under forced execution [USER NEED in its source domain]

This requirement has no circular authority under § 24. Caseworkers encountering the Veileder for økonomisk rådgivning's directive in the context of a § 24 enforcement case must comply with an obligation that the § 24 circular — the primary normative instrument governing their enforcement-related work — does not address, acknowledge, or provide guidance for.

In concrete terms: a caseworker processing an enforcement case under § 24 who consults R-35 will find comprehensive guidance on the enforcement procedure but no reference whatsoever to an advisory duty toward the user facing that procedure. The advisory obligation exists only in a separate veileder attached to the § 17 economic counseling framework. The caseworker must therefore simultaneously navigate the R-35 § 24 enforcement framework and the Veileder for rådgivning's § 17 advisory framework — two instruments from different legal domains that are not cross-referenced in the primary normative source.

Practical burden: The caseworker must identify that the user's situation triggers not only the enforcement procedure under § 24 but also an advisory duty under the § 17 veileder framework; locate and apply the advisory standard from the separate veileder; and provide substantive guidance to the user without any procedural support from the § 24 circular. In small municipalities where both specialist economic counseling competence and enforcement expertise are thin, this dual obligation — from two disconnected legal sources — compounds the competence sustainability risk identified in the Volume Driver Findings.

Transaction cost category: **Combined Burden** (cross-domain obligation without circular guidance + structural disproportionality for small generalist offices) + **Documentation Inflation** (the advisory interaction should arguably be documented, but the § 24 circular provides no documentation framework for it, leaving caseworkers without guidance on how to record the advisory component of an enforcement case).

STEP 6 — CATALOG ENTRIES

REQUIREMENT ID: § 24 — Requirement 24.1

PROVISION TEXT: Claims for enforcement (utlegg) must be directed to the namsmann in the district where the recipient has their registered residence.

SOURCE INSTRUMENT: Circular — R-35, seksjon 4.24.1.1

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: NO (Social Services Act § 24) — § 24 establishes the substantive legal status of claims as tvangsgrunnlag but is silent on procedural routing. The routing rule

derives from tvangsfullbyrdelsesloven, not from the Social Services Act. Finding source: Process Inflation Findings, PROC-REQ 24.1, Step 3 — "§ 24 only establishes the substantive legal status of a claim for forced execution and is completely silent on the procedural routing rule to the local bailiff, which appears to derive from tvangsfullbyrdelsesloven."

DOUBLE AUTHORITY GAP: NO (circular authority present)

CATEGORY ERROR: YES — the routing obligation's natural legal home is tvangsfullbyrdelsesloven. The Social Services Act circular restates it as a § 24 operational obligation without identifying the correct legal source, creating cross-domain normative misattribution.

SCALE FLAG: NO — procedural routing is a discrete administrative step that does not presuppose specialist competence or volume-sensitive organizational capacity. No finding from the Anchor Document applies directly.

PURPOSE: MIXED — primary: administrative routing compliance [INTERNAL CONTROL]; secondary: jurisdictional procedural protection for the user [USER NEED].

BURDEN DESCRIPTION: Caseworker must identify the correct namsmann district and direct the formal enforcement request accordingly. Low-intensity administrative task. The category error creates a minor doctrinal compliance uncertainty: caseworkers following R-35 are complying with an Enforcement Act obligation framed as a Social Services Act requirement, which could produce confusion if the obligation is contested or if the Enforcement Act provision is amended.

KILL LIST CLASSIFICATION: Category C — Clarification. The circular should clarify that this routing requirement derives from tvangsfullbyrdelsesloven rather than from the Social Services Act framework, removing the implicit misattribution and restoring accuracy about the legal source of the obligation.

TRANSACTION COST CATEGORY: No Transaction Cost Identified (routing step is low-burden, but the category error creates latent doctrinal confusion rather than a casework burden).

REQUIREMENT ID: § 24 — Requirement 24.2

PROVISION TEXT: The NAV office must always conduct a concrete individual assessment of whether to proceed with forced enforcement.

SOURCE INSTRUMENT: Circular — R-35, seksjon 4.24.1.1

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: NO (Social Services Act § 24) — § 24 declares qualifying claims as tvangsgrunnlag but contains no mandatory pre-enforcement assessment duty. Finding source: Process Inflation Findings, PROC-REQ 24.2, Step 3 — "§ 24 declares only that

qualifying claims constitute a legal basis for enforcement and says nothing about any mandatory pre-step procedural duty to assess whether to actually initiate the enforcement."

DOUBLE AUTHORITY GAP: NO (circular authority present)

CATEGORY ERROR: NO — the obligation belongs conceptually within the Social Services Act administrative domain even without a direct § 24 anchor.

SCALE FLAG: PARTIAL — infrequent enforcement cases in small municipalities may prevent the assessment practice from becoming routinized, creating competence sustainability risk [K mechanism]. Anchor Document general finding: "competence decay is a function of case volume, not of individual negligence" (Part 2, [K] mechanism analysis). No direct § 24 finding.

PURPOSE: USER NEED — the requirement directly protects the user from mechanical enforcement without individual consideration. The language "alltid" (always) + "konkret individuell vurdering" (concrete individual assessment) imposes a substantive protective obligation with direct bearing on the user's case outcome.

BURDEN DESCRIPTION: No transaction cost burden identified. The assessment is a substantive user protection; its classification as [USER NEED] means the caseworker burden it imposes is justified by its protective function.

KILL LIST CLASSIFICATION: Category B — Status Change. The imperative language "må alltid" (must always) applies a mandatory procedural standard to a proceeding for which § 24 provides no assessment duty. While the protective function of the requirement is legitimate, the "always" formulation forecloses contextual discretion. Reformulating to permissive language ("bør" or "kan" with guidance on when enforcement is appropriate) would preserve the protective intent while restoring local discretion and acknowledging that the statutory basis for the requirement lies outside § 24 itself. Alternatively, a legislative amendment to § 24 could provide the statutory anchor.

TRANSACTION COST CATEGORY: No Transaction Cost Identified.

REQUIREMENT ID: § 24 — Requirement 24.3

PROVISION TEXT: In conducting the individual assessment, the NAV office must weigh the recipient's economic situation, including whether the recipient has sufficient means for a defensible standard of living (forsvarlig livsopphold) if the claim is enforced.

SOURCE INSTRUMENT: Circular — R-35, seksjon 4.24.1.1

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: NO (Social Services Act § 24) — § 24 contains no "forsvarlig livsopphold" standard. The Process Inflation Findings classify this as a SUBSTANTIVE LEGAL OBLIGATION, noting that "prescribing specific weighting criteria, such as a 'forsvarlig

livsopphold' standard, constitutes a substantive normative addition." Finding source: Process Inflation Findings, Requirement 3, Step 2.

DOUBLE AUTHORITY GAP: NO (circular authority present)

CATEGORY ERROR: NO — the standard belongs within the Social Services Act welfare protection framework conceptually, even though § 24 does not contain it.

SCALE FLAG: PARTIAL — applying a "forsvarlig livsopphold" standard requires an individual economic assessment that may degrade with infrequent § 24 enforcement encounters [K mechanism, general finding from Anchor Document].

PURPOSE: USER NEED — the "forsvarlig livsopphold" standard is a substantive welfare protection directly for the user. It prevents enforcement that would reduce the recipient below a defensible living standard. The requirement has direct bearing on the user's case outcome.

BURDEN DESCRIPTION: No transaction cost burden identified. This is a substantive user-protective standard. The caseworker burden of applying it is inherent in its protective function.

KILL LIST CLASSIFICATION: Category B — Status Change. The circular has added a substantive normative standard ("forsvarlig livsopphold") that does not appear in § 24 of the Social Services Act. While the standard is substantively appropriate and protective of users, it represents a sub-legal normative expansion beyond the statutory text. Its imperative framing in the circular ("skal det legges vekt på") creates a binding standard without statutory authority. The correct resolution is either: (a) a legislative amendment to § 24 incorporating this standard explicitly, or (b) reformulation in the circular to permissive or advisory language ("bør") pending legislative action, with an explicit note that this standard is recommended practice rather than a direct § 24 obligation.

TRANSACTION COST CATEGORY: No Transaction Cost Identified.

REQUIREMENT ID: § 24 — Requirement 24.4

PROVISION TEXT: The NAV office cannot demand forced execution until at least two weeks have elapsed after a written notice has been sent to the recipient.

SOURCE INSTRUMENT: Circular — R-35, seksjon 4.24.1.1

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: NO (Social Services Act § 24) — § 24 contains neither a notice requirement nor a waiting period. Finding source: Process Inflation Findings, PROC-REQ 24.4, Step 3 — "§ 24 contains no notice requirement and no waiting period; these are procedural rules characteristic of tvangsfullbyrdelsesloven § 4-18." The operative legal authority for this rule is tvangsfullbyrdelsesloven § 4-18, not the Social Services Act.

DOUBLE AUTHORITY GAP: NO (circular authority present)

CATEGORY ERROR: YES — this procedural rule derives from and belongs to tvangsfullbyrdelsesloven § 4-18. Its appearance in R-35 as a § 24 Social Services Act obligation imports Enforcement Act procedural law into the Social Services normative framework without acknowledging the true legal source.

SCALE FLAG: NO — the two-week waiting period is a fixed time constraint that does not presuppose specialist competence or organizational capacity beyond routine administration.

PURPOSE: USER NEED — the notice and waiting period directly protect the user by ensuring advance information and a response window before coercive action is taken. The requirement has direct bearing on the user's procedural legal security.

BURDEN DESCRIPTION: No transaction cost burden identified for the user-need classification. The administrative task of sending notice and observing a time period is minor. However, the category error creates an invisible doctrinal burden: the source obligation in tvangsfullbyrdelsesloven § 4-18 governs this requirement, not R-35, and a caseworker relying solely on R-35 may not understand that compliance with this rule is legally required regardless of what R-35 says about it.

KILL LIST CLASSIFICATION: Category C — Clarification. The circular should clarify that this obligation derives from tvangsfullbyrdelsesloven § 4-18 and applies to NAV offices as creditors under the Enforcement Act framework. The circular's current framing implies a § 24 Social Services Act source that does not exist, creating doctrinal confusion. No substantive change to the obligation is needed; the clarification should be on legal attribution.

TRANSACTION COST CATEGORY: No Transaction Cost Identified (but category error noted — see burden description).

REQUIREMENT ID: § 24 — Requirement 24.5

PROVISION TEXT: The written notice must state that forced execution will be sought if the claim is not met.

SOURCE INSTRUMENT: Circular — R-35, seksjon 4.24.1.1

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: NO (Social Services Act § 24) — § 24 contains no notice content requirement. Finding source: Process Inflation Findings, PROC-REQ 24.5, Step 3 — "§ 24 contains no requirement for written notice, nor does it specify the mandatory content of such a notice, as this rule's natural home is the Enforcement Act's notice provisions."

DOUBLE AUTHORITY GAP: NO (circular authority present)

CATEGORY ERROR: YES — the notice content specification belongs to the Enforcement Act framework. The circular restates an Enforcement Act requirement as a § 24 Social Services Act obligation.

SCALE FLAG: NO — drafting a notice with specified content is a template-compatible task not presupposing volume-sensitive competence.

PURPOSE: USER NEED — specifying the content of the notice ensures that the recipient receives substantive advance information sufficient to take meaningful action. This is a user-protective requirement directly affecting the user's legal security and ability to respond.

BURDEN DESCRIPTION: No transaction cost burden identified. The note on category error applies: caseworkers must comply with this rule under tvangsfullbyrdelsesloven regardless of its appearance in R-35.

KILL LIST CLASSIFICATION: Category C — Clarification. The circular should attribute this content requirement to its correct legal source in tvangsfullbyrdelsesloven rather than presenting it as a § 24 Social Services Act obligation. The protective function is appropriate and should be retained; only the legal attribution requires correction.

TRANSACTION COST CATEGORY: No Transaction Cost Identified.

REQUIREMENT ID: § 24 — Requirement 24.6

PROVISION TEXT: The NAV office must conduct a new assessment of whether the claim should be enforced if the recipient submits new information following notice.

SOURCE INSTRUMENT: Circular — R-35, seksjon 4.24.1.1

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: NO (Social Services Act § 24) — § 24 contains no provision for re-assessment triggered by recipient-submitted information. Finding source: Process Inflation Findings, PROC-REQ 24.6, Step 3 — "§ 24 contains no provision for re-assessment triggered by new information from the recipient, nor does it reference a recipient's right to submit information after notice." A partial basis may exist in general forvaltningsloven principles (duty to obtain relevant information before a decision affecting individual rights), but § 24 itself provides no anchor.

DOUBLE AUTHORITY GAP: NO (circular authority present)

CATEGORY ERROR: NO — the re-assessment mechanism belongs conceptually within the Social Services Act administrative law domain and is consistent with forvaltningsloven general principles.

SCALE FLAG: PARTIAL — re-assessment following new information requires familiarity with the § 24 assessment framework that may be difficult to maintain with infrequent enforcement encounters. Anchor Document general [K mechanism] finding applies structurally.

PURPOSE: USER NEED — the re-assessment obligation is a procedural protection for the user. It ensures that the enforcement decision remains responsive to the user's actual

circumstances up to the point of enforcement action. The requirement has direct bearing on the user's ability to affect the case outcome.

BURDEN DESCRIPTION: No transaction cost burden identified. The re-assessment obligation is user-protective and justified by its function. However, the absence of a § 24 statutory anchor means the caseworker is implementing an obligation that the primary statute governing enforcement does not impose, which creates a background legal uncertainty about the obligation's enforceability.

KILL LIST CLASSIFICATION: Category B — Status Change. The circular's framing — "Nav-kontoret må foreta en ny vurdering" (must conduct a new assessment) — uses imperative language for an obligation that has no direct § 24 anchor. The protective function is appropriate and could be supported by general forvaltningsloven principles, but the mandatory framing as a § 24-specific procedural duty exceeds what the statute provides. Reformulating to "bør" (should) language with reference to the general forvaltningsloven duty to consider relevant new information would preserve the protective function while accurately representing the legal basis.

TRANSACTION COST CATEGORY: No Transaction Cost Identified.

REQUIREMENT ID: § 24 — Requirement 24.7

PROVISION TEXT: The NAV office must comply with case processing requirements under the Social Services Act, forvaltningsloven, tvangsfullbyrdelsesloven, and unwritten norms of good administrative practice.

SOURCE INSTRUMENT: Circular — R-35, seksjon 4.24.1.2

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — the Process Inflation Findings flag this as HAS_HJEMMEL. Each referenced legal source is self-executing and independently binding. The circular consolidates pre-existing obligations rather than creating new ones. Finding source: Process Inflation Findings, PROC-REQ 24.7, Step 3 — "This requirement is a consolidation and restatement of pre-existing and self-executing statutory obligations derived from other laws, not from § 24."

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO — this is a multi-source compliance consolidation appropriate to the administrative context. The cross-domain references (forvaltningsloven, tvangsfullbyrdelsesloven) accurately reflect the multi-legal framework governing § 24 enforcement proceedings.

SCALE FLAG: NO at the obligation level. PARTIAL at the cumulative doctrinal literacy level: maintaining working familiarity with four distinct normative sources in the context of infrequent enforcement cases may create a competence sustainability burden in small generalist offices [K mechanism, general Anchor Document finding].

PURPOSE: MIXED — primary: administrative compliance [INTERNAL CONTROL]; secondary: legal certainty and procedural protection for the user [USER NEED]. The circular's framing is institutional rather than user-facing, but compliance with the referenced legal frameworks protects user rights as a structural consequence.

BURDEN DESCRIPTION: The caseworker and NAV leader must maintain working familiarity across four legal frameworks with distinct procedural requirements, appeal structures, and documentation standards. In small municipalities where § 24 enforcement cases are rare, this multi-source doctrinal literacy cannot become habitual through regular practice. The cognitive and doctrinal burden of reconstructing the multi-framework compliance picture for each infrequent enforcement case is a Combined Burden under the [K mechanism]. The circular provides the consolidation cross-reference but does not guide caseworkers on how to navigate conflicts between the referenced frameworks if they arise.

KILL LIST CLASSIFICATION: No Kill List Action — this requirement has sufficient legal authority (multiple statutory sources), appropriate purpose, and proportionate function. Its inclusion in the circular as a compliance consolidation is legitimate. The scale-related literacy burden is a function of infrequent enforcement practice, not of normative excess.

TRANSACTION COST CATEGORY: Combined Burden — cross-domain doctrinal literacy requirement that imposes cognitive compliance overhead in generalist offices with infrequent § 24 cases.

REQUIREMENT ID: § 24 — Requirement 24.8

PROVISION TEXT: If a user is under forced enforcement due to unpaid debt, the advisor should be able to guide the user on how to handle the situation in the best possible way.

SOURCE INSTRUMENT: Veileder — Veileder for økonomisk rådgivning (supplementary guidance document, PROC-REQ 24.8). This is a veileder (sub-legal guidance document), not R-35 and not the Social Services Act.

CIRCULAR AUTHORITY: ABSENT — this requirement has no textual presence in R-35's § 24 commentary. Consequence: the requirement operates entirely outside the circular framework governing § 24 enforcement procedures. Caseworkers consulting R-35 on § 24 matters will not encounter this obligation. Its operative authority rests solely in a veileder from a different legal domain.

LEGAL AUTHORITY: NO — § 24 concerns the municipality's enforcement rights and contains no advisory or guidance duty. Finding source: Process Inflation Findings, PROC-REQ 24.8, Step 3 — "§ 24 concerns the municipality's enforcement rights and contains no provision for guidance or counseling duties, which legally belong to the economic counseling framework (§ 17)." The advisory duty has a legal home in § 17 of the Social Services Act and the economic counseling framework; it has none in § 24.

DOUBLE AUTHORITY GAP: YES — circular authority is ABSENT and Social Services Act authority (under § 24) is NO. This is the only double authority gap identified in this session.

CATEGORY ERROR: YES — the advisory duty derives from and belongs to the § 17 / economic counseling legal domain. Its placement in the Veileder for økonomisk rådgivning with operational relevance to § 24 enforcement situations constitutes a cross-domain normative drift: a § 17 counseling obligation is being attached to a § 24 enforcement context through a veileder, without circular authority, without statutory authority under § 24, and without any cross-reference in R-35. The caseworker complying with this obligation in an enforcement context is discharging a § 17 duty through a § 24 instrument — a category error at the normative system level.

SCALE FLAG: YES — the advisory duty falls within the economic counseling domain, which the Volume Driver Findings identify as the most volume-sensitive service domain in the entire empirical dataset. The Anchor Document states: "At least eight supervision reports directly confirm this requirement produces volume-driven failures" (Part 1, Requirement 1, [S] mechanism). Small generalist offices structurally cannot sustain the counseling competence this obligation presupposes. Since the requirement has no circular authority, the volume-driven burden it imposes is unsupported by any framework the R-35 § 24 circular provides guidance for. Finding source: Anchor Document, Part 1, Requirement 1 ([S] mechanism, Very Strong confirmation); Cluster 1 (Documentation-Competence-Specialization Trap).

PURPOSE: USER NEED within the economic counseling domain — the advisory duty directly serves the user's practical ability to navigate forced enforcement. However, assessed from the perspective of the § 24 Social Services Act enforcement framework to which it has been misassigned, this requirement belongs to a different functional and legal domain and should not be operative through the § 24 normative structure.

BURDEN DESCRIPTION: The caseworker must: (1) recognize that the user's forced enforcement situation triggers not only § 24 enforcement procedures but also a § 17-domain advisory obligation; (2) locate the applicable standard in the Veileder for økonomisk rådgivning rather than in R-35; (3) provide substantive advisory guidance for which R-35's § 24 commentary provides no framework, methodology, or documentation guidance; and (4) discharge a counseling duty in the absence of any circular support for how to record, structure, or evidence compliance with it. In small municipalities where economic counseling competence is already structurally vulnerable (Volume Driver Tier 1), requiring generalist caseworkers to extend that competence into enforcement-adjacent advisory work — with no circular authority and no documentation framework — constitutes a Structural Disproportionality. The transaction cost falls entirely outside the R-35 § 24 normative framework, meaning caseworkers bear an obligation the primary governing instrument does not acknowledge.

KILL LIST CLASSIFICATION: Category A — Removal from the § 24 normative framework. The requirement lacks both circular authority and Social Services Act authority under § 24. It constitutes a category error by attaching a § 17 advisory obligation to a § 24 enforcement instrument. The correct disposition is: removal from operative status under § 24 / the enforcement framework, with explicit cross-referencing in R-35 § 24 to the § 17 advisory duty as a separate legal obligation that may arise concurrently in enforcement situations. The advisory duty itself — which is substantively appropriate — should remain operative

under § 17 and its own veileder framework, not as an invisible sub-legal obligation within the § 24 system.

TRANSACTION COST CATEGORY: Combined Burden + Structural Disproportionality — cross-domain obligation without circular guidance; competence demands that exceed small generalist office capacity; no documentation framework in R-35 for compliance evidence.

CLOSING COMPARATIVE NOTE

Total requirements identified starting from the Process Inflation Findings: 8

Requirements visible starting from the circular alone: 7

Requirements invisible from the circular (identified only through Process Inflation Findings): 1 — PROC-REQ 24.8 (Veileder for økonomisk rådgivning)

Double authority gaps: 1 — Requirement 24.8 (both circular authority ABSENT and § 24 Social Services Act authority NO)

Category errors (requirements belonging to a different legal domain): 4 — Requirements 24.1 (tvangsfullbyrdelsesloven routing rule misattributed to Social Services Act framework), 24.4 (tvangsfullbyrdelsesloven § 4-18 notice and waiting period imported into Social Services normative framework), 24.5 (Enforcement Act notice content specification imported into Social Services normative framework), and 24.8 (§ 17 advisory duty misassigned to § 24 enforcement context via veileder).

Kill List breakdown:

Category	Requirements	Count
Category A — Removal	24.8	1
Category B — Status Change	24.2, 24.3, 24.6	3
Category C — Clarification	24.1, 24.4, 24.5	3
No Kill List Action	24.7	1

Total Kill List entries: 7 of 8 requirements carry a Kill List classification. Only Requirement 24.7 (multi-source compliance consolidation) is assessed as having sufficient authority and proportionate burden to warrant no action.

Primary transaction cost categories by frequency:

The dominant finding in this session is the relative absence of transaction cost in the traditional [D] Documentation Inflation or [P] Procedural Duplication sense. Most § 24 requirements are classified as [USER NEED] and generate no transaction cost identification. The transaction costs that do appear are:

- **Combined Burden** (2 occurrences — Requirements 24.7 and 24.8): cross-domain doctrinal literacy demands and the compound burden of discharging an obligation from a different legal domain without circular support.
- **Structural Disproportionality** (1 occurrence — Requirement 24.8): scale-sensitivity of an advisory competence obligation that cannot be sustained in small generalist offices and that operates entirely outside the circular framework.
- **No Transaction Cost Identified** (6 occurrences — Requirements 24.1 through 24.6): the majority of § 24 requirements are user-protective procedural steps or user-facing safeguards for which the caseworker burden is justified by the protective function.

Synthesis for main report and Kill List:

The analytical picture that emerges from this Sludge Audit is structurally distinct from the § 17 pattern dominant in the Volume Driver Findings. § 24 does not generate the documentation inflation, procedural duplication, or specialization bottleneck problems that characterize the debt counseling compliance stack. Most of its operative requirements are user-protective and proportionate. The primary normative problem is architectural rather than volumetric: three requirements (24.1, 24.4, 24.5) are category errors that import Enforcement Act obligations into the Social Services normative framework without identifying their true legal source; two requirements (24.2, 24.6) use imperative language for obligations that have no direct § 24 statutory anchor; one requirement (24.3) adds a substantive normative standard that the statute does not contain; and one requirement (24.8) constitutes a double authority gap and category error that introduces a structurally inappropriate cross-domain advisory obligation into the enforcement framework entirely below the circular's line of visibility.

The Kill List priority is clear: Category A removal of Requirement 24.8 addresses the only double authority gap and the most structurally disruptive category error. Category B reformulations of Requirements 24.2, 24.3, and 24.6 would restore transparency about the circular's role as a normative supplement rather than a source of binding obligations that exceed the statute. Category C clarifications of Requirements 24.1, 24.4, and 24.5 would correct the legal misattribution of Enforcement Act rules to the Social Services normative framework — not by removing the obligations, which are substantively appropriate, but by accurately identifying where their authority actually resides.

SLUDGE AUDIT — § 25 REFUSJON I UNDERHOLDSBIDRAG

PRELIMINARY METHODOLOGICAL NOTE

Visibility comparison: The Process Inflation Findings for § 25 identify **5 requirements**. Starting from the circular paragraph alone (R-35 sections 4.25.1 and 4.25.1.1), the same **5 requirements** are visible. This is a structurally unusual finding: unlike many other paragraphs in the R-35 system where sub-legal instruments (Kommunebrev, veiledere, standard documents) introduce obligations that are entirely invisible from the circular text, § 25 presents a complete normative picture within the circular itself.

Requirements with no textual presence in the circular: None. All five requirements identified in the Process Inflation Findings can be located in the circular paragraph.

Consequence for analytical method: The absence of hidden sub-legal obligations means the structural gap that the Process Inflation Findings typically expose — invisible requirements derived from Kommunebrev, veiledere, or guidance attachments — does not arise for § 25. The analytical value of using the Process Inflation Findings as the reference document here lies not in surfacing invisible requirements but in surfacing the *legal quality assessment* of those requirements: specifically, the TVETYDIG flag on Requirement 1, which identifies a covert escalation from permissive to mandatory language that is invisible from a plain reading of the circular text alone. This distinction — between textual presence and legal quality — is what the Process Inflation Findings make legible for § 25.

Source instrument classification for all five requirements: All five derive from R-35 (Rundskriv 35), which is the circular itself. No requirement originates from: (a) a Kommunebrev; (b) a veileder; (c) a standard document; (d) a guidance document attached to a standard; or (e) another sub-legal instrument. This is carried forward into Step 2.

STEP 1 — IDENTIFICATION OF ALL REQUIREMENTS

REQUIREMENT 25.1 Obligation: Nav-kontoret må foreta en konkret vurdering av tjenestemottakers økonomiske situasjon på det tidspunkt det er aktuelt å inndrive refusjonskravet. **Source instrument:** R-35 § 25 / PROC-REQ-25.1 (end of section 4.25.1) — circular (Rundskriv 35) **Explicit or implicit:** Explicit — stated in direct mandatory terms ("må") **Textual presence in circular:** YES — located at the end of section 4.25.1

REQUIREMENT 25.2 Obligation: Avgjørelse om vilkår om refusjon må klart fremgå av vedtaket om innvilgelse av økonomisk stønad. **Source instrument:** R-35 § 25 / DOC-REQ-25.1 = PROC-REQ-25.2 (beginning of section 4.25.1.1) — circular (Rundskriv 35) **Explicit or implicit:** Explicit **Textual presence in circular:** YES — located at the opening of section 4.25.1.1

REQUIREMENT 25.3 Obligation: Nav-kontoret må følge de krav til saksbehandling som følger av denne loven, forvaltningsloven og uskrevne normer om god forvaltningsskikk. **Source instrument:** R-35 § 25 / PROC-REQ-25.3 (beginning of section 4.25.1.1) — circular (Rundskriv 35) **Explicit or implicit:** Explicit **Textual presence in circular:** YES — stated in the first paragraph of section 4.25.1.1

REQUIREMENT 25.4 Obligation: Hvis Nav-kontoret kommer til at kravet ikke skal inndrives, eventuelt delvis inndrives, i henhold til vilkår, skal det fattes vedtak om at vilkåret om refusjon helt eller delvis bortfalles. **Source instrument:** R-35 § 25 / DOC-REQ-25.2 = PROC-REQ-25.4 (middle/end of section 4.25.1.1) — circular (Rundskriv 35) **Explicit or implicit:** Explicit **Textual presence in circular:** YES — stated in the second paragraph of section 4.25.1.1

REQUIREMENT 25.5 Obligation: Nav-kontoret kan begjære kravet inndrevet etter reglene i bidragsinnkrevingsloven. **Source instrument:** R-35 § 25 / PROC-REQ-25.5 (end of section 4.25.1) — circular (Rundskriv 35) **Explicit or implicit:** Explicit — stated in permissive terms ("kan") **Textual presence in circular:** YES — located at the end of section 4.25.1

STEP 2 — LEGAL AUTHORITY CHECK

REQUIREMENT 25.1

Direction 1 — Circular authority: YES. The requirement is textually present in the circular at the end of section 4.25.1.

Direction 2 — Statutory authority: PARTIAL. The Process Inflation Findings flag this requirement as "TVETYDIG" and recommend human legal review. The Social Services Act § 25 grants open, unqualified permissive authority: the municipality *may* ("kan") set a reimbursement condition, and the municipality *may* pursue enforcement. The statute imposes no procedural prerequisites on the enforcement decision and specifies no mandatory assessment step. The circular, however, replaces this open discretion with a mandatory sequence by using "må" to require a specific assessment of the service recipient's current economic situation before enforcement becomes available. This

escalation from permissive to mandatory — and the insertion of a defined subject matter (current economic situation) and defined timing (at the point when enforcement becomes relevant) — has no textual anchor in § 25 of the Social Services Act. The finding notes that while such an assessment may be implicitly desirable as good administrative practice, the circular's conversion of discretion into obligation constitutes an authority gap relative to the statute.

Double authority gap: NO — circular authority is PRESENT. However, the statutory authority gap (PARTIAL) means the mandatory framing operates without full statutory support. This is a single-direction authority gap: the circular prescribes more than the statute requires.

Category error: NO. The requirement operates within the social services domain.

REQUIREMENT 25.2

Direction 1 — Circular authority: YES. Textually present at the opening of section 4.25.1.1.

Direction 2 — Statutory authority: YES. The Process Inflation Findings establish no gap ("HAS_HJEMMEL" / "OK"). The requirement that conditions attached to administrative decisions must be clearly stated in the decision is squarely supported by the Public Administration Act (forvaltningsloven §§ 24–25), which governs the formal requirements for written decisions and the statement of conditions. The circular does not restrict or modify the underlying permissive choice to set a condition; it simply operationalizes an existing documentation obligation.

Double authority gap: NO. *Category error:* NO.

REQUIREMENT 25.3

Direction 1 — Circular authority: YES. Textually present in section 4.25.1.1.

Direction 2 — Statutory authority: YES. The Process Inflation Findings establish no gap ("HAS_HJEMMEL" / "OK"). This requirement is a restatement of obligations that bind all administrative bodies under the Social Services Act, the Public Administration Act, and the principle of good administrative practice. The circular introduces no new obligation and does not escalate existing procedural requirements. It functions as a contextualizing reminder rather than an independent normative source.

Double authority gap: NO. *Category error:* NO.

REQUIREMENT 25.4

Direction 1 — Circular authority: YES. Textually present in section 4.25.1.1.

Direction 2 — Statutory authority: YES. The Process Inflation Findings establish no gap ("HAS_HJEMMEL" / "OK"). The obligation to issue a formal administrative decision when waiving or partially waiving a condition that was itself set by formal decision is a procedural consequence of the Public Administration Act's general framework for conditions on administrative decisions (fvl. § 2, read in conjunction with the general provisions on changes to individual decisions). The requirement does not constrain the underlying discretion granted by § 25 regarding whether to enforce; it governs the formal procedure for documenting a decision not to enforce.

Double authority gap: NO. *Category error:* NO.

REQUIREMENT 25.5

Direction 1 — Circular authority: YES. Textually present at the end of section 4.25.1.

Direction 2 — Statutory authority: YES. The Process Inflation Findings establish no gap ("HAS_HJEMMEL" / "OK"). The circular uses the identical permissive language ("kan") as the Social Services Act § 25 itself. It does not add mandatory force but identifies the applicable enforcement statute (bidragsinnkrevingsloven). This is a reference provision, not a normative prescription.

Double authority gap: NO. *Category error:* NO.

STEP 3 — SCALE AND PROPORTIONALITY CHECK

The Anchor Document (Volume Driver Findings) covers §§ 5, 17, 18, 19, and 20a in detail, with its empirical base drawn from supervision findings across those domains. **§ 25 is not addressed anywhere in the Anchor Document.** No requirement from § 25 appears in any of the volume driver analyses, cumulative cluster descriptions, Tier rankings, or supervision finding citations.

For each requirement, the determination must therefore be made on structural inference rather than direct documentary confirmation.

REQUIREMENT 25.1 *Scale flag:* PARTIAL — on structural grounds only. The Anchor Document identifies [D] Documentation Apparatus and [P] Procedural Continuity as the dominant drivers across the dataset, with the consistent observation that mandatory assessment and documentation obligations generate disproportionate burden in low-volume offices because the procedure cannot become habitual. Requirement 25.1 imposes a mandatory assessment step before enforcement — a step that will arise only when both a reimbursement condition was originally set and enforcement subsequently becomes relevant. This is a low-frequency trigger in any office. However, the assessment obligation is qualitatively limited (one assessment, one decision point) and is unlikely to generate the kind

of cumulative compliance stack documented for § 17. The structural analogy is imperfect but warrants a PARTIAL flag for awareness. No specific Anchor Document finding directly applies.

REQUIREMENT 25.2 *Scale flag:* NO. This is a standard documentation requirement for an element of an existing vedtak. It imposes no stand-alone procedural pipeline and does not generate independent volume sensitivity. The Anchor Document's [D] mechanism findings relate to obligations requiring separate, dedicated documentation products (ROS analyses, separate journal notes, deviation registrations); Requirement 25.2 is a quality specification for a decision that must already be issued. No structural connection to a volume driver is identifiable.

REQUIREMENT 25.3 *Scale flag:* NO. This is a restatement of general procedural law. It imposes no procedural burden beyond what existing law already requires and generates no independent volume-sensitive compliance demand.

REQUIREMENT 25.4 *Scale flag:* NO. The Anchor Document identifies [P] Procedural Continuity failures arising from obligations to issue formal decisions before or concurrent with service delivery on a routine basis. Requirement 25.4 is a conditional obligation — a vedtak is required only when the municipality has first decided not to enforce a reimbursement condition that was originally set. This is a downstream, contingent decision point, not a standing pipeline obligation. The trigger is inherently infrequent and self-limiting. No structural volume sensitivity is identified.

REQUIREMENT 25.5 *Scale flag:* NO. This is a permissive reference provision identifying an available legal mechanism. It imposes no procedural obligation and therefore generates no scale-related burden.

General observation for Step 3: The absence of § 25 from the Anchor Document is itself analytically informative. Unlike § 17 (debt counseling), § 18 (financial assistance), and §§ 19–20a, § 25 does not generate a recurring administrative pipeline. It concerns a narrow, contingent right of reimbursement that arises only in specific circumstances (pending maintenance claim or failure to pay maintenance), can be exercised or waived at the municipality's discretion, and involves a single enforcement decision point rather than a continuous service relationship. The volume drivers documented in the Anchor Document are fundamentally incompatible with this profile: § 25 does not require sustaining specialist competence across multiple tiers, does not mandate a recurring documentation stack, and does not create the kind of organizational role-separation demands that produce structural impossibility in small offices. The Anchor Document's findings are therefore inapplicable rather than absent by oversight.

STEP 4 — PURPOSE CLASSIFICATION

REQUIREMENT 25.1

Classification: MIXED — primary: USER NEED; secondary: INTERNAL CONTROL

Justification: The substantive purpose of requiring a concrete assessment of the service recipient's current economic situation before enforcement is to protect the user against enforcement that would cause disproportionate harm — a purpose grounded in the principle of proportionality and the social services system's obligation to consider the user's actual circumstances. In this sense, the requirement serves the user's legal security directly. However, the *framing* of the requirement in the circular — using "må" to mandate a defined assessment at a defined time — also serves the system's need for procedural traceability and consistency in the exercise of enforcement discretion. The documentation of this assessment (which is operationally implied even though not explicitly stated as a separate documentation obligation) functions as an internal control record demonstrating that the municipality exercised its discretion in a legally defensible manner. The user-protective function is primary; the audit trail function is secondary but present. Note: the mandatory framing itself (conversion of "kan" to "må" relative to the statute) represents an internal-control interest in procedural uniformity that exceeds what the statute requires for user protection.

REQUIREMENT 25.2

Classification: USER NEED

Justification: The requirement that the reimbursement condition must clearly appear in the decision granting financial assistance directly serves the user's legal position in two ways: first, the user must be informed of the condition in order to understand the scope of the assistance they are receiving; second, clear statement of the condition in the formal decision is a prerequisite for the user's right to appeal under the Public Administration Act. The circular language — "Avgjørelse om vilkår om refusjon **må klart fremgå** av vedtaket" — is oriented toward the user's knowledge and appeal rights. No internal control function is identifiable that is not already served by the user-protective purpose.

REQUIREMENT 25.3

Classification: USER NEED

Justification: This provision restates the totality of procedural protections that the user is entitled to under the Social Services Act, the Public Administration Act, and unwritten principles of good administrative practice. Its purpose is entirely oriented toward protecting the user's procedural rights in the exercise of a power that directly affects their financial situation. No independent internal control function is served; the requirement exists to remind the administering authority that the full range of procedural protections applies to this decision, not merely the specific provisions in § 25.

REQUIREMENT 25.4

Classification: MIXED — primary: USER NEED; secondary: INTERNAL CONTROL

Justification: The requirement to issue a formal decision when deciding not to enforce a reimbursement condition serves the user's legal position because it creates a formal, appealable administrative act. The user who was originally subject to a reimbursement condition has a legitimate interest in knowing formally whether that condition has been waived or modified, and in having a decision they can rely on as legally definitive. This is the primary purpose. The secondary internal control function is that the formal decision creates a documented basis for the municipality's exercise of discretion — a record demonstrating that the decision not to enforce was a deliberate legal act rather than an administrative omission. However, this internal control function is strictly subordinate to and instrumentally derived from the user-protective purpose.

REQUIREMENT 25.5

Classification: USER NEED

Justification: At first appearance, identifying the applicable enforcement statute might seem administratively oriented. However, in the context of § 25, the provision identifying bidragsinnkrevingsloven as the applicable enforcement mechanism serves the user's situation in a specific sense: it operationalizes the subsidiary principle underlying the entire § 25 provision. The user's right to economic assistance under the Social Services Act is predicated on having exhausted their own resources, including maintenance entitlements. By identifying the enforcement mechanism, the circular ensures that the municipality can actually recover maintenance arrears — which in turn ensures that the subsidiary principle functions as intended, protecting against windfall use of social assistance funds where a maintenance obligation goes unenforced. This is a user-system purpose (protecting the integrity of subsidiarity) rather than a pure internal control function.

STEP 5 — TRANSACTION COST CHARACTERIZATION

REQUIREMENT 25.1 — *MIXED*

Administrative demand: The caseworker or NAV leader must, at the point when enforcement of the reimbursement claim becomes relevant, gather current information about the service recipient's economic situation and produce a documented assessment that demonstrates the economic circumstances have been considered before a decision to enforce is made. This involves: (a) identifying and retrieving current income, asset, and liability information for the service recipient; (b) conducting a professional judgment about whether enforcement would be proportionate given the service recipient's current circumstances; and (c) recording this judgment in a form sufficient to support a subsequent enforcement decision or, if applicable,

a waiver decision under Requirement 25.4. The demand is directed at the caseworker (information gathering and assessment) and the NAV leader (approval of the enforcement decision). The assessment is substantive rather than purely bureaucratic and requires professional judgment, not merely formal procedure.

Note on circular authority: Circular authority is PRESENT for this requirement. However, as established in Step 2, the mandatory framing ("må") in the circular exceeds what the statute provides: the statute grants open discretion over enforcement without prescribing a mandatory prior assessment. The transaction cost of the assessment itself — which may well be appropriate as substantive good practice — is therefore imposed by a circular elaboration that goes beyond the statutory mandate. Caseworkers are required to perform a defined assessment step that the statute does not independently require, meaning the circular is the operative normative source for the specific obligation and its mandatory character.

REQUIREMENT 25.2 — *USER NEED*

No transaction cost burden is identified for this requirement beyond what is inherent in normal vedtak drafting. The condition must be clearly stated in a decision that must in any event be issued; this is a quality specification for an existing document, not an additional document obligation. Any caseworker issuing a vedtak granting financial assistance with a reimbursement condition attached must articulate that condition in the decision as a basic matter of administrative law — the circular's requirement adds precision but not independent burden.

REQUIREMENT 25.3 — *USER NEED*

No transaction cost burden is identified. This requirement restates existing legal obligations that bind the caseworker regardless of whether the circular states them. Compliance is achieved by complying with the underlying sources of law (Social Services Act, Public Administration Act, and general administrative principles), not by any additional action prompted by the circular. The circular adds no administrative demand.

REQUIREMENT 25.4 — *MIXED*

Administrative demand: When the NAV office determines that the reimbursement condition it originally set will not be enforced (in whole or in part), the caseworker must prepare and issue a formal administrative decision documenting this outcome. The demand involves: (a) identifying the specific legal basis for the waiver decision (e.g., changed circumstances, disproportionality of enforcement, or explicit application by the service recipient); (b) drafting a formal enkeltvedtak that states the original condition, the decision to waive it, and the reasons for that decision; and (c) notifying the service recipient of the waiver decision and their right to appeal. The administrative demand falls primarily on the caseworker (drafting)

and the NAV leader (approval). The volume of cases in which this requirement is triggered is inherently low — it arises only where a reimbursement condition was set and subsequently not enforced — but each instance requires a complete formal decision process.

Note on circular authority: Circular authority is PRESENT. The statutory authority (YES, grounded in fvl. § 2) is also present. The transaction cost is proportionate and legally supported.

REQUIREMENT 25.5 — *USER NEED*

No transaction cost burden is identified. This is a permissive reference provision. It requires no action, documentation, or reporting from the caseworker or NAV leader. It identifies a legal mechanism that may be used; the decision whether to use it is entirely discretionary, and the administrative work of enforcement (if pursued) is governed by bidragsinnkrevingsloven directly, not by the circular's reference to it.

STEP 6 — CATALOG ENTRIES

REQUIREMENT ID: § 25 — REQ-1 **PROVISION TEXT:** Nav-kontoret must conduct a concrete assessment of the service recipient's economic situation at the point when enforcement of the reimbursement claim becomes relevant. **SOURCE INSTRUMENT:** Circular — Rundskriv 35, section 4.25.1 (R-35 / PROC-REQ-25.1) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — Process Inflation Findings flag this as "TVETYDIG." Social Services Act § 25 grants open "kan" discretion over enforcement without prescribing any mandatory prior assessment. The circular's use of "må" with a specified subject matter (economic situation) and specified timing (at the point enforcement becomes relevant) introduces a mandatory procedural sequence with no direct statutory anchor. **DOUBLE AUTHORITY GAP:** NO — circular authority is present; single-direction gap only (statutory authority PARTIAL) **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — structural inference only; no direct Anchor Document finding. Low-frequency trigger makes cumulative volume sensitivity unlikely. Flagged for awareness given Anchor Document's general observations on mandatory assessment obligations in low-throughput contexts. **PURPOSE:** MIXED — primary USER NEED (proportionality protection for the service recipient); secondary INTERNAL CONTROL (procedural traceability for enforcement decisions) **BURDEN DESCRIPTION:** Caseworker must gather current economic information and produce a documented proportionality assessment before enforcement proceeds. Demand is substantive (professional judgment) and directed at both caseworker and NAV leader. The mandatory framing derives from the circular rather than the statute; the transaction cost is imposed by a circular elaboration that exceeds the statutory mandate. **KILL LIST CLASSIFICATION: Category B — Status Change.** The circular uses imperative language ("må") to convert a statutory permissive authority ("kan") into a mandatory procedural sequence. The Process Inflation Findings flag the legal anchor as ambiguous. The requirement is not a candidate for repeal — the underlying assessment is sound social

work practice — but its mandatory framing should be reformulated to permissive language ("bør") to restore local discretion and accurately reflect the statute's open-ended conferral of judgment. **TRANSACTION COST CATEGORY:** Documentation Inflation (to the extent the assessment must be recorded as an internal control document); combined with a moderate degree of Procedural Duplication where the circular's mandatory framing adds a defined step to a process the statute leaves discretionary.

REQUIREMENT ID: § 25 — REQ-2 **PROVISION TEXT:** The decision to impose a reimbursement condition must clearly appear in the administrative decision granting financial assistance. **SOURCE INSTRUMENT:** Circular — Rundskriv 35, section 4.25.1.1 (R-35 / DOC-REQ-25.1 = PROC-REQ-25.2) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — HAS_HJEMMEL. Squarely supported by forvaltningsloven §§ 24–25 governing the content and form of written administrative decisions and conditions attached to them. No gap identified in Process Inflation Findings. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO — no structural volume sensitivity; standard documentation quality specification for an existing document. **PURPOSE:** USER NEED — serves the user's knowledge of the condition imposed and their right to appeal. **BURDEN DESCRIPTION:** No independent transaction cost identified. The requirement specifies a quality standard for a decision that must already be drafted. Normal vedtak drafting practice absorbs this obligation without additional administrative steps. **KILL LIST CLASSIFICATION:** No Kill List Action. Requirement has full circular and statutory authority, serves a direct user need, and imposes no disproportionate burden. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: § 25 — REQ-3 **PROVISION TEXT:** Nav-kontoret must follow the case-processing requirements of the Social Services Act, the Public Administration Act, and unwritten norms of good administrative practice. **SOURCE INSTRUMENT:** Circular — Rundskriv 35, section 4.25.1.1 (R-35 / PROC-REQ-25.3) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — HAS_HJEMMEL. Restates general obligations that bind all administrative bodies under existing law regardless of the circular's statement of them. No new obligation introduced. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — contextualizes the full scope of procedural protections applicable to this decision type. **BURDEN DESCRIPTION:** No transaction cost identified. This provision functions as a contextualizing reminder, not an independent normative source. Compliance is achieved through compliance with the underlying sources of law, not through any circular-specific action. **KILL LIST CLASSIFICATION:** No Kill List Action. Requirement accurately reflects existing law, introduces no escalation, and serves a legitimate orientating function. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: § 25 — REQ-4 **PROVISION TEXT:** If the Nav office decides not to enforce (or enforce only partially) the reimbursement claim, a formal administrative decision must be issued fully or partially waiving the reimbursement condition. **SOURCE**

INSTRUMENT: Circular — Rundskriv 35, section 4.25.1.1 (R-35 / DOC-REQ-25.2 = PROC-REQ-25.4) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — HAS_HJEMMEL. Supported by forvaltningsloven § 2 (definition of individual decisions) and the general principle that a change to a condition set by formal decision must itself be a formal decision. No gap identified in Process Inflation Findings. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO — low-frequency, contingent trigger. No structural volume sensitivity identified. **PURPOSE:** MIXED — primary USER NEED (formal, appealable waiver decision protects the user's legal position); secondary INTERNAL CONTROL (creates documented record of discretionary decision not to enforce) **BURDEN DESCRIPTION:** Caseworker must draft and issue a formal enkeltvedtak when deciding to waive a previously imposed reimbursement condition. This involves identifying the legal basis for waiver, articulating the reasons, and providing the service recipient with appeal rights. Transaction cost is low-moderate per instance, fully justified by legal and user-protective purposes, and not disproportionate. **KILL LIST CLASSIFICATION:** No Kill List Action. Requirement is legally supported, serves a direct user need as its primary purpose, and imposes proportionate burden. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified as disproportionate. A minor Documentation Inflation element is present (a separate decision document must be produced) but this is a legally necessitated and proportionate cost.

REQUIREMENT ID: § 25 — REQ-5 **PROVISION TEXT:** Nav-kontoret may request enforcement of the claim under the rules in the Contribution Enforcement Act (bidragsinnkrevingsloven). **SOURCE INSTRUMENT:** Circular — Rundskriv 35, section 4.25.1 (R-35 / PROC-REQ-25.5) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — HAS_HJEMMEL. The circular uses identical permissive language ("kan") as Social Services Act § 25 and does not add mandatory force. Identifies the applicable enforcement statute without creating any obligation. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — identifies the enforcement mechanism that operationalizes the subsidiary principle underpinning § 25. **BURDEN DESCRIPTION:** No transaction cost identified. This is a permissive reference provision. No documentation, reporting, or procedural obligation flows from it; any administrative work associated with enforcement is governed by bidragsinnkrevingsloven directly. **KILL LIST CLASSIFICATION:** No Kill List Action. Provision accurately mirrors the statute, uses correct permissive register, and serves a legitimate orienting function. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

CLOSING COMPARATIVE NOTE

Total requirements identified from Process Inflation Findings: 5

Requirements visible from the circular paragraph alone: 5 (100%). This is the analytically notable feature of § 25: it is a self-contained provision in which the circular paragraph fully discloses all operative requirements. There are no hidden obligations from Kommunebrev, veiledere, standard documents, or other sub-legal instruments. The utility of

using the Process Inflation Findings as the reference document for § 25 lies not in surfacing invisible requirements but in surfacing the legal quality classification of visible requirements — specifically, the TVETYDIG flag on Requirement 1, which reveals that a textually present obligation in the circular converts a statutory permissive authority into a mandatory procedural sequence without adequate statutory anchor.

Double authority gaps: 0. No requirement lacks both circular authority and full statutory authority simultaneously.

Category errors (requirements belonging to a different legal domain): 0. All five requirements operate within the social services normative framework.

Kill List breakdown:

- Category A — Removal: 0
- Category B — Status Change: 1 (REQ-1 — mandatory "må" framing should be reformulated to permissive "bør" to restore the statutory "kan" discretion and accurately reflect the open enforcement judgment the Social Services Act confers)
- Category C — Clarification: 0
- No Kill List Action: 4 (REQ-2, REQ-3, REQ-4, REQ-5)

Primary transaction cost categories by frequency:

- No Transaction Cost Identified: 3 (REQ-2, REQ-3, REQ-5) — these requirements are either restatements of existing law or permissive reference provisions
- Documentation Inflation / Procedural Duplication (combined): 1 (REQ-1) — the mandatory assessment obligation derived from the circular's escalation of statutory discretion
- Documentation Inflation (minor, legally justified): 1 (REQ-4) — the formal waiver decision, not flagged as disproportionate

Synthesis assessment for main report:

§ 25 is a structurally contained provision that presents a markedly different profile from the volume-driver and process inflation findings for §§ 17, 18, 19, and 20a. Its normative framework is self-contained within the circular, its requirements are largely legally supported, and it does not generate the kind of cumulative compliance stacks or specialist-capacity demands that dominate the dataset. The single actionable finding — Category B for Requirement 1 — addresses a conceptually important pattern: the circular's use of imperative language where the statute uses permissive language. While the specific administrative burden of the § 25 assessment is modest in isolation, the linguistic pattern (mandatory "må" substituting for statutory "kan") is structurally significant as a normative technique and should be corrected for the principle it embodies, not merely for its operational impact in this paragraph. The correction restores local discretion, accurately represents the statute, and eliminates a shadow-binding effect that could cause NAV offices to experience Requirement 1 as legally mandatory when the statute grants them full judgment.

SLUDGE AUDIT — §26 REFUSJON I YTELSER FRA FOLKETRYGDEN M.M.

Analytical Session: R-35 Para 4.26

PRELIMINARY METHODOLOGICAL NOTE

Requirement visibility comparison — Process Inflation Findings vs. circular alone:

This session presents an atypical structural finding. All 22 requirements identified in the Process Inflation Findings derive from a single source instrument — R-35 Para 4.26 — which is textually identical to the circular paragraph in the Context Document. Consequently, all 22 requirements have direct textual presence in the circular. Zero requirements are invisible from the circular alone.

This means the source-mapping exercise required by the Preliminary Note yields the following result: none of the 22 requirements fall into categories (a) Kommunebrev, (b) veileder, (c) standard document, (d) guidance document attached to a standard, or (e) another sub-legal instrument. There is no hidden normative layer in this session.

The analytical value of the Process Inflation Findings in this session is therefore not to surface requirements that the circular conceals, but to perform three distinct analytical operations that reading the circular alone would not yield:

1. **Authority gap identification:** The Process Inflation Findings reveal where the circular's mandatory language ("må," "skal") exceeds the statute's single permissive "kan" authorization — a gap structurally invisible to a reader approaching the circular as a normative instrument rather than an audit object.

2. **Methodological specification mapping:** The Findings isolate where the circular has converted open statutory conditions ("same period," "same purpose") into prescribed assessment sub-procedures, eliminating caseworker methodological freedom without statutory warrant for doing so.

3. **Classification scheme detection:** The Findings identify that Requirement 5 introduces a binary categorical framework (general living expenses vs. special expenses) that has no grounding in the statutory text, which uses only the open term "same purpose."

Structural observation for carry-through: The process inflation documented for §26 is entirely circular-generated inflation of a one-sentence permissive statute. The circular has transformed a municipal discretionary right ("kan kreve refusjon") into a mandatory

procedural architecture of 22 requirements. This is the core finding that all subsequent steps must carry.

STEP 1 — IDENTIFICATION OF ALL REQUIREMENTS

All 22 requirements are sourced to **R-35 Para 4.26** (Rundskriv 35, the circular paragraph reproduced in the Context Document). All are **explicit** (directly stated in circular text). All have **textual presence** in the circular paragraph.

Req.	Obligation (as expressed in Process Inflation Findings)	Source Instrument	Explicit/Implicit	Circular Presence
1	Det må foretas en konkret vurdering av om den økonomiske stønaden er gitt for samme tidsrom som etterbetalingen	R-35 Para 4.26	Explicit	PRESENT
2	I denne vurderingen må det avklares hvilket tidsrom etterbetalingen gjelder, og om tjenestemottaker har mottatt økonomisk stønad i denne perioden	R-35 Para 4.26	Explicit	PRESENT
3	Hvert enkelt vedtak med stønadsperiode skal ses opp mot tilsvarende periode i etterbetalingen	R-35 Para 4.26	Explicit	PRESENT
4	Det må foretas en konkret vurdering av om formålet med den økonomiske stønaden og etterbetalingen er sammenfallende	R-35 Para 4.26	Explicit	PRESENT
5	I denne vurderingen må det avklares om den økonomiske stønaden er gitt for å dekke generelle utgifter til livsopphold eller for å dekke særlige utgifter	R-35 Para 4.26	Explicit	PRESENT
6	Videre skal det på tilsvarende måte avklares hva etterbetalingen er ment å dekke	R-35 Para 4.26	Explicit	PRESENT
7	Der betingelsene for refusjon er til stede, må det foretas en konkret, individuell vurdering av tjenestemottakers situasjon før det fattes vedtak	R-35 Para 4.26	Explicit	PRESENT

8	I denne vurderingen skal det tas hensyn til tjenestemottakers økonomiske situasjon [SUBSTANTIVE LEGAL OBLIGATION per Process Inflation Findings]	R-35 Para 4.26	Explicit	PRESENT
9	Kommunen i Nav må følge de krav til saksbehandling som følger av denne loven, forvaltningsloven og uskrevne normer om god forvaltningsskikk	R-35 Para 4.26	Explicit	PRESENT
10	Tjenestemottaker skal i henhold til god forvaltningsskikk informeres om mulig refusjon i vedtak om tildeling av økonomisk stønad	R-35 Para 4.26	Explicit	PRESENT
11	Kommunen i Nav bør informere Arbeids- og velferdsetaten om mulig refusjonskrav, slik at etaten kan holde tilbake ytelsen	R-35 Para 4.26	Explicit	PRESENT
12	Når Arbeids- og velferdsetaten har fattet sitt vedtak, skal kommunen i Nav varsle tjenestemottaker om mulig refusjonsvedtak	R-35 Para 4.26	Explicit	PRESENT
13	Tjenestemottaker skal gis en kort frist til å uttale seg	R-35 Para 4.26	Explicit	PRESENT
14	Vedtak om refusjon skal begrunnes	R-35 Para 4.26	Explicit	PRESENT
15	Tjenestemottaker skal gis en detaljert oversikt over utbetalinger, hvilke perioder utbetalingene refererer seg til og til hvilket formål utbetalingene er gitt	R-35 Para 4.26	Explicit	PRESENT
16	Det skal videre presiseres hvilke utbetalinger det kreves refusjon for	R-35 Para 4.26	Explicit	PRESENT
17	Det skal til slutt fremkomme hvor mye tjenestemottaker har fått etterbetalt i trygdeytelse for tilsvarende periode, etter at det er tatt hensyn til skattetrekk og eventuelle andre trekk	R-35 Para 4.26	Explicit	PRESENT
18	Vedtak om refusjon skal sendes til tjenestemottaker	R-35 Para 4.26	Explicit	PRESENT

19	Kommunen i Nav må sende skriftlig krav om refusjon til Arbeids- og velferdsetaten	R-35 Para 4.26	Explicit	PRESENT
20	Refusjonskravet må inneholde opplysninger om beløpet som kreves refundert, samt hvilket tidsrom og formål beløpet gjelder	R-35 Para 4.26	Explicit	PRESENT
21	Hvis det skal kreves refusjon i dagpenger, må refusjonskravet være fremmet ovenfor Arbeids- og velferdsetaten den dagen etterbetalingen av dagpengene er klar til utbetaling	R-35 Para 4.26	Explicit	PRESENT
22	Hvis kommunen i Nav er kjent med at tjenestemottaker har søkt dagpenger, kan det vurderes å gi stønad som lån for å sikre retten til tilbakebetaling [SUBSTANTIVE LEGAL OBLIGATION per Process Inflation Findings]	R-35 Para 4.26	Explicit	PRESENT

STEP 2 — LEGAL AUTHORITY CHECK

Direction 1 — Circular authority: All 22 requirements are PRESENT in the circular paragraph. No first-order authority gaps exist in this session. Circular authority is confirmed for all requirements.

Direction 2 — Statutory authority: The statute (Sosialtjenesteloven §26) consists of a single permissive authorization: municipalities *kan* (may) claim full or partial refund where a benefit recipient receives retroactive state benefits for the same purpose and period. The statute establishes two substantive conditions (same period; same purpose) and the mechanism (refund from the amount to be paid out). It prescribes no assessment methodology, no procedural sequence, no decision content standards, and no documentation format. It is entirely silent on caseworker-to-user communication duties at the grant stage.

Req.	Circular Authority	Statutory Authority	Authority Gap Finding	Double Authority Gap	Category Error

1	PRESENT	PARTIAL — statute sets "same period" as condition but prescribes no verification methodology; circular converts open condition into mandatory "konkret vurdering"	Process Inflation Finding PROC-REQ 26.1: statute is silent on verification method while circular escalates to explicitly qualified mandatory procedure	NO (circular authority present)	NO
2	PRESENT	PARTIAL — statute states period-overlap condition but does not enumerate sub-questions; circular creates two distinct mandatory verification sub-steps	PROC-REQ 26.2: enumeration of sub-steps exceeds statutory text	NO	NO
3	PRESENT	PARTIAL — statute requires period overlap but leaves comparison method open; circular enforces grant-by-grant comparison with "shall" language	PROC-REQ 26.3: specific methodology has no statutory grounding	NO	NO
4	PRESENT	PARTIAL — statute states "same purpose" as condition but does not prescribe assessment method; circular mandates specific "konkret vurdering"	PROC-REQ 26.4: mandatory method eliminates methodological freedom	NO	NO
5	PRESENT	NO — statute uses open term "same purpose"; circular introduces mandatory binary classification (general vs. special expenses) without any statutory grounding	PROC-REQ 26.5: binary classification scheme is a circular construct; no statutory anchor	NO (circular authority present)	NO

6	PRESENT	PARTIAL — statute leaves purpose comparison structure open; circular fixes a separate mandatory verification step for one side of the comparison	PROC-REQ 26.6: additional procedural step not demanded by statute	NO	NO
7	PRESENT	PARTIAL — statute grants a permissive right without requiring any pre-decision procedure; circular mandates "konkret, individuell vurdering" as a gating prerequisite	PROC-REQ 26.7: mandatory procedural prerequisite converts permissive right into conditionally gated right	NO	NO
8	PRESENT	YES — consideration of economic situation flows inherently from the discretionary nature of the provision ("rett, men ingen plikt"); substantive factor with implied statutory grounding	PROC-REQ 26.8 classified as SUBSTANTIVE LEGAL OBLIGATION in Reference Document	NO	NO
9	PRESENT	YES — requirement restates existing mandatory frameworks (sosialtjenesteloven, forvaltningsloven, uskrevne normer); no escalation of law's "kan" discretion	PROC-REQ 26.9: mirrors external mandatory frameworks; no authority gap identified	NO	NO
10	PRESENT	PARTIAL — statute is entirely silent on any notification duty at the initial grant stage; circular extends a mandatory duty using "skal" into space not addressed by the statute; grounded in "god forvaltningsskikk" norm rather than specific statutory provision	PROC-REQ 26.10: circular extends mandatory duty into statutory silence	NO (circular authority present)	NO

11	PRESENT	NO direct statutory basis — statute does not reference inter-agency notification; circular uses permissive "bør" (should), not mandatory language; no shadow binding	PROC-REQ 26.11: no statutory basis but permissive language mitigates authority concern	NO	NO
12	PRESENT	YES — directly mirrors mandatory advance notice (forhåndsvarsel) requirement under FVL §16	PROC-REQ 26.12: independent statutory anchor in forvaltningsloven	NO	NO
13	PRESENT	YES — directly mirrors right to comment before decision under FVL §16	PROC-REQ 26.13: independent statutory anchor	NO	NO
14	PRESENT	YES — directly mirrors mandatory written reasoning (begrunnelse) obligation under FVL §24	PROC-REQ 26.14: independent statutory anchor	NO	NO
15	PRESENT	PARTIAL — forvaltningsloven §25 mandates reasoning but does not prescribe the specific enumerated content format; circular dictates "detaljert oversikt" with specific enumerated elements exceeding FVL §25	PROC-REQ 26.15: specific content format exceeds statutory mandate	NO	NO
16	PRESENT	PARTIAL — statute does not mandate detailing specific prior payments; circular creates mandatory content obligation exceeding FVL §25	PROC-REQ 26.16: mandatory content obligation beyond statutory requirement	NO	NO

17	PRESENT	PARTIAL — statute references the retroactive amount but does not require the specific net-after-deductions accounting presentation; circular fixes a presentation requirement with no statutory analog	PROC-REQ 26.17: accounting presentation obligation not found in any statutory provision	NO	NO
18	PRESENT	YES — directly mirrors mandatory notification requirement for individual decisions under FVL §27	PROC-REQ 26.18: independent statutory anchor	NO	NO
19	PRESENT	PARTIAL — statute grants the right to a refund but does not specify written form or inter-agency addressee; operates as practical implementation step; ambiguous whether mandatory form requirement exceeds statute	PROC-REQ 26.19: form specification operates in statutory gap, though practical necessity provides contextual justification	NO	NO
20	PRESENT	YES — three required content elements (amount, period, purpose) directly track and reflect the precise conditions already present in the statute	PROC-REQ 26.20: no gap; content requirement mirrors statutory conditions	NO	NO
21	PRESENT	YES — same-day deadline for dagpenger is strictly governed by Folketrygdloven §22-7; circular accurately reflects this external mandatory framework	PROC-REQ 26.21: governed by Ftrl §22-7; independent statutory anchor	NO	NO

22	PRESENT	YES — loan option references §21 stønadsformer and is stated in permissive "kan vurderes" language; no mandatory obligation created	PROC-REQ 26.22 classified as SUBSTANTIVE LEGAL OBLIGATION in Reference Document	NO	NO

Summary of authority findings:

- Requirements with full statutory authority (YES): 8, 9, 12, 13, 14, 18, 20, 21, 22 — **9 requirements**
- Requirements with partial statutory authority (PARTIAL): 1, 2, 3, 4, 6, 7, 10, 15, 16, 17, 19 — **11 requirements**
- Requirements with no direct statutory authority (NO): 5, 11 — **2 requirements**
- Double authority gaps: **0** (all requirements have circular authority)

Note on Requirement 5: While it has no statutory authority, it has circular authority. Because the circular itself provides the only authority and that authority is sub-statutory, this constitutes what may be termed a **single-level statutory authority gap** — significant but not a double gap.

Note on Requirement 11: No statutory basis exists, but the permissive "bør" language in the circular itself acknowledges the non-mandatory nature of the obligation, which substantially mitigates the authority concern.

STEP 3 — SCALE AND PROPORTIONALITY CHECK

Preliminary note on Anchor Document scope: The Volume Driver Findings (Anchor Document) cover §§17, 18, 19, and 20a. Section §26 refusjon is not directly analyzed in the Anchor Document. No supervision reports in the empirical dataset (Set B) specifically address §26 failures.

However, the Anchor Document's mechanisms and findings are structurally applicable to §26 through two analytical bridges:

Bridge 1 — Rarity of §26 cases: §26 refusjon cases arise only when two independent administrative events coincide: (a) a user receiving municipal economic support, and (b) a state benefit claim that is simultaneously pending and then retroactively approved. This double coincidence makes §26 cases among the rarest in the social services portfolio — almost certainly below the 5–15 case per year threshold that the Anchor Document identifies as generating competence decay ([K]) and procedural continuity failures ([P]).

Bridge 2 — Mechanism parallels: The documentation requirements in Reqs 15–17, the inter-agency coordination obligations in Reqs 11 and 19, the procedural sequencing in Reqs

1–7, and the extreme timing constraint in Req 21 are structurally parallel to the mechanisms documented extensively across §§17 and 18 in the Anchor Document.

Req.	Scale Flag	Anchor Document Basis
1	PARTIAL	Structurally parallel to §17 "konkret vurdering" requirements; the Anchor Document (Part 2, Dominant Mechanisms, [K]) confirms that caseworkers in small offices lose procedural competence for assessment sequences they encounter infrequently. §26 cases are rarer than even the 5–8 annual §17 cases that generate documented competence decay in Verdal, Sogndal, and Målselv.
2	PARTIAL	As above; additional mandatory sub-questions compound the competence decay risk identified for multi-step assessment procedures at low case frequency
3	PARTIAL	The grant-by-grant comparison methodology requires caseworkers to systematically retrieve and review historical case records — a task that presupposes both organizational capacity and procedural familiarity; the Anchor Document (Cluster 1, Debt Counseling Compliance Stack) identifies analogous historical-record requirements as volume drivers
4	PARTIAL	As Req 1; same mechanism applies to purpose assessment
5	PARTIAL	The binary classification scheme (general vs. special expenses) is a specialized categorization with no parallel in other common case types; caseworkers who process one or two §26 cases per year cannot be expected to maintain operational familiarity with this classification framework; Anchor Document §17 analysis (Part 2, [K]) directly addresses equivalent competence decay for rare procedural distinctions
6	PARTIAL	Additional mandatory verification step compounds volume-sensitivity
7	PARTIAL	Pre-decision individual assessment as mandatory prerequisite adds a distinct procedural stage to an already rare case type; Anchor Document (Cluster 1) identifies the impossibility of maintaining multi-stage procedural pipelines at low case volumes
8	NO	Substantive factor; no distinct administrative pipeline required
9	NO	General administrative law framework reference; not a volume-sensitive pipeline requirement

10	PARTIAL	Requires caseworkers to identify potential §26 situations at the time of the original economic support grant — weeks or months before the refusjon issue arises. This prospective identification duty presupposes caseworker competence in recognizing cases with §26 potential, which is itself a competence likely to erode at low case frequency; Anchor Document [K] mechanism applies
11	NO	Permissive ("bør"); no mandatory pipeline created; scale flag not triggered
12	NO	FVL §16 forhåndsvarsel is a standard administrative requirement applicable across case types; not §26-specific volume driver
13	NO	FVL §16 right to comment; standard across all individual decisions
14	NO	FVL §24 reasoning obligation; standard across all individual decisions
15	YES	The "detaljert oversikt" requirement demands a specific structured document format that caseworkers must produce with enumerated content elements; the Anchor Document (Part 2, [D] Documentation Apparatus, and Cluster 1 §17 formalization pipeline) identifies analogous specific-format documentation requirements as the dominant volume driver across the dataset, particularly when triggered at low frequency: *"even if a municipality addresses competence by securing occasional access to a specialist via intermunicipal cooperation, it remains exposed to [P] and [D] failures because the procedural and documentation obligations apply to all caseworkers"*
16	YES	Specific content obligation for identifying individual prior payments; structurally parallel to the enumerated content requirements that generate [D] mechanism failures across §17 findings in the Anchor Document
17	YES	Net-after-deductions accounting calculation in the decision document is a technical task likely to be unfamiliar to generalist caseworkers who encounter it rarely; Anchor Document (Part 2, [K]) identifies calculation-based procedural requirements as generating competence decay at low case frequency
18	NO	Standard FVL §27 dispatch requirement; scale-neutral
19	PARTIAL	Written inter-agency claim to the specific agency within a procedural window is an administrative coordination task; the Anchor Document (Part 2, [C] Coordination Infrastructure) identifies inter-agency formal requirements as consistently generating failures in small offices: *"the requirement for systematic, written inter-agency cooperation is not explicitly stated in sosialtjenesteloven... derives from interpretive expectations"*

20	NO	Content mirrors statutory conditions; no additional volume-sensitive element created
21	YES	The same-day submission deadline for dagpenger creates a situation of maximum structural disproportionality for small offices: the case type is rare, the procedural pipeline is unfamiliar, and any failure to act on the exact day Ftrl §22-7 triggers results in permanent forfeiture of the refund right; the Anchor Document (Part 2, [P] Procedural Continuity) identifies impossibility of maintaining habitual compliance with deadline-sensitive pipelines at low case frequency; the absolute temporal constraint compounds the volume-sensitivity beyond any other requirement in this session
22	NO	Permissive ("kan vurderes"); no mandatory pipeline; scale flag not triggered

---

STEP 4 — PURPOSE CLASSIFICATION

Req.	Classification	Justification
1	[MIXED]	Primary: user need — ensuring that period overlap is correctly established before a refund is claimed protects the user from wrongful deductions. Secondary: internal control — "konkret vurdering" as documented procedure provides audit trail for the municipal decision. The user-protective function is primary because incorrect period assessment directly causes financial harm.
2	[MIXED]	Primary: user need — clarifying period coverage protects users from refund claims that exceed the actual overlap. Secondary: internal control — the enumerated sub-questions structure the caseworker's documentation trail. User protection is primary for the same reason as Req 1.
3	[MIXED]	Primary: user need — grant-by-grant comparison prevents the municipality from aggregating excess payments from one period against deficits in another, which directly protects the user's financial position. Secondary: internal control — the methodology creates a structured record. The express prohibition on cross-period offset makes user protection the primary function.
4	[MIXED]	Primary: user need — purpose verification ensures refund is not claimed for benefits serving different objectives. Secondary: internal control — documented assessment of purpose overlap. User protection is primary.

5	[MIXED]	Primary: user need — distinguishing general from special expenses determines the scope of refund; incorrect classification exposes users to wrongful claims. Secondary: internal control — the binary classification creates a structured decision record. However, as noted in the Process Inflation Findings, this binary framework lacks statutory grounding and introduces categories that may themselves create wrong outcomes. This creates a tension: the classification purports to serve user protection but may do so through an instrument that lacks legal authority. Classified MIXED with user protection nominally primary but flagged for ambiguity.
6	[MIXED]	Primary: user need — separately verifying what the retroactive benefit covers ensures the municipality does not claim refund for a benefit serving a different purpose. Secondary: internal control — additional documented step. User protection is primary.
7	[MIXED]	Primary: user need — the mandatory pre-decision individual assessment explicitly serves to protect the user from refund claims that would perpetuate welfare dependency. The language in the circular ("om krav om refusjon vil medføre at tjenestemottaker også i fremtiden vil være avhengig av økonomisk stønad") is directly user-oriented. Secondary: internal control — documented assessment demonstrates procedural compliance. User protection is primary.
8	[USER NEED]	Classified as SUBSTANTIVE LEGAL OBLIGATION in Process Inflation Findings. The requirement that the user's economic situation be specifically considered flows directly from the discretionary nature of the provision and the user's legal security interest. No transaction cost burden is identified beyond the substantive assessment itself, which the caseworker must perform regardless.
9	[USER NEED]	The requirement to follow sosialtjenesteloven, forvaltningsloven, and uskrevne normer exists entirely to protect users' legal security and procedural rights. It creates no documentation overhead beyond compliance with these external mandatory frameworks. No transaction cost burden is identified as distinct from the underlying legal obligations themselves.
10	[MIXED]	Primary: user need — informing the user about potential future refund at the grant stage enables them to plan their finances and avoid dependency. The circular explicitly states this purpose ("slik at vedkommende skal kunne innrette seg og være forberedt"). Secondary: internal control — the advance notification creates a record that the user was warned, which may be relevant to

		subsequent appeal. User protection is primary, but the obligation generates a non-trivial documentation burden in grant decisions.
11	[INTERNAL CONTROL]	The obligation to notify the state NAV agency exists entirely to preserve the municipality's legal ability to exercise its refund right under Ftrl §22-7. The user derives no direct benefit from this notification; the service outcome is unaffected. The primary purpose is to protect the municipality's administrative interest in the refund claim. The permissive language ("bør") already acknowledges that this is not a user-protective obligation.
12	[USER NEED]	Forhåndsvarsel mirrors FVL §16 and exists to ensure users have the opportunity to present information before an adverse decision. This is a foundational user protection requirement with no internal control dimension. No transaction cost burden is identified beyond compliance with forvaltningsloven.
13	[USER NEED]	The right to comment within a short deadline mirrors FVL §16 and protects the user's procedural rights in adversarial administrative proceedings. No transaction cost burden is identified.
14	[USER NEED]	Written reasoning is a user protection obligation under FVL §24, enabling effective appeal. No internal control function distinct from the reasoning obligation itself. No transaction cost burden is identified beyond the reasoning obligation required by forvaltningsloven.
15	[MIXED]	Primary: user need — the detailed overview of payments, periods, and purposes enables the user to verify the accuracy of the refund claim and effectively exercise appeal rights. Secondary: internal control — the enumerated content format creates a structured administrative record. User protection is nominally primary, but the specific mandatory format (all three elements in enumerated sequence) imposes documentation overhead that exceeds what the user's appeal right strictly requires. The circular's mandatory framing creates internal control value beyond the user's immediate comprehension need.
16	[MIXED]	Primary: user need — specifying which payments are subject to refund protects the user from undifferentiated or excessive claims. Secondary: internal control — creates specific traceable record of the claim. User protection is primary.

17	[MIXED]	Primary: user need — showing the net-after-deductions amount enables the user to verify that the refund does not exceed what was actually received after taxation. Secondary: internal control — provides documented calculation for audit purposes. User protection is nominally primary, but the accounting presentation requirement (as opposed to mere disclosure of the amount) primarily serves to demonstrate methodological correctness to reviewing bodies. Internal control is co-primary with user need.
18	[USER NEED]	Dispatch of the decision mirrors FVL §27 and enables user access to the decision for appeal purposes. No internal control dimension distinct from the legal notification obligation. No transaction cost burden is identified.
19	[INTERNAL CONTROL]	The written claim to the state agency is an administrative procedure that enables the municipality to exercise its refund right. The user is not a party to this communication; the outcome depends on the municipality's procedural action, not the user's interests. The primary purpose is to preserve and execute the municipality's legal claim.
20	[MIXED]	Primary: internal control — the content requirements for the claim document (amount, period, purpose) serve the administrative effectiveness of the refund mechanism. Secondary: user need — the same elements are included in the decision document and enable user verification. Internal control is primary since this requirement governs the municipality-to-agency claim document, not the user-facing decision.
21	[INTERNAL CONTROL]	The same-day submission deadline for dagpenger exclusively serves the municipality's interest in preserving its claim under Ftrl §22-7. The user's legal position is unaffected by whether the municipality submits on time or loses its claim; the only consequence of failure falls on the municipality. The entire burden of compliance falls on administrative action with no user protection function.
22	[MIXED]	Classified as SUBSTANTIVE LEGAL OBLIGATION in Process Inflation Findings. Primary: user need (prospective) — the loan option preserves the user's economic position by ensuring refund rather than net loss. Secondary: municipal administrative interest — the municipality secures a stronger legal basis for recovery. Permissive language ("kan vurderes") means the user-protective or administrative dimensions are both advisory. No transaction cost burden identified beyond the substantive consideration this entails.

STEP 5 — TRANSACTION COST CHARACTERIZATION

Requirements classified as [USER NEED] with no distinct transaction cost: **8, 9, 12, 13, 14, 18, 22.** For each of these, the administrative work required of caseworkers is co-extensive with the substantive obligation under forvaltningsloven or the Social Services Act. No excess administrative burden is identified above the legally mandated floor.

Requirements with transaction cost burden:

Req 1 — [MIXED], PARTIAL statutory authority: The caseworker must perform and document a formally structured "konkret vurdering" of period overlap. In practice, this means retrieving all grant decisions covering the relevant period, comparing them against the retroactive benefit period, and documenting the comparison in a form that demonstrates methodological correctness. This generates documentation overhead beyond what a substantive determination of period overlap would require. Because the circular provides the governing framework for this obligation, there is circular guidance available — but the guidance is itself the source of the burden, as it transforms an open statutory condition into a documented multi-step procedure.

Req 2 — [MIXED], PARTIAL statutory authority: The caseworker must resolve and document two specific mandatory sub-questions: (a) which period the retroactive benefit covers, and (b) whether the user received support in that period. These sub-questions would ordinarily be resolved in the course of any period assessment; the circular's mandatory formulation requires explicit resolution and documentation of each sub-question independently, creating procedural overhead that the underlying assessment does not strictly require. Because the circular mandates this structure, caseworkers must demonstrate compliance with the sub-question framework, not merely with the outcome.

Req 3 — [MIXED], PARTIAL statutory authority: The grant-by-grant comparison methodology requires a systematic review of every individual grant decision covering the refund period and a documented comparison against the corresponding retroactive benefit sub-period. In cases where economic support was provided over multiple months through multiple decisions, this generates significant retrieval, comparison, and documentation work. The methodology is mandatory regardless of whether a simpler aggregated comparison would reach the same outcome. No circular guidance moderates this workload — the circular itself creates it.

Req 4 — [MIXED], PARTIAL statutory authority: As Req 1, but applied to purpose. The caseworker must document a formal "konkret vurdering" of purpose alignment. This is procedurally duplicative of the substantive assessment, adding a documentation layer to a determination the caseworker must make in any event.

Req 5 — [MIXED], NO statutory authority: The caseworker must apply a binary classification to the economic support granted, determining whether it covered "generelle utgifter til livsopphold" or "særlige utgifter." This classification has no statutory grounding and introduces a mandatory categorization step using a framework invented by the circular. The caseworker must both learn and apply a classification scheme that (a) is not in the law and (b) may not cleanly fit the actual support granted, which may span both categories. The

burden falls entirely outside any framework the statute provides guidance for, since the statute simply uses the term "same purpose" without further specification. **The transaction cost imposed by this requirement derives from a normative instrument (the circular) that has created a substantive classification framework unsupported by statutory authority. Caseworkers must comply with an obligation that has no legal grounding.**

Req 6 — [MIXED], PARTIAL statutory authority: The caseworker must separately verify and document what the retroactive benefit was intended to cover. This is a distinct mandatory step in addition to the purpose assessment in Req 4. Generating a separate documented determination for one side of the purpose comparison (the retroactive benefit's purpose) adds procedural duplication to the assessment process.

Req 7 — [MIXED], PARTIAL statutory authority: The caseworker must complete and document a "konkret, individuell vurdering" of the user's overall situation before any refund decision can be made, even when the conditions for refund are clearly met. This mandatory prerequisite requires documenting the user's economic situation, future welfare dependency risk, and any other relevant circumstances. The documentation obligation is substantial: the circular requires sufficient documentation to demonstrate that the municipality genuinely exercised its discretion rather than mechanically applying the refund right. Because the circular provides the governing framework, circular guidance exists — but it is the source of the obligation, not a limitation on it.

Req 10 — [MIXED], PARTIAL statutory authority: The caseworker must specifically include in every economic support grant decision a notification regarding the possibility of future refund under §26. This obligation is prospective and applies regardless of whether a §26 situation will actually arise. For the many grant decisions where no retroactive state benefit will ever be approved, this notification obligation generates documentation work that produces no user protection value and no subsequent administrative utility. The circular provides authority for this obligation through the "god forvaltningsskikk" norm, but the statute is silent on it. **Caseworkers must include content in grant decisions that the statutory framework for those decisions does not contemplate.**

Req 11 — [INTERNAL CONTROL], NO direct statutory authority: The caseworker or NAV leader must communicate with the state NAV agency (Arbeids- og velferdsetaten) to flag a potential refund claim so the agency can hold back the benefit. This inter-agency communication requires the caseworker to monitor state benefit proceedings involving users, identify when a retroactive payment may be approaching, and initiate an out-bound notification. While the circular's "bør" language makes this permissive, in practice it creates operational coordination overhead. Because the circular uses permissive language and no statutory authority exists for a mandatory inter-agency notification obligation, the burden is advisory in nature. However, omitting this step risks losing the refund opportunity, creating a de facto compulsion through consequence rather than language.

Req 15 — [MIXED], PARTIAL statutory authority: The caseworker must construct a "detaljert oversikt" with three distinct enumerated elements: payment amounts, the specific periods each payment covered, and the purpose of each payment. This structured document format goes beyond what FVL §25's reasoning requirement demands and requires the caseworker to compile historical payment records in a specific format. For cases where

support was provided across multiple months and purposes, this requires substantial back-office retrieval and document assembly work. The circular provides the mandatory format, but that format itself exceeds what any statutory instrument independently requires.

Req 16 — [MIXED], PARTIAL statutory authority: The caseworker must explicitly specify, within the refund decision, exactly which prior individual payments are subject to the refund claim. This creates a mandatory line-item content requirement that goes beyond what FVL §25 requires for decision reasoning. The documentation work involves identifying, listing, and justifying each specific payment claim. This is an additional content obligation created by the circular without statutory grounding in the reasoning requirements of forvaltningsloven.

Req 17 — [MIXED], PARTIAL statutory authority: The caseworker must calculate and present in the decision document the net amount the user received after tax withholding and other deductions. This requires obtaining tax and deduction information from external sources or from the state benefit decision, performing or verifying the calculation, and presenting it in the format required. The obligation imposes an accounting and document preparation burden not required by any statutory provision. **The transaction cost imposed by this requirement falls outside any statutory framework, as the statute references the retroactive benefit amount without specifying the net-after-deductions presentation.** Caseworkers must comply with an accounting presentation obligation that the primary normative instrument governing their work (the statute) does not address.

Req 19 — [INTERNAL CONTROL], PARTIAL statutory authority: The caseworker must prepare and dispatch a formal written claim document to the state NAV agency. The preparation of a written inter-agency claim — distinct from the user-facing refund decision — is an additional administrative document with its own content requirements. This is a separate outgoing document that must be correctly addressed to the specific agency within the procedural window established by Ftrl §22-7. The burden is concrete: preparing a second formal document beyond the user-facing decision, ensuring it is correctly addressed, and dispatching it within the time window.

Req 20 — [MIXED], circular guidance present: The content requirements for the claim document (amount, period, purpose) track the statutory conditions and impose no burden beyond what is required to document the basis for the refund claim. The circular notes that the refund decision itself contains this information, and a copy of the decision may satisfy this requirement. The additional burden is minimal.

Req 21 — [INTERNAL CONTROL], Ftrl §22-7 authority: The caseworker must monitor the state benefit processing timeline for users who may have dagpenger claims pending and submit a refund claim on the exact day the retroactive payment is cleared. This creates extreme temporal pressure: the caseworker must (a) be aware that a user has applied for dagpenger, (b) monitor the state agency's decision-making process, (c) have the refund decision already prepared, and (d) submit the claim on precisely the day the dagpenger decision becomes effective. For small offices processing this situation rarely, the failure cost is total (permanent loss of refund right) and the information systems required to monitor state benefit decisions are not fully integrated with municipal NAV offices. The transaction cost is not merely administrative overhead — it constitutes a real-time procedural surveillance

obligation that is structurally incompatible with the generalist work patterns of small offices. **The circular provides accurate guidance on Ftrl §22-7, but the burden itself is inherent in the statutory mechanism and cannot be moderated by circular revision.**

STEP 6 — CATALOG ENTRIES

REQUIREMENT ID: §26-REQ-01 **PROVISION TEXT:** The caseworker must conduct a concrete assessment (konkret vurdering) to verify whether economic support was provided for the same period as the retroactive benefit. **SOURCE INSTRUMENT:** Circular — R-35 Para 4.26.2.1 (Rundskriv 35, paragraph 4.26) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — the statute requires "same period" as a condition for refund but prescribes no assessment methodology; the circular converts the open statutory condition into a mandatory "konkret vurdering" (PROC-REQ 26.1) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — structurally parallel to §17 "konkret vurdering" requirements documented in the Anchor Document (Part 2, [K] Competence Sustainability); §26 case frequency is likely lower than the 5–8 annual §17 cases that generate competence decay in Verdal, Sogndal, and Målselv; at such low frequency the mandatory procedure cannot become a habitual routine **PURPOSE:** MIXED — primary: user need (ensures legal conditions are correctly verified before a user's benefit is reduced); secondary: internal control (creates documented assessment record) **BURDEN DESCRIPTION:** Caseworker must perform and document a structured period-overlap determination, producing a formal record of the assessment that demonstrates methodological compliance. Circular guidance exists but is itself the source of the burden, converting a substantive determination into a documented procedure. **KILL LIST CLASSIFICATION:** Category C — Clarification: the circular should make explicit that a "konkret vurdering" means substantive accuracy in determining period overlap, not a separate documented sub-procedure distinct from the caseworker's overall reasoning; the room for maneuver in how the assessment is recorded should be clarified to prevent shadow binding that imposes documentation overhead beyond what the condition requires **TRANSACTION COST CATEGORY:** Procedural Duplication

---

REQUIREMENT ID: §26-REQ-02 **PROVISION TEXT:** In the period assessment, the caseworker must specifically clarify: (a) which period the retroactive benefit covers, and (b) whether the user received economic support during that period. **SOURCE INSTRUMENT:** Circular — R-35 Para 4.26.2.1 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — statute states period-overlap condition without enumerating sub-questions; circular creates two distinct mandatory verification sub-steps (PROC-REQ 26.2) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — mandatory enumerated sub-questions compound competence decay risk at low case frequency; the Anchor Document (Part 2, [K]) confirms caseworkers cannot maintain operational familiarity with multi-step procedural frameworks they encounter fewer than 10–15 times per year **PURPOSE:** MIXED — primary: user need; secondary: internal control documentation

BURDEN DESCRIPTION: Caseworker must resolve and explicitly document two distinct sub-questions as separate analytical steps, even though both would ordinarily be resolved as part of any period determination. The mandatory enumeration imposes overhead beyond what the substantive assessment requires. **KILL LIST CLASSIFICATION:** Category B — Status Change: the mandatory framing of these sub-questions should be reformulated as permissive guidance ("in this assessment, it is relevant to consider...") to restore caseworker methodological freedom; the circular's "må" language imposes a mandatory sub-procedure not required by statute and should be converted to illustrative guidance **TRANSACTION COST CATEGORY:** Procedural Duplication

---

REQUIREMENT ID: §26-REQ-03 **PROVISION TEXT:** Each individual support grant decision with a support period must be assessed against the corresponding period in the retroactive benefit. **SOURCE INSTRUMENT:** Circular — R-35 Para 4.26.2.1 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — statute requires period overlap but leaves comparison method open; circular enforces grant-by-grant methodology with "shall" language (PROC-REQ 26.3) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — the grant-by-grant comparison requires systematic retrieval and review of all historical decisions in the refund period; the Anchor Document (Cluster 1, [D] Documentation Apparatus) identifies multi-document retrieval and comparison requirements as volume drivers that presuppose organizational capacity calibrated for higher caseloads **PURPOSE:** MIXED — primary: user need (prevents cross-period aggregation that would harm the user); secondary: internal control (structured methodology produces audit trail) **BURDEN DESCRIPTION:** Caseworker must retrieve all individual grant decisions covering the refund period, compare each against the corresponding retroactive benefit sub-period, and document the comparison. In multi-month cases with multiple decisions, this generates substantial retrieval and documentation work. The methodology is mandatory regardless of whether a simpler approach would reach the same result. **KILL LIST CLASSIFICATION:** Category C — Clarification: the grant-by-grant methodology is substantively justified by the user protection purpose (preventing cross-period offset) but the circular should clarify that the documentation of this comparison may be integrated into the overall decision reasoning under FVL §25, rather than constituting a separate mandatory procedural document **TRANSACTION COST CATEGORY:** Documentation Inflation

---

REQUIREMENT ID: §26-REQ-04 **PROVISION TEXT:** The caseworker must conduct a concrete assessment (konkret vurdering) to determine whether the purpose of the economic support and the retroactive benefit coincide. **SOURCE INSTRUMENT:** Circular — R-35 Para 4.26.2.1 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — statute states "same purpose" as condition but does not prescribe the assessment method; circular mandates a specific "konkret vurdering" eliminating methodological freedom (PROC-REQ 26.4) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — as Req 1; mandatory purpose assessment procedure at low case frequency cannot become a habitual routine; Anchor Document [K] mechanism applies **PURPOSE:** MIXED — primary: user need; secondary: internal control **BURDEN DESCRIPTION:** Caseworker must perform and document a formal purpose-overlap determination. As with Req 1, circular

guidance exists but is itself the source of the burden. The documentation obligation converts a substantive determination into a formally structured procedure. **KILL LIST CLASSIFICATION:** Category C — Clarification: same as Req 1; purpose assessment documentation should be clarified as integrable into the overall decision reasoning rather than constituting an independent mandatory documented sub-procedure **TRANSACTION COST CATEGORY:** Procedural Duplication

---

REQUIREMENT ID: §26-REQ-05 **PROVISION TEXT:** In the purpose assessment, the caseworker must clarify whether the economic support was granted to cover general living expenses (generelle utgifter til livsopphold) or special expenses (særlige utgifter). **SOURCE INSTRUMENT:** Circular — R-35 Para 4.26.2.1 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** NO — the statute uses the open normative term "same purpose" without further classification; the circular introduces a mandatory binary classification scheme with no statutory anchor (PROC-REQ 26.5); as noted in the Process Inflation Findings, "the requirement mandates an assessment process to resolve specific questions, but introduces substantive binary categorizations lacking in the statute" and is flagged for human legal review **DOUBLE AUTHORITY GAP:** NO (circular authority present) **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — the binary classification is a specialized framework that caseworkers at low case frequency cannot maintain operational familiarity with; misapplication of the classification could result in incorrect refund claims or incorrect refusals; Anchor Document [K] and [P] mechanisms apply **PURPOSE:** MIXED — nominally primary user need (classification determines refund scope); however, since the classification has no statutory grounding, it introduces a categorization that may generate incorrect outcomes: the statute's "same purpose" condition is more flexible than the binary scheme suggests, meaning the classification may harm users in edge cases by restricting caseworker judgment with an unlawful framework. Internal control is effectively co-primary as the classification creates a structured decision record **BURDEN DESCRIPTION:** Caseworker must apply a mandatory binary classification to the support granted, using a framework invented by the circular without statutory authority. In cases where support was provided for mixed purposes, the caseworker must determine which category applies, with no statutory guidance and potentially distorted outcomes. **The transaction cost imposed by this requirement falls outside any statutory framework — the primary normative instrument governing the caseworker's work (the statute) does not contemplate this classification, yet the caseworker is obligated by circular language to apply it. KILL LIST CLASSIFICATION:** Category B — Status Change: the binary classification scheme should be reformulated from mandatory sub-procedure to illustrative guidance; alternatively, Category A — Removal may be appropriate pending legal review, as the classification scheme introduces a normative framework with no statutory basis that may function as an unlawful restriction on caseworker judgment **TRANSACTION COST CATEGORY:** Documentation Inflation; Combined Burden (both documentation overhead and substantive risk of incorrect outcomes)

REQUIREMENT ID: §26-REQ-06 **PROVISION TEXT:** The caseworker must separately clarify what the retroactive benefit is intended to cover (purpose verification for the benefit

side of the comparison). **SOURCE INSTRUMENT:** Circular — R-35 Para 4.26.2.1 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — statute leaves purpose comparison structure open; circular fixes a separate mandatory verification step for the retroactive benefit's purpose (PROC-REQ 26.6) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — additional mandatory procedural step at low case frequency; as above **PURPOSE:** MIXED — primary: user need; secondary: internal control **BURDEN DESCRIPTION:** Caseworker must conduct and document a separate verification of the retroactive benefit's purpose, distinct from the assessment of the grant's purpose. This creates procedural duplication: the purpose comparison requires determining both sides, but the circular mandates each as a separate documented step rather than a single comparative assessment. **KILL LIST CLASSIFICATION:** Category B — Status Change: formulate as permissive guidance integrated into the overall purpose assessment rather than as a distinct mandatory sub-procedure **TRANSACTION COST CATEGORY:** Procedural Duplication

---

REQUIREMENT ID: §26-REQ-07 **PROVISION TEXT:** Where the conditions for refund are present, the caseworker must conduct a concrete, individual assessment (konkret, individuell vurdering) of the user's situation before making a refund decision. **SOURCE INSTRUMENT:** Circular — R-35 Para 4.26.2.1 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — the statute grants a permissive right ("rett, men ingen plikt") without requiring any pre-decision procedure; the circular mandates this specific assessment as a procedural prerequisite that must be completed before the right can be exercised (PROC-REQ 26.7) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — pre-decision individual assessment adds a documented procedural stage to an already rare case type; the Anchor Document (Cluster 1, debt counseling compliance stack) identifies the impossibility of maintaining multi-stage procedural pipelines at low case volumes; at the rarity of §26 cases, each stage represents an unfamiliar procedure **PURPOSE:** MIXED — primary: user need (the assessment explicitly exists to prevent perpetuating welfare dependency); secondary: internal control (documented assessment demonstrates exercise of discretion) **BURDEN DESCRIPTION:** Caseworker must perform and document a holistic assessment of the user's economic situation, future welfare dependency risk, and other relevant circumstances before making a refund decision. The documentation must be sufficient to demonstrate that discretion was genuinely exercised. This is a substantial documentation obligation beyond the substantive consideration itself. **KILL LIST CLASSIFICATION:** Category C — Clarification: the pre-decision assessment is substantively justified by the discretionary nature of the provision and serves user protection; however, the circular should clarify that the documentation of this assessment may be integrated into the refund decision's reasoning under FVL §25 rather than constituting a separate prerequisite document; the room for maneuver in how the assessment is recorded needs to be made explicit to reduce shadow binding **TRANSACTION COST CATEGORY:** Documentation Inflation

---

REQUIREMENT ID: §26-REQ-08 **PROVISION TEXT:** In the individual assessment, the caseworker shall take account of the user's economic situation, including whether refund

would cause future welfare dependency or whether other special circumstances warrant partial or complete waiver of the refund. **SOURCE INSTRUMENT:** Circular — R-35 Para 4.26.2.1 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — consideration of the user's economic situation flows inherently from the discretionary nature of the provision; as the Process Inflation Findings classify this as a SUBSTANTIVE LEGAL OBLIGATION, the requirement is co-extensive with the statutory content of the discretionary assessment **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO — this is a substantive assessment obligation inherent in any discretionary provision; no distinct administrative pipeline is created beyond the assessment itself **PURPOSE:** USER NEED — the requirement governs the legal content of the discretionary decision; it mandates that a specific substantive factor must be weighed; this directly serves the user's legal security interest in having their economic situation genuinely considered **BURDEN DESCRIPTION:** No transaction cost burden is identified for this requirement. The administrative work of considering the user's economic situation is co-extensive with the substantive legal obligation and does not generate overhead beyond the decision-making process itself. **KILL LIST CLASSIFICATION:** No Kill List Action — requirement assessed as having sufficient authority and proportionate burden **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: §26-REQ-09 **PROVISION TEXT:** The municipality in NAV must follow the case processing requirements set out in the Social Services Act, forvaltningsloven, and unwritten norms of good administrative practice. **SOURCE INSTRUMENT:** Circular — R-35 Para 4.26.2.2 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — this requirement restates existing independently mandatory frameworks; it does not escalate the statute's "kan" discretion and creates no new obligations **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO — general administrative law compliance is a baseline obligation across all case types; it is not volume-sensitive as such **PURPOSE:** USER NEED — the requirement to follow administrative law is entirely user-protective; it ensures caseworkers apply established legal norms for individual rights, not internal reporting needs **BURDEN DESCRIPTION:** No transaction cost burden is identified. Following forvaltningsloven and the Social Services Act is co-extensive with the caseworker's baseline legal obligation and generates no overhead beyond compliance with those external frameworks. **KILL LIST CLASSIFICATION:** No Kill List Action — requirement assessed as having sufficient authority and proportionate burden **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: §26-REQ-10 **PROVISION TEXT:** In accordance with good administrative practice (god forvaltningsskikk), the user must be informed in the economic support grant decision about the possibility of future refund, so they can plan for and be prepared for a potential refund claim. **SOURCE INSTRUMENT:** Circular — R-35 Para 4.26.2.3 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — the statute is entirely silent on any notification duty at the initial grant stage; the circular extends a mandatory obligation using "shall" language into statutory silence, grounded in "god forvaltningsskikk" rather than a specific statutory provision (PROC-REQ 26.10); "god

forvaltningsskikk" is a recognized norm in Norwegian administrative law, which provides some authority, but the specific application to §26 forward-notification at the grant stage is a circular elaboration not required by any statutory provision **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — the prospective identification duty requires caseworkers to recognize at the grant stage which users may have pending state benefit claims with §26 potential; this is a specialist judgment requiring knowledge of both municipal social services and state benefit proceedings; the Anchor Document [K] mechanism applies: caseworkers at low §26 case frequency cannot maintain operational familiarity with identifying §26-eligible grant situations **PURPOSE:** MIXED — primary: user need (enabling the user to financially plan for a potential future refund is genuinely user-protective); secondary: internal control (advance notification creates a record that the municipality fulfilled its duty, potentially useful in appeal proceedings) **BURDEN DESCRIPTION:** Caseworker must identify grant decisions with §26 potential and include a specific notification about possible future refund in the decision text. This obligation applies at the initial grant stage, which may precede any §26 situation by weeks or months. For grant decisions where no §26 situation ever materializes (the majority), this notification generates administrative work with no user protection value. **The statutory framework for economic support grant decisions does not contemplate §26 forward-notification; caseworkers must include circular-mandated content in grant decisions that the governing statutory provisions for those decisions do not require. KILL LIST CLASSIFICATION:** Category B — Status Change: the mandatory "shall" framing of this notification duty exceeds what "god forvaltningsskikk" independently requires; the circular should reformulate this as a recommendation ("bør") with practical guidance on when §26 potential is recognizable, allowing caseworkers to exercise judgment about when the notification adds user value **TRANSACTION COST CATEGORY:** Documentation Inflation

---

REQUIREMENT ID: §26-REQ-11 **PROVISION TEXT:** The municipality in NAV should (bør) inform Arbeids- og velferdsetaten about a potential refund claim so that the agency can hold back the payment and notify the municipality when a retroactive payment is being prepared. **SOURCE INSTRUMENT:** Circular — R-35 Para 4.26.2.3 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** NO direct statutory basis — the statute does not mention inter-agency notification; the obligation exists only in the circular; however, the circular's permissive "bør" language acknowledges the non-mandatory nature of the obligation (PROC-REQ 26.11) **DOUBLE AUTHORITY GAP:** NO (circular authority present; the permissive framing itself acknowledges the limited authority) **CATEGORY ERROR:** NO **SCALE FLAG:** NO — permissive language means no mandatory pipeline is created; the Anchor Document [C] Coordination Infrastructure findings concern mandatory formal coordination requirements; this obligation's permissive framing places it outside the mandatory pipeline analysis, though de facto pressure exists **PURPOSE:** INTERNAL CONTROL — the inter-agency notification exists entirely to preserve the municipality's legal ability to exercise its refund right under Ftrl §22-7; the user derives no direct benefit from this notification; the primary function is to protect the municipality's administrative interest in the refund claim **BURDEN DESCRIPTION:** When a caseworker identifies a user with a pending state benefit claim, they must consider whether to proactively contact the state agency to flag the potential refund. This requires monitoring state benefit proceedings for individual users and maintaining an active inter-agency communication channel. While permissive,

omitting this step in practice risks losing the refund opportunity (because the benefit will be paid out before the municipality can claim). The transaction cost is modest for individual cases but represents an ongoing monitoring obligation requiring caseworkers to track state-side proceedings for the social services caseload. **No statutory framework governs this inter-agency notification obligation; it operates entirely within the circular's normative space. KILL LIST CLASSIFICATION:** No Kill List Action — the permissive "bør" language is correctly calibrated to the absence of statutory authority; the obligation already operates at advisory level; no reformulation is required **TRANSACTION COST CATEGORY:** Reporting Overhead

---

REQUIREMENT ID: §26-REQ-12 **PROVISION TEXT:** Once Arbeids- og velferdsetaten has made its decision on the state benefit, the municipality in NAV must notify the user about a possible refund decision so they have the opportunity to present relevant views and information. **SOURCE INSTRUMENT:** Circular — R-35 Para 4.26.2.3 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — requirement directly mirrors the independently mandatory advance notice (forhåndsvarsel) requirement under FVL §16; the circular accurately reflects an obligation that exists independently of §26 for all individual decisions that may be adverse (PROC-REQ 26.12) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO — forhåndsvarsel under FVL §16 is a standard obligation across all case types; it is not volume-sensitive; the Anchor Document does not identify forhåndsvarsel as a volume driver **PURPOSE:** USER NEED — the advance notification requirement is a foundational user protection mechanism enabling participation in decision-making; it creates no internal control dimension **BURDEN DESCRIPTION:** No transaction cost burden is identified for this requirement. Forhåndsvarsel under FVL §16 is a standard administrative obligation; the circular accurately restates this requirement without adding overhead. **KILL LIST CLASSIFICATION:** No Kill List Action — requirement assessed as having sufficient authority and proportionate burden **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: §26-REQ-13 **PROVISION TEXT:** The user must be given a short deadline within which to submit comments on the potential refund decision. **SOURCE INSTRUMENT:** Circular — R-35 Para 4.26.2.3 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — requirement directly mirrors the user's right to comment before an adverse decision under FVL §16; the circular accurately reflects an independently mandatory obligation **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO — standard administrative obligation; not volume-sensitive **PURPOSE:** USER NEED — the right to comment is a foundational user protection right; no internal control dimension **BURDEN DESCRIPTION:** No transaction cost burden is identified. The deadline obligation under FVL §16 is standard across all adverse individual decisions. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: §26-REQ-14 **PROVISION TEXT:** The refund decision must be formally reasoned in writing. **SOURCE INSTRUMENT:** Circular — R-35 Para 4.26.2.4 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — directly mirrors the mandatory written reasoning (begrunnelse) obligation for individual decisions under FVL §24; the circular accurately reflects this independently mandatory requirement **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO — standard written reasoning obligation; not volume-sensitive as such, though the quality of reasoning may suffer at low case frequency **PURPOSE:** USER NEED — written reasoning enables effective appeal and protects the user's legal security; no internal control dimension distinct from the statutory obligation **BURDEN DESCRIPTION:** No transaction cost burden is identified beyond the reasoning obligation required by forvaltningsloven, which applies independently. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: §26-REQ-15 **PROVISION TEXT:** The user must be provided with a detailed overview (detaljert oversikt) in the decision, showing: all past payments, the periods those payments covered, and the purposes for which they were given. **SOURCE INSTRUMENT:** Circular — R-35 Para 4.26.2.4 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — FVL §25 mandates reasoning for administrative decisions but does not prescribe a specific enumerated content format; the circular creates a mandatory "detaljert oversikt" with three specific content elements that exceed what FVL §25 independently requires (PROC-REQ 26.15) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** YES — the detailed overview requirement requires systematic compilation of historical payment records in a specified format; the Anchor Document (Part 2, [D] Documentation Apparatus dominant mechanism; Cluster 1 §17 formalization pipeline) identifies analogous specific-format documentation requirements as the most pervasive volume driver across the dataset; at the low frequency of §26 cases, constructing a "detaljert oversikt" becomes a specialized task rather than a habitual pipeline; the Anchor Document notes: *"even if a municipality addresses competence...it remains exposed to [P] and [D] failures because the procedural and documentation obligations apply to all caseworkers"* — this applies with direct force to §26 **PURPOSE:** MIXED — primary: user need (enabling the user to verify the accuracy of the refund claim and exercise appeal rights effectively); secondary: internal control (the enumerated format creates a structured administrative record exceeding what FVL §25 independently requires; the specific format serves documentation completeness goals beyond the user's immediate comprehension need) **BURDEN DESCRIPTION:** Caseworker must compile all historical grant decisions for the refund period, extract payment amounts, periods, and purposes, and present this information in the enumerated format required by the circular. For cases spanning multiple months with multiple decisions, this generates substantial back-office retrieval and document assembly work. The mandatory format exceeds what FVL §25 requires and imposes overhead calibrated for a high-volume administrative environment, applied to a case type that arises rarely. **KILL LIST CLASSIFICATION:** Category B — Status Change: the mandatory enumerated format should be reformulated as a best-practice template rather than a mandatory content structure; the FVL §25 reasoning obligation can accommodate the same substantive information without prescribing the specific format; reformulation would restore

caseworker flexibility to present the necessary information in the most appropriate manner for each case **TRANSACTION COST CATEGORY:** Documentation Inflation

---

REQUIREMENT ID: §26-REQ-16 **PROVISION TEXT:** The decision must further specify exactly which prior individual payments are being claimed for refund. **SOURCE INSTRUMENT:** Circular — R-35 Para 4.26.2.4 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — the statute does not mandate specification of individual prior payments in the decision; the circular creates a mandatory line-item content obligation that exceeds what FVL §25 requires for reasoning (PROC-REQ 26.16) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** YES — as Req 15; line-item specification requires retrieval and documentation work at low case frequency that produces the same [D] mechanism failure documented across the Anchor Document dataset **PURPOSE:** MIXED — primary: user need (specific identification of payments subject to refund protects users from undifferentiated or excessive claims); secondary: internal control (traceable record of the specific claim for audit purposes) **BURDEN DESCRIPTION:** Caseworker must identify, list, and justify each specific prior payment included in the refund claim. This is an additional mandatory content element beyond what FVL §25 requires. In cases with multiple payment decisions across the refund period, this generates itemization work that creates documentation overhead beyond the decision's substantive reasoning requirements. **KILL LIST CLASSIFICATION:** Category B — Status Change: the mandatory specification requirement should be reformulated as a recommended element in the decision reasoning; under FVL §25, the general basis for the refund claim (covering the relevant period and purpose) may be sufficient reasoning without line-item enumeration; reformulation would restore integration with the standard forvaltningsloven reasoning framework **TRANSACTION COST CATEGORY:** Documentation Inflation

---

REQUIREMENT ID: §26-REQ-17 **PROVISION TEXT:** The decision must finally show how much the user received in retroactive state benefits for the corresponding period, calculated after tax withholding and any other deductions are accounted for. **SOURCE INSTRUMENT:** Circular — R-35 Para 4.26.2.4 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — the statute references the amount to be repaid but does not require the specific net-after-deductions accounting presentation; the circular fixes an accounting presentation requirement with no direct analog in any statutory provision (PROC-REQ 26.17) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** YES — the net-after-deductions calculation requires obtaining tax and deduction information from the state benefit decision, performing the calculation, and presenting it in the decision document; the Anchor Document (Part 2, [K] Competence Sustainability) identifies calculation-based technical requirements as generating competence decay at low case frequency; caseworkers who encounter §26 once every one or two years cannot maintain familiarity with the calculation methodology **PURPOSE:** MIXED — primary nominally user need (enables user to verify the refund does not exceed net benefit received); secondary: internal control (presentation demonstrates methodological correctness to reviewing bodies; the accounting format serves audit and control purposes beyond the user's immediate comprehension need; internal control may be co-primary) **BURDEN DESCRIPTION:**

Caseworker must obtain the gross retroactive benefit amount, identify applicable tax withholding and deductions, perform or verify the net calculation, and present the result in the decision document. This requires accessing information from the state benefit decision (which may not be automatically available to the municipal caseworker) and applying accounting methodology. **The transaction cost imposed by this requirement falls outside any statutory framework — the statute does not address the net-after-deductions presentation obligation, and caseworkers must comply with an accounting requirement that no primary normative instrument governing their work specifies. KILL LIST CLASSIFICATION:** Category B — Status Change: the mandatory accounting presentation should be reformulated as a recommended element that caseworkers are guided to include where the information is available and relevant; alternatively, the obligation should acknowledge that the refund may be claimed against the gross amount subject to a statutory ceiling, without requiring presentation of the precise net calculation in all cases **TRANSACTION COST CATEGORY:** Documentation Inflation; Combined Burden (both documentation overhead and technical calculation burden)

REQUIREMENT ID: §26-REQ-18 **PROVISION TEXT:** The refund decision must be sent to the user. **SOURCE INSTRUMENT:** Circular — R-35 Para 4.26.2.4 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — directly mirrors the mandatory notification requirement for individual decisions under FVL §27 **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO — standard dispatch obligation; not volume-sensitive **PURPOSE:** USER NEED — receiving the decision enables appeal and protects user rights; no internal control dimension **BURDEN DESCRIPTION:** No transaction cost burden is identified beyond the dispatch obligation required by forvaltningsloven. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: §26-REQ-19 **PROVISION TEXT:** The municipality in NAV must send a written refund claim to Arbeids- og velferdsetaten. **SOURCE INSTRUMENT:** Circular — R-35 Para 4.26.2.5 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — the statute grants the right to a refund but does not specify the written form or inter-agency addressee for the claim mechanism; the circular specifies written form as mandatory; while this is a practical implementation necessity, it represents a form specification not explicitly required by the statute (PROC-REQ 26.19) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — preparing a written inter-agency claim document within the Ftrl §22-7 window is an administrative task that presupposes familiarity with the inter-agency claim procedure; the Anchor Document (Part 2, [C] Coordination Infrastructure) identifies inter-agency formal requirements as generating failures in small offices that rely on informal coordination; at the low frequency of §26 cases, caseworkers may not maintain the institutional knowledge of where and how to direct the written claim **PURPOSE:** INTERNAL CONTROL — the written claim to the state agency is an administrative procedure serving the municipality's ability to exercise its refund right; the user is not a party to this communication and the outcome depends on municipal administrative action, not the user's interests **BURDEN DESCRIPTION:** Caseworker must prepare a formal written claim

document addressed to the state NAV agency, distinct from the user-facing refund decision. This involves preparing a second formal administrative document, correctly addressing it to the appropriate agency unit, and dispatching it within the procedural window. For caseworkers who rarely encounter §26 situations, the inter-agency claim procedure may be unfamiliar, generating additional research and preparation work. **KILL LIST CLASSIFICATION:** Category C — Clarification: the written form requirement for the inter-agency claim is a reasonable practical specification; the circular should clarify that the refund decision (which contains all required information) may itself constitute the claim when transmitted to the agency, as the circular itself notes ("kommunen i Nav kan eventuelt vedlegge en kopi av vedtaket"); this clarification would reduce the burden of preparing a separate claim document in most cases **TRANSACTION COST CATEGORY:** Reporting Overhead

---

REQUIREMENT ID: §26-REQ-20 **PROVISION TEXT:** The refund claim must contain information about: the amount being claimed, the period the amount covers, and the purpose. **SOURCE INSTRUMENT:** Circular — R-35 Para 4.26.2.5 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — the three content elements (amount, period, purpose) directly track and reflect the precise conditions established in the statute; including these elements in the claim is inherent in the statutory mechanism (PROC-REQ 26.20) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO — as the circular itself notes, this information appears in the refund decision; if the decision is attached to the claim, no additional documentation work is required **PURPOSE:** MIXED — primary: internal control (claim document content enables agency to process the refund); secondary: user need (the same information must appear in the user-facing decision for appeal purposes, and the circular's note that a copy of the decision may satisfy this requirement means both obligations are typically discharged simultaneously) **BURDEN DESCRIPTION:** Minimal burden; the required content mirrors what must appear in the refund decision in any event. The circular acknowledges that a copy of the decision may satisfy this requirement, substantially reducing the documentation overhead. **KILL LIST CLASSIFICATION:** No Kill List Action — requirement assessed as having sufficient authority and proportionate burden; the circular's own acknowledgment that a decision copy may suffice already mitigates the potential burden **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: §26-REQ-21 **PROVISION TEXT:** If refund is to be claimed in dagpenger (unemployment benefits), the claim must be submitted to Arbeids- og velferdsetaten on the exact day the retroactive dagpenger payment is cleared for disbursement. **SOURCE INSTRUMENT:** Circular — R-35 Para 4.26.2.6 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — the same-day operational deadline is strictly governed by Folketrygdloven §22-7, which does not permit delayed disbursement of dagpenger; the circular accurately reflects this external mandatory framework (PROC-REQ 26.21) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO — while the governing provision is Ftrl §22-7 (state benefits law rather than social services law), this is a cross-reference within the same regulatory ecosystem, not a category error; the circular

correctly identifies the applicable legal framework **SCALE FLAG:** YES — the same-day submission deadline constitutes structural disproportionality for small offices processing §26 dagpenger cases rarely; the deadline requires: (a) prior awareness that the user has applied for dagpenger, (b) active monitoring of the state benefit decision timeline, (c) a refund decision already prepared and approved, and (d) same-day inter-agency submission; the Anchor Document (Part 2, [P] Procedural Continuity) identifies impossibility of maintaining habitual compliance with deadline-sensitive pipelines at low case frequency; for small offices that may encounter this situation once every two to three years, the compliance infrastructure for this requirement cannot be operationally routinized; **this constitutes the highest-severity scale finding in this session: the failure consequence is total and irreversible (permanent loss of refund right), but the procedural preparation required to comply is impossible to maintain as institutional routine at the case volumes typical of small municipalities PURPOSE:** INTERNAL CONTROL — the same-day deadline exclusively serves the municipality's interest in preserving its claim under Ftrl §22-7; the user's position under state benefits law is unaffected by whether the municipality submits on time; the entire compliance burden falls on the municipality with no corresponding user protection function **BURDEN DESCRIPTION:** Caseworker must maintain active awareness of individual users' pending dagpenger claims, monitor the state agency's processing timeline, have a completed and approved refund decision ready before the dagpenger decision is issued, and submit the claim on precisely the day the decision becomes effective. This constitutes a real-time procedural surveillance obligation requiring monitoring of state-side proceedings that are not integrated with municipal NAV case management systems. The transaction cost is not merely documentation overhead — it is a standing institutional readiness requirement that is structurally incompatible with the generalist work patterns of small offices. **The circular provides accurate guidance on Ftrl §22-7; the burden itself is inherent in the statutory mechanism and cannot be moderated by circular revision. However, the circular should provide concrete operational guidance on the monitoring systems and inter-agency information-sharing protocols that make same-day compliance feasible for small offices. KILL LIST CLASSIFICATION:** No Kill List Action — the requirement is legally grounded in Ftrl §22-7; the obligation cannot be removed or reformulated without statutory change; however, the circular should be supplemented with practical operational guidance to address the structural disproportionality this obligation creates for small offices **TRANSACTION COST CATEGORY:** Structural Disproportionality

---

REQUIREMENT ID: §26-REQ-22 **PROVISION TEXT:** If the municipality is aware that the user has applied for dagpenger and there is reason to believe it will be granted, the municipality may consider (kan vurderes) providing economic support as a loan to secure the right to claim repayment. **SOURCE INSTRUMENT:** Circular — R-35 Para 4.26.2.6 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — the loan option references §21 stønadsformer, which provides statutory authority for loan-form support; the permissive "kan vurderes" framing creates no mandatory obligation (classified as SUBSTANTIVE LEGAL OBLIGATION in Process Inflation Findings) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO — permissive guidance requiring no mandatory pipeline; the Anchor Document scale flags do not apply to advisory recommendations **PURPOSE:** MIXED — primary: user need (from one perspective,

converting support to a loan may preserve the municipality's claim but imposes a repayment burden on the user; the note in the circular serves to alert caseworkers to a tool that affects both parties); secondary: municipal administrative interest in securing repayment rights; the permissive framing appropriately leaves the balance between these interests to caseworker discretion **BURDEN DESCRIPTION:** No transaction cost burden is identified. The permissive formulation means no mandatory documentation or procedural obligation is created. The observation in the circular is advisory. **KILL LIST CLASSIFICATION:** No Kill List Action — the permissive language is correctly calibrated; no reformulation required **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

CLOSING COMPARATIVE NOTE

Total requirements identified starting from Process Inflation Findings: 22

Requirements visible from circular alone: 22 (100%) — all requirements in this session derive from and are textually present in R-35 Para 4.26

Requirements invisible from circular alone: 0

Structural interpretation: The full analytical value of the Process Inflation Findings in this session lies not in surfacing hidden requirements but in identifying where the circular's mandatory language exceeds its statutory foundation. A reader of the circular alone would see 22 requirements but would be unable to identify which exceed the statute's "kan" authorization, which introduce classification frameworks without statutory grounding, and which impose procedural methodology where the statute leaves the method open. This is the session's core contribution.

Double authority gaps: 0 — all requirements have circular authority; the circular is the sole normative instrument in this session, and all requirements appear within it

Category errors (requirements from a different legal domain): 0 — Requirement 21's cross-reference to Ftrl §22-7 is a correctly identified external legal constraint, not a category error; the requirement is appropriately located in the social services circular

---

Kill List breakdown:

Category	Count	Requirements
Category A — Removal	0	—

Category B — Status Change	7	Reqs 2, 3, 5, 10, 15, 16, 17
Category C — Clarification	5	Reqs 1, 4, 7, 8 (implicit in classification), 19
No Kill List Action	10	Reqs 6* (marginal B), 8, 9, 11, 12, 13, 14, 18, 20, 21, 22

*Note: Req 6 is classified Category B in the analysis above; adjusted count: **Category B = 8, No Kill List Action = 9.**

Revised Kill List summary:

- Category A — Removal: **0**
- Category B — Status Change: **8** (Reqs 2, 3, 5, 6, 10, 15, 16, 17)
- Category C — Clarification: **4** (Reqs 1, 4, 7, 19)
- No Kill List Action: **10** (Reqs 8, 9, 11, 12, 13, 14, 18, 20, 21, 22)

The absence of Category A removals reflects the session's structural finding: because all requirements derive from the circular itself (rather than from sub-legal instruments outside the circular), the Kill List action available is reformulation of mandatory language to permissive language (Category B) or clarification of room for maneuver (Category C), not repeal of requirements that belong to a different legal domain or that entirely lack legal grounding. Requirement 5 is the strongest candidate for Category A treatment pending legal review, given its introduction of a binary classification framework with no statutory anchor.

Primary transaction cost categories by frequency:

Category	Count	Requirements
Documentation Inflation	7	Reqs 3, 5, 7, 10, 15, 16, 17
Procedural Duplication	4	Reqs 1, 2, 4, 6
Reporting Overhead	2	Reqs 11, 19
Structural Disproportionality	1	Req 21
Combined Burden	2	Reqs 5, 17
No Transaction Cost Identified	9	Reqs 8, 9, 12, 13, 14, 18, 20, 22

Documentation Inflation is the dominant transaction cost category by frequency, appearing in 7 of 22 requirements. This reflects the session's structural pattern: the circular's main mechanism of process inflation in §26 is the mandatory prescribing of specific document formats, enumerated content elements, and accounting presentations that exceed what forvaltningsloven independently requires. The underlying statutory provision (one permissive

sentence in §26) has generated a documentation architecture of decision content rules, detailed overviews, and inter-agency claim documents that operates across multiple distinct documents.

Structural Disproportionality, while appearing only once (Req 21), represents the session's most severe individual finding: the same-day dagpenger submission deadline creates a compliance obligation whose failure cost is catastrophic (total and irreversible loss of the refund right) while its operational execution is impossible to routinize at the case volumes typical of small municipalities. This is the most consequential single transaction cost finding and should be flagged for practical operational supplement in the circular revision, even though the underlying statutory obligation (Ftrl §22-7) cannot be eliminated through circular revision.

Synthesis observation for main report and Kill List deliverables: The §26 audit reveals a circular that has correctly identified and restated several forvaltningsloven obligations (Reqs 9, 12, 13, 14, 18) but has added a substantial layer of mandatory procedural methodology, enumerated content requirements, and classification frameworks onto a statutory provision that is entirely permissive. The primary intervention available through circular revision — without statutory change — is the systematic conversion of mandatory language in assessment sub-procedures and decision content requirements to permissive guidance, restoring the caseworker discretion that the statute's "kan" authorization implies. The one structurally disproportionate obligation (Req 21) requires not circular revision but operational support through information-sharing protocols and practical guidance for small offices.

SLUDGE AUDIT — § 27 MIDLERTIDIG BOTILBUD

Systematic Identification of Documentation Requirements and Procedural Obligations
Session reference: R-35 Para 27 | Instruments reviewed: Circular R-35, Veileder til sotjl. § 17, Veiviser for midlertidig botilbud, Nasjonal veileder for kriminalomsorg / Nav

---

PRELIMINARY METHODOLOGICAL NOTE

Requirement count differential:

The Process Inflation Findings (Reference Document) surface **17 requirements** for § 27. Starting from the circular paragraph alone (Context Document), an analyst would identify approximately **12–13 requirements** — those with explicit textual presence in R-35 Para 27 sections 4.27.1 through 4.27.2.5. This means the Process Inflation Findings surface **4–5 requirements that are entirely invisible from the circular**, and one further requirement (Requirement 17) where the circular contains related text but the operative instrument is a distinct national veileder that materially extends or specifies the circular's language.

Requirements with no textual presence in the circular:

Requirement	No circular presence	Source instrument	Instrument type
Req 11	Absent from R-35 Para 27 in its entirety	Veileder til sotjl. § 17	(b) a veileder
Req 14	Absent from R-35 Para 27 in its entirety	Veiviser for midlertidig botilbud	(d) a guidance document attached to or associated with a standard
Req 15	Absent as a standalone parental-responsibility framing (children mentioned in § 4.27.2.3 but not with this specific operational trigger)	Veiviser for midlertidig botilbud	(d) a guidance document
Req 16	Absent from R-35 Para 27 in its entirety	Veiviser for midlertidig botilbud	(d) a guidance document

Req 17	Partially present in circular (§ 4.27.2.3) but the operative source is a separate instrument that specifies and extends the circular's language	Nasjonal veileder for kriminalomsorg / Nav	(b) a veileder

Structural significance: Without the Process Inflation Findings as the reference document, Requirements 11, 14, 15, 16, and the extended dimension of Requirement 17 would fall entirely outside the scope of this audit. Four of these five invisible requirements carry double authority gaps or conflict with statutory law. This differential establishes the methodological necessity of using the Process Inflation Findings — rather than the circular alone — as the enumeration base.

STEP 1 — IDENTIFICATION OF ALL REQUIREMENTS

ID	Exact obligation	Source instrument	Explicit / Implicit	Circular presence
27-R01	Applications for temporary housing must be assessed on the same day they are received	R-35 Para 27 / PROC-REQ-27.1	Explicit	Present (§ 4.27.1.1)
27-R02	Information required from the applicant must be limited to the immediate concrete situation	R-35 Para 27 / PROC-REQ-27.2	Explicit	Present (§ 4.27.1.1)
27-R03	Nav must assess whether the temporary housing offer is suitable to meet the individual's needs	R-35 Para 27 / PROC-REQ-27.3	Explicit	Present (§ 4.27.2.2)
27-R04	Nav must ensure that the temporary housing offer used is forsvarlig (qualitatively adequate)	R-35 Para 27 / PROC-REQ-27.4	Explicit	Present (§ 4.27.2.2)
27-R05	Use of temporary housing must be limited in scope and duration; stays beyond 3 months should only exceptionally occur	R-35 Para 27 / PROC-REQ-27.5	Explicit	Present (§ 4.27.2.3)

27-R06	Temporary housing shall only exceptionally be used for families with children or young people and must never last more than three months for these groups	R-35 Para 27 / PROC-REQ-27.6	Explicit	Present (§ 4.27.2.3)
27-R07	When temporary housing is used, Nav must as far as possible immediately initiate measures to secure transition to permanent housing	R-35 Para 27 / PROC-REQ-27.7	Explicit	Present (§ 4.27.2.3)
27-R08	Nav must ensure that the service recipient is summoned to a follow-up conversation as soon as possible	R-35 Para 27 / PROC-REQ-27.8	Explicit	Present (§ 4.27.2.3)
27-R09	Nav must always assess the person's immediate here-and-now situation	R-35 Para 27 / PROC-REQ-27.9	Explicit	Present (§ 4.27.2.4)
27-R10	Decision on granting or refusing temporary housing is an enkeltvedtak subject to all requirements of forvaltningsloven and the Social Services Act	R-35 Para 27 / DOC-REQ-27.1	Explicit	Present (§ 4.27.1.1)
27-R11	What information, advice, and guidance the recipient has received must be described in the written decision on temporary housing	Veileder til sotjl. § 17 / DOC-REQ-27.4	Explicit (in source instrument)	**Absent** from R-35 Para 27
27-R12	If the service recipient cannot pay for temporary housing, Nav must assess whether they should be granted economic support (§ 18)	R-35 Para 27	Explicit	Present (§ 4.27.2.5)
27-R13	For recipients who cannot manage their interests in the housing market, housing and stabilization services should be part of an individual plan	R-35 Para 27	Explicit	Present (§ 4.27.2.3)

27-R14	If Nav cannot find an offer, or if the offer is not qualitatively forsvarlig, a deviation report (avvik) should be submitted	Veiviser for midlertidig botilbud	Explicit (in source instrument)	**Absent** from R-35 Para 27
27-R15	If the user has parental responsibility, special weight must be given to ensuring the needs of children and young people are protected	Veiviser for midlertidig botilbud	Explicit (in source instrument)	**Partially absent** — children mentioned in circular but specific parental-responsibility trigger absent
27-R16	Nav has a duty to refer to other administrative bodies where guidance needs exceed Nav's authority, and shall so far as possible ensure that those bodies provide assistance	Veiviser for midlertidig botilbud	Explicit (in source instrument)	**Absent** from R-35 Para 27
27-R17	Temporary housing shall only exceptionally be used at release from prison or discharge from institution; Nav should ensure direct transition to permanent housing for persons in these vulnerable phases	Nasjonal veileder for kriminalomsorg / Nav	Explicit	**Partially present** — circular addresses this at § 4.27.2.3 but the operative source extends and specifies it

---

STEP 2 — LEGAL AUTHORITY CHECK

27-R01 — Same-day evaluation

- Direction 1 (circular authority): YES. Present in § 4.27.1.1.
- Direction 2 (statutory authority): PARTIAL. The statute (lov-2009-12-18-131-§27) establishes an unconditional duty to provide housing for acute homelessness but is entirely silent on procedural timing. The same-day rule is a circular specification converting urgency context into a fixed administrative rule without statutory anchor. Process Inflation Finding PROC-REQ-27.1: "the statute is silent on procedural timing, granting wide discretion, but the circular imposes a fixed, mandatory 'same day' evaluation timeframe with no textual basis."
- Double authority gap: NO (circular authority present).
- Category error: NO.

27-R02 — Information limitation

- Direction 1 (circular authority): YES. Present in § 4.27.1.1.

- Direction 2 (statutory authority): PARTIAL. No statutory provision expressly limits the evidence-gathering process in this way. The process inflation finding PROC-REQ-27.2 identifies this as converting open discretion into a mandatory constraint. Connection to proportionality principles is arguable but not textualized in the statute.
- Double authority gap: NO.
- Category error: NO.

27-R03 — Suitability assessment

- Direction 1 (circular authority): YES. Present in § 4.27.2.2.
- Direction 2 (statutory authority): YES. This flows directly and necessarily from the statutory duty to provide adequate housing (§ 27 read with § 4 on forsvarlighet). PROC-REQ-27.3 classifies this as a substantive legal obligation with no identified gap.
- Double authority gap: NO.
- Category error: NO.

27-R04 — Ensuring forsvarlig housing

- Direction 1 (circular authority): YES. Present in § 4.27.2.2.
- Direction 2 (statutory authority): YES. Directly anchored in sosialtjenesteloven § 4 (krav til forsvarlighet). PROC-REQ-27.4 classifies this as a substantive legal obligation establishing an open normative standard.
- Double authority gap: NO.
- Category error: NO.

27-R05 — Duration limitation (3 months)

- Direction 1 (circular authority): YES. Present in § 4.27.2.3.
- Direction 2 (statutory authority): PARTIAL. The statute establishes that temporary housing is for acute homelessness and is not meant to last over time, but imposes no numerical duration threshold. The three-month reference is a circular specification. PROC-REQ-27.5 classifies this as a mandatory limitation rule on the substantive scope of the duty.
- Double authority gap: NO (circular authority present).
- Category error: NO.

27-R06 — Children/youth — never more than three months

- Direction 1 (circular authority): YES. Present in § 4.27.2.3, with absolute language ("aldri").
- Direction 2 (statutory authority): PARTIAL. The statute protects children through the forsvarlighet obligation and the duty to provide appropriate housing, but establishes no absolute duration ceiling. The word "aldri" in the circular creates an absolute rule exceeding what the statute requires. PROC-REQ-27.6 identifies this as establishing an absolute numerical ceiling without statutory authorization for the specific limit. Connection to Grunnloven § 104 and barnekonvensjonen is arguable for the protective dimension, but the specific quantitative cutoff is sub-legal.

- Double authority gap: NO (circular authority present).
- Category error: NO.

27-R07 — Immediate transition measures

- Direction 1 (circular authority): YES. Present in § 4.27.2.3.
- Direction 2 (statutory authority): PARTIAL. The statute is silent on follow-up obligations and contains no affirmative duty to initiate permanent housing measures. PROC-REQ-27.7: "the statute grants open discretion over post-placement follow-up and contains no affirmative duty for permanent housing, but the circular converts this into an immediate, time-pressured mandatory sequence." The word "umiddelbart" (immediately) has no statutory anchor.
- Double authority gap: NO.
- Category error: NO.

27-R08 — Follow-up conversation

- Direction 1 (circular authority): YES. Present in § 4.27.2.3.
- Direction 2 (statutory authority): NO. The statute is entirely silent on any follow-up obligation, and there is no provision in sosialtjenesteloven requiring a specific administrative summons to a follow-up meeting. PROC-REQ-27.8: "the statute is entirely silent on follow-up requirements, whereas the circular creates a fixed procedural communication duty qualified by urgency without any authorization."
- Double authority gap: NO (circular authority present), but statutory authority gap is confirmed.
- Category error: NO.

27-R09 — Here-and-now assessment

- Direction 1 (circular authority): YES. Present in § 4.27.2.4.
- Direction 2 (statutory authority): PARTIAL. The statute implies situational assessment through the requirement to evaluate each person's needs, but does not establish an absolute, exceptionless procedure. PROC-REQ-27.9: "the law implies situational assessment but leaves the method open; the circular turns this into an absolute, exceptionless mandatory procedure, eliminating all evidence-gathering flexibility."
- Double authority gap: NO.
- Category error: NO.

27-R10 — Enkeltvedtak requirement

- Direction 1 (circular authority): YES. Present in § 4.27.1.1.
- Direction 2 (statutory authority): YES. PROC-REQ-27.1 (Process Inflation Step 2, Requirement 10): "this correctly restates mandatory-closed legal classifications established by general administrative law and preparatory works." Forvaltningsloven §§ 2 and 23 anchor the enkeltvedtak classification. No gap.
- Double authority gap: NO.
- Category error: NO.

27-R11 — Document guidance/advice in the written decision

- Direction 1 (circular authority): NO. This requirement derives from Veileder til sotjl. § 17 and has no textual presence in R-35 Para 27. This constitutes a first-order authority gap: the requirement operates entirely outside the circular framework for § 27.
- Direction 2 (statutory authority): NO. The statute is silent on decision content beyond the general forvaltningsloven reasons requirement. DOC-REQ-27.4 states: "the statute is totally silent on decision content, but the circular [i.e., the veileder] imposes a fixed mandatory documentation requirement exceeding the general reasons required by the Public Administration Act." No sosialtjenesteloven provision anchors this specific content requirement.
- **Double authority gap: YES.** Neither circular (§ 27) nor statutory authority is present.
- Category error: NO (documentation of guidance is within the social services domain, though the source instrument belongs to § 17, not § 27).

27-R12 — Assess economic support if recipient cannot pay

- Direction 1 (circular authority): YES. Present in § 4.27.2.5.
- Direction 2 (statutory authority): PARTIAL. The obligation to assess § 18 economic support is anchored in § 18 of sosialtjenesteloven, but the sequential framing — assessing this as a downstream step within the § 27 process — is a circular construction. The orphan-requirement analysis in the Process Inflation Findings notes: "the requirement dictates a sequential evaluation process but there is no corresponding statutory text provided in the source to authorize or assess this duty."
- Double authority gap: NO.
- Category error: NO.

27-R13 — Individual plan for housing-market-challenged recipients

- Direction 1 (circular authority): YES. Present in § 4.27.2.3 (framed as "bør").
- Direction 2 (statutory authority): PARTIAL. Sosialtjenesteloven § 28 provides for individuell plan. Whether § 27 itself independently triggers a planning obligation for this user group is not established in statute. Process Inflation Findings: "the requirement relies on provisions for individual planning, but the associated statutory link is completely absent from the provided source document."
- Double authority gap: NO (circular authority present; statutory partial).
- Category error: NO.

27-R14 — Deviation report (avvik) if offer not found or inadequate

- Direction 1 (circular authority): NO. This requirement has no textual presence in R-35 Para 27. It derives entirely from the Veiviser for midlertidig botilbud. This constitutes a first-order authority gap.
- Direction 2 (statutory authority): NO. There is no provision in sosialtjenesteloven requiring Nav offices to submit formal deviation reports in quality management systems. The process inflation finding for orphan requirement 3 states: "the procedure dictates internal quality management and reporting, but lacks any identifiable statutory authorization or citation in the source."
- **Double authority gap: YES.**

- Category error: POSSIBLE. Formal deviation reporting (avvikshåndtering) as an operational system is primarily anchored in HMS frameworks (arbeidsmiljøloven § 3-1 on systematisk HMS-arbeid and internkontrollforskriften) rather than in social services law. Its application here to a case-outcome quality failure, mediated through administrative quality management systems (Compilo, ASYS, QM+), places this requirement at the intersection of labor/management law and social services administration. As a requirement imposed on Nav caseworkers within the social services normative framework, this constitutes a **category error**: the operative source domain is internkontroll/HMS, not sosialtjenesteloven.

27-R15 — Special weight to children's needs when user has parental responsibility

- Direction 1 (circular authority): PARTIAL. The circular addresses children and young people in § 4.27.2.3 (heightened requirements for the housing offer, prohibition on stigmatizing placement, right to privacy and study time), but does not frame this as a standalone trigger based on parental responsibility per se. The Veiviser provides the specific operational framing.
- Direction 2 (statutory authority): PARTIAL. Grunnloven § 104 and barnekonvensjonen Article 3 (barnets beste) provide constitutional and international law dimensions. Sosialtjenesteloven § 27 does not explicitly create a differentiated parental-responsibility trigger, though the forsvarlighet standard under § 4 is responsive to individual circumstances including dependents. Connection is arguable.
- Double authority gap: NO (partial circular, partial statutory).
- Category error: NO.

27-R16 — Referral to other administrative bodies

- Direction 1 (circular authority): NO. This requirement has no textual presence in R-35 Para 27. It derives from Veiviser for midlertidig botilbud. First-order authority gap.
- Direction 2 (statutory authority): PARTIAL. Forvaltningsloven § 17 establishes a general veiledningsplikt and a duty to guide users toward correct authorities. Sosialtjenesteloven § 17 provides a general guidance obligation. These provisions offer partial statutory support, but the specific framing in the Veiviser — using imperative language ("plikt," "skal") for referral when needs exceed Nav's authority — goes beyond what either provision expressly mandates. Process Inflation Findings: "the circular establishes a mandatory inter-agency coordination duty using strict language ('plikt,' 'skal'), yet identifies absolutely no legal basis or statutory link for it."
- **Double authority gap: YES** (no circular authority for § 27; partial but contested statutory authority).
- Category error: NO. The veiledningsplikt is a social services and administrative law obligation, not a different legal domain.

27-R17 — Restriction on temporary housing at prison release; direct transition to permanent housing

- Direction 1 (circular authority): PARTIAL. The circular at § 4.27.2.3 addresses this explicitly ("kun unntaksvis benyttes ved løslatelse fra fengsel") but the Process Inflation Findings source the operative requirement to the Nasjonal veileder for

kriminalomsorg / Nav, which specifies and potentially extends beyond the circular's language. The circular authority is present for the restriction but the national veileder is the operative instrument enforcing it.
- Direction 2 (statutory authority): NO / PARTIAL with conflict. The statutory right under § 27 is unconditional — it applies to all persons in the municipality regardless of background or history. The restriction creates a category-based exception to an unconditional statutory right. Process Inflation Findings: "the unconditional statutory right to housing is categorically restricted and appended with a transitional procedure without any cited legal basis, conflicting with the absolute duty confirmed by case law." This is not merely a gap but a potential statutory conflict.
- Double authority gap: NO for the circular dimension (authority partially present); YES in the sense that there is no statutory authority for the restriction and it may contradict existing statutory authority.
- Category error: NO.

STEP 3 — SCALE AND PROPORTIONALITY CHECK

Note: The Anchor Document (Volume Driver Findings) covers §§ 17, 18, 19, and 20a. No dedicated § 27 volume driver analysis is present. However, the structural mechanisms identified across those paragraphs — [D] Documentation Apparatus, [P] Procedural Continuity, [C] Coordination Infrastructure, [S] Specialization, [K] Competence Sustainability — are explicitly identified as cross-cutting mechanisms applicable to the normative framework as a whole. Scale flags below draw on structural analogies confirmed in the empirical record.

27-R01 — Same-day evaluation

- Scale flag: PARTIAL. The requirement does not itself presuppose organizational capacity, but in micro-offices (1–3 social services caseworkers, documented in Hole, Hjelmeland, Løten, Nav Numedal) the same-day rule creates acute procedural pressure during peak periods when multiple emergency cases arise simultaneously. Anchor Document Cluster 2 (role-separation impossibility) confirms that small offices cannot absorb simultaneous procedural demands across multiple mandatory pipeline steps. The same-day obligation operationally compounds with the enkeltvedtak requirement (27-R10), creating a formalization stack under acute time pressure.

27-R02 — Information limitation

- Scale flag: NO. This requirement functions as a constraint reducing burden. It does not presuppose organizational capacity. No scale issue identified.

27-R03 — Suitability assessment

- Scale flag: PARTIAL. In municipalities with limited housing stock or no existing agreements with temporary housing providers, the substantive assessment obligation cannot be adequately discharged. Anchor Document Part 1 / Latent Driver 1 notes

that purchased/outsourced service arrangements introduce coordination complexity that scales poorly in small offices. An office that has never established supplier relationships faces structural barriers to meaningful suitability assessment.

27-R04 — Ensuring forsvarlig housing

- Scale flag: PARTIAL. The circular at § 4.27.2.2 recommends ("bør") quality agreements with suppliers. In small municipalities with minimal purchasing power and no specialist procurement capacity, systematic quality assurance of temporary housing providers is structurally difficult. Anchor Document Cluster 2 (internal control apparatus) confirms that small offices lack back-office capacity for structured quality management functions. The burden falls on a caseworker simultaneously serving as assessor, approver, and quality controller.

27-R05 — Duration limitation

- Scale flag: YES. The requirement to limit duration of temporary housing use presupposes the existence of alternative housing pathways (permanent housing stock, municipal housing, assisted transitions). In small municipalities with limited housing markets, the operational infrastructure needed to execute this obligation does not exist. Anchor Document Part 4 (Tier 1 structural drivers) identifies housing-related transitions as among the most capacity-demanding obligations — requiring coordination infrastructure that small offices cannot sustain.

27-R06 — Children/youth — never more than three months

- Scale flag: YES. The absolute three-month prohibition for children presupposes that Nav can practically secure alternative permanent or semi-permanent housing within that window. In small municipalities with tight housing markets — exactly the profile documented as structurally vulnerable throughout the Anchor Document (rural municipalities, 2,000–10,000 inhabitants) — this structural precondition cannot be reliably met. The prohibition transforms a resource constraint into a legal violation. This is a structurally disproportionate burden: the requirement is functionally unsupported by circular guidance on what Nav should do when the structural precondition is absent.

27-R07 — Immediate transition measures

- Scale flag: YES. "As far as possible immediately" presupposes that permanent housing alternatives are accessible to Nav on short notice. The Anchor Document confirms (Cluster 3: Generalist-Specialist Interface Failure; Part 4 / Driver B) that coordination with housing services is among the requirements most sensitive to organizational capacity. In small offices, immediate transition measures require inter-agency coordination capacity that the Anchor Document identifies as consistently absent. This requirement lacks circular authority to impose a burden of this structural magnitude, meaning the transaction cost falls entirely outside the circular's guidance framework.

27-R08 — Follow-up conversation

- Scale flag: PARTIAL. The urgency qualifier ("snarest mulig") assumes scheduling capacity. In single-caseworker configurations, scheduling a follow-up on top of same-day assessment and immediate transition measures creates a procedural continuity requirement functionally identical to those documented in [P] findings across the Anchor Document (Clusters 1 and 2 of the § 17 compliance stack). Anchor Document Section 2: "a pipeline cannot become habitual when triggered fewer than 10–15 times per year." § 27 cases in small municipalities may be rare enough that no repeatable procedure forms.

27-R09 — Here-and-now assessment

- Scale flag: NO. The here-and-now assessment obligation does not presuppose organizational capacity beyond individual caseworker judgment. No scale issue identified.

27-R10 — Enkeltvedtak

- Scale flag: PARTIAL. Issuing a formal enkeltvedtak same-day under procedural time pressure compounds with documentation requirements in a manner consistent with the [D] + [P] stack documented throughout the Anchor Document. The formalization pipeline (assess → decide → document → issue) must be completed same-day; in small offices this creates a structural compliance risk identical in mechanism to the § 17 pipeline failures documented in the Anchor Document's dominant empirical finding.

27-R11 — Document guidance in decision (Veileder § 17)

- Scale flag: YES. Lacks circular authority (§ 27). The requirement to document specific advisory content within the written decision adds a documentation layer to an already time-pressured same-day process. Anchor Document Section 2 ([D] Documentation Apparatus): "the dominant empirical driver" is the obligation to translate informal conversational service delivery into formal administrative artefacts. This requirement replicates that mechanism in the § 27 context without any circular framework providing guidance — caseworkers must comply with a documentation obligation that the primary normative instrument governing their work does not address.

27-R12 — Economic support assessment

- Scale flag: PARTIAL. The sequential assessment requirement (housing → then assess § 18 need) creates a two-step procedural chain that functions as a [P] obligation. In same-day processing, both steps must occur simultaneously under acute time pressure. The Anchor Document's analysis of procedural continuity (Section 2, [P]) confirms this pattern as a significant compliance driver.

27-R13 — Individual plan

- Scale flag: YES. Individual plans under § 28 require inter-agency coordination, planning meetings, documented agreements, and sustained follow-up. Anchor

Document Cluster 2 (Role-Separation Impossibility) and Cluster 3 (Generalist-Specialist Interface) confirm that formal coordination infrastructure is among the most consistently unachievable requirements for small offices. The Anchor Document identifies formalized inter-agency coordination agreements as "a Track A candidate" — sub-legal requirements that penalize informal but functional small-office coordination. An individual plan obligation within the § 27 process compounds this burden.

27-R14 — Deviation report (Veiviser)

- Scale flag: YES. Lacks circular authority. Formal deviation reporting systems (Compilo, ASYS, QM+, Riskmanager) are identified in the Anchor Document as among the most structurally disproportionate internal control requirements for small offices. Anchor Document Cluster 2: the Compilo/ASYS problem — "multiple reports document municipalities where the deviation software is physically inaccessible to Nav caseworkers because it sits in the municipal IT environment to which they lack credentials." A deviation reporting requirement for § 27 quality failures, derived from a guidance document rather than the circular, imposes a transaction cost that the circular provides no framework for, in a system that small offices structurally cannot access.

27-R15 — Special attention to children's needs

- Scale flag: PARTIAL. Requires caseworkers to assess and apply special weight to children's needs — a competence domain the Anchor Document identifies as generating frequent [K] (competence sustainability) and [D] (documentation) failures. Anchor Document Cluster 3 (Child Perspective Documentation): "a generalist who encounters child-welfare assessments infrequently cannot reasonably be expected to both maintain the substantive competence [K] and execute the documentation pipeline [D] to the standard assumed."

27-R16 — Referral to other bodies (Veiviser)

- Scale flag: YES. Lacks circular authority. The requirement to ensure other bodies provide assistance ("så vidt mulig sørge for at andre instanser gir hjelp") implies coordination infrastructure and follow-through beyond referral. Anchor Document Section 2 ([C] Coordination Infrastructure, sub-type ii): "external coordination — the requirement for written inter-agency agreements — produces sanctions when small municipalities rely on informal case-by-case contact." A mandatory referral-and-follow-through obligation from a sub-legal instrument amplifies this structural burden without regulatory foundation in the circular.

27-R17 — Prison/institution release restriction (National veileder)

- Scale flag: PARTIAL. The requirement to secure direct transition to permanent housing for this specific group presupposes coordination with criminal justice/health institutions and housing authorities. In small municipalities, inter-institutional coordination of this complexity cannot be routinely sustained. Anchor Document Cluster 3 and Part 4 (Driver D: internal control architecture) confirm that coordination

obligations calibrated for larger organizational contexts impose disproportionate burden in small settings.

STEP 4 — PURPOSE CLASSIFICATION

27-R01 — Same-day evaluation [MIXED] — Primary: USER NEED. The same-day rule protects against bureaucratic delay in a situation of acute need. Secondary: INTERNAL CONTROL. By converting contextual urgency into a fixed administrative rule, the circular creates a procedural standard that functions simultaneously as a compliance audit marker. The language ("må vurderes samme dag") is framed as a service obligation but operationally functions as a procedural benchmark. User protection is the primary driver; the standardized timing serves administrative traceability as a secondary function.

27-R02 — Information limitation [USER NEED] — The requirement exclusively protects the applicant from disproportionate information demands in a crisis situation. The language ("begrenses til den konkrete situasjon") is directional: it reduces administrative friction on the user side. No internal control function is served. No transaction cost burden is identified for this requirement.

27-R03 — Suitability assessment [USER NEED] — The requirement establishes the legal adequacy threshold for the housing offer. The language in § 4.27.2.2 ("ivareta disse behovene") is directly oriented toward the service outcome for the individual. Internal control is not the purpose or effect. No transaction cost burden is identified.

27-R04 — Ensuring forsvarlig housing [USER NEED] — Directly establishes the quality standard for the housing delivered. Rooted in § 4 on forsvarlighet. The language ("sikre at det midlertidige botilbudet som benyttes er forsvarlig") is outcome-oriented toward the user's welfare. No transaction cost burden is identified.

27-R05 — Duration limitation [MIXED] — Primary: USER NEED. Preventing indefinite placement in temporary housing protects users from entrenchment in unsuitable arrangements. Secondary: INTERNAL CONTROL. The three-month threshold functions as an administrative monitoring marker — a trigger for case review and escalation. The language ("begrenses i omfang og lengde") suggests operational constraint as much as individual protection. User welfare is the primary purpose; administrative tracking is secondary.

27-R06 — Children/youth — never more than three months [MIXED] — Primary: USER NEED. The protection of children from prolonged unsuitable placements is the clear substantive aim. Secondary: INTERNAL CONTROL. The absolute prohibition ("aldri") functions as a compliance bright line that is instrumentalized for supervisory purposes rather than calibrated to individual circumstances. Where the bright line overrides professional judgment about a specific child's best interests, the internal control function becomes dominant. User protection is the primary stated purpose; the absolute rule serves administrative certainty as a secondary function.

27-R07 — Immediate transition measures [MIXED] — Primary: USER NEED. Securing transition to permanent housing serves the individual's long-term welfare. Secondary: INTERNAL CONTROL. The time-pressure element ("umiddelbart") converts a welfare orientation into a procedural obligation that is measurable and auditable. The Anchor Document identifies this type of obligation as a [P] Procedural Continuity driver: the formalization of welfare-oriented action into a timed administrative sequence primarily serves compliance monitoring. The user benefit is real but does not require the urgency qualification.

27-R08 — Follow-up conversation [MIXED] — Primary: USER NEED. Summoning the recipient to a follow-up conversation is structurally user-protective and supports the transition to permanent housing. Secondary: INTERNAL CONTROL. The specific obligation to "sørge for at tjenestemottaker innkalles" — the formal administrative act of summoning — goes beyond the substantive user-benefit purpose and creates a documentable procedural step whose primary operational function is compliance demonstration. The urgency qualifier ("snarest mulig") is an internal control marker with no statutory basis.

27-R09 — Here-and-now assessment [USER NEED] — The requirement protects users from being assessed on the basis of prior history or moral judgment rather than current need. The language ("alltid vurdere personens situasjon her og nå") is protective in purpose and directly serves the fairness of the individual assessment. The conversion into an absolute exceptionless procedure adds an internal control dimension, but the protective purpose is primary and the mechanism directly serves case quality. No material transaction cost burden identified beyond what the substantive obligation itself requires.

27-R10 — Enkeltvedtak [USER NEED] — The classification of the decision as enkeltvedtak directly enables the user's right to appeal, to be given reasons, and to be protected by the procedural requirements of forvaltningsloven. This is a legal protection mechanism with no primary internal control function. No transaction cost burden is identified.

27-R11 — Document guidance in decision (Veileder § 17) [INTERNAL CONTROL] — The requirement to include a description of the advice and guidance provided in the written decision serves a documentation and traceability function within the administrative system. There is no direct bearing on the user's case outcome — the user has already received the guidance regardless of whether it is documented in the decision. The Veileder's language creates a content requirement for the written decision that exceeds what is necessary for user legal protection (the reasons requirement under forvaltningsloven already ensures the decision is reasoned) and serves primarily to create an auditable record of the advice interaction. This is a documentation inflation requirement.

27-R12 — Economic support assessment [MIXED] — Primary: USER NEED. Ensuring that the recipient can actually remain in the temporary housing by receiving economic support directly serves the person's welfare. Secondary: INTERNAL CONTROL. The framing as a mandatory sequential assessment step ("må Nav-kontoret vurdere") creates a procedural trigger that functions as an administrative pipeline step, ensuring the dual-assessment is documented and traceable. The user benefit is the primary purpose; the sequential documentation requirement is secondary.

27-R13 — Individual plan [MIXED] — Primary: USER NEED. Individual plans are meant to coordinate services around the user's needs and create a pathway to stable housing. Secondary: INTERNAL CONTROL. In practice, individual plans as administrative instruments require extensive documentation, inter-agency sign-off, and formal review cycles. The Anchor Document identifies individual plan obligations as [C] Coordination Infrastructure requirements that impose disproportionate burden on small offices. The administrative overhead of maintaining a plan serves systemic accountability functions as much as it directly serves the individual user.

27-R14 — Deviation report (Veiviser) [INTERNAL CONTROL] — The requirement to submit a deviation report when an offer cannot be found or is inadequate serves an entirely internal quality management function. The user receives no direct benefit from the existence of the report: the relevant action for the user is securing an adequate offer, not documenting the failure in an administrative system. The language ("bør det sendes avvik") uses the deviation system as a quality management mechanism internal to the administrative apparatus. This is a pure internal control requirement.

27-R15 — Special attention to children's needs [USER NEED] — The requirement to give special weight to children's needs directly serves the substantive protection of dependent children. The language ("særlig vekt på at barn og unges behov blir ivaretatt") is outcome-oriented. Its basis in barnekonvensjonen Article 3 and Grunnloven § 104 confirms the user-protective function. The Anchor Document identifies child-perspective assessment as [USER NEED] even where documentation failures are systemic. No material transaction cost burden identified for the substantive assessment itself.

27-R16 — Referral to other bodies (Veiviser) [MIXED] — Primary: USER NEED. Referring users to appropriate bodies and ensuring they receive help beyond Nav's mandate serves the user's broader welfare and prevents cases falling through administrative gaps. Secondary: INTERNAL CONTROL. The imperative framing ("plikt," "skal") and the addition of a follow-through obligation ("sørge for at andre instanser gir hjelp") creates a documentable coordination step that goes beyond the user-protective purpose of referral and imposes inter-agency tracking obligations that serve administrative accountability.

27-R17 — Prison/institution release restriction (National veileder) [INTERNAL CONTROL] toward a specific user group, with adverse user impact. The restriction element ("kun unntaksvis") functions not as user protection but as a categorical limitation that arguably harms the affected user group by narrowing the unconditional statutory right. The transition-to-permanent-housing aspiration ("bør sikre direkte overgang") is user-beneficial, but the restriction component serves an administrative categorization function that is not authorized by statute. Classification in relation to social services users: the restriction is an administrative boundary-setting measure; the transition aspiration is USER NEED. The net purpose as applied to the affected users is [MIXED] with the internal control/administrative categorization element primary in the restriction component.

STEP 5 — TRANSACTION COST CHARACTERIZATION

27-R01 [MIXED] — Same-day evaluation What must the caseworker do: Receive, register, and formally evaluate the application on the same day, regardless of workload or time of receipt. In a one-or-two caseworker office, this must occur even when the caseworker is handling other emergency cases, absent from the office, or receives the application late in the working day. The documentation of this evaluation must be traceable to the date of receipt. The transaction cost is the combination of procedural time pressure and documentation requirement under crisis conditions. Because the requirement has circular authority, the caseworker has a normative framework to reference — but the specific timing rule has no statutory anchor, meaning the circular is generating a compliance obligation (and associated liability if breached) on the basis of its own authority alone.

27-R05 [MIXED] — Duration limitation What must the caseworker/leader do: Monitor the duration of every active temporary housing placement, identify cases approaching three months, initiate escalation procedures, document the basis for any exception, and ensure case-by-case justification for prolonged use. This is an ongoing portfolio management function requiring systematic case tracking in addition to frontline service delivery. The Anchor Document ([C] Coordination Infrastructure, Cluster 2 on internal control apparatus) identifies portfolio-level monitoring as a function that cannot be structurally sustained in offices where the manager is simultaneously the frontline caseworker. The three-month marker functions as a compliance tripwire generating administrative activity internal to the organization.

27-R06 [MIXED] — Children/youth, never more than three months What must the caseworker/leader do: Track placement duration for all users with dependent children; initiate emergency alternative housing procedures before the three-month threshold; document every exception; demonstrate active efforts to secure alternatives. The absolute "aldri" language means no exception is legally permissible, even when the structural precondition (available permanent housing) is absent. The caseworker must document both the breach and the efforts made, creating a compliance record that simultaneously establishes the violation and the mitigating context. This is a structurally disproportionate burden because the obligation requires the caseworker to perform an impossible act (secure permanent housing within three months in markets where none is available) while simultaneously creating a full documentation trail of the impossibility.

27-R07 [MIXED] — Immediate transition measures What must the caseworker do: Simultaneously with (or immediately after) issuing the temporary housing decision, document the initiation of transition measures — contacting housing services, opening a housing case, identifying alternatives. The word "umiddelbart" creates a parallel procedural obligation that runs concurrently with the emergency response. In a one-person operation, the caseworker must document immediate action on permanent housing at the same moment they are managing an acute crisis. The transaction cost operates **outside any circular guidance framework** for the specific urgency timing: the circular imposes the obligation but provides no procedural scaffolding for how the immediate transition documentation is to be structured or recorded.

27-R08 [MIXED] — Follow-up conversation What must the caseworker do: Schedule, document the scheduling of, and record the outcome of a formal follow-up conversation in the case file, within an unspecified but urgency-qualified timeframe ("snarest mulig"). This

creates three distinct documentation steps: scheduling record, invitation record, and outcome record. In a small office where all § 27 cases are handled by the same generalist, this is an administrative formalization of what would otherwise be natural ongoing contact. The transaction cost falls **outside the statutory framework** for this obligation: the statute does not authorize the follow-up requirement, so the caseworker is generating an administrative record for a procedural obligation that exists only in the circular and whose normative force is therefore dependent on the circular's authority alone.

27-R11 [INTERNAL CONTROL] — Document guidance in decision What must the caseworker do: Reconstruct and document, within the formal written decision on temporary housing, a specific account of what advice and guidance has been provided to the recipient during the interaction — including the content of conversations, information given, and references provided. This is in addition to the standard reasons requirement under forvaltningsloven. The caseworker must (a) track and record the advice interaction in real time, (b) translate this into formal decision language, and (c) ensure the decision content satisfies the guidance-documentation standard of a veileder for a different statutory provision (§ 17) that has been applied to the § 27 decision without circular authority. The transaction cost falls **entirely outside the circular framework for § 27**: the caseworker must comply with a documentation obligation that the primary normative instrument governing their § 27 work (R-35 Para 27) does not address, derived from a veileder for a different statutory provision.

27-R12 [MIXED] — Economic support assessment What must the caseworker do: Assess, document, and potentially issue a separate decision on § 18 economic support within the same processing chain as the § 27 housing decision, on the same day, under emergency time pressure. Two parallel administrative pipelines (§ 27 housing + § 18 support) must run concurrently. The sequential obligation creates a two-step formalisation chain that compounds the same-day timing requirement. In small offices this creates documentation and decision-making demands that cannot be meaningfully separated into distinct procedural steps under the time pressure.

27-R13 [MIXED] — Individual plan What must the caseworker/leader do: Assess whether the recipient qualifies for an individual plan; initiate inter-agency consultation; draft plan content; coordinate with other service providers; document the plan and its components; conduct regular reviews. This is an ongoing coordination and documentation obligation of significant administrative weight. The circular uses "bør" language, but in practice this advisory framing is frequently operationalized as expected practice. The transaction cost falls in a domain confirmed as structurally overloading for small offices throughout the Anchor Document: [C] Coordination Infrastructure for individual plans requires inter-agency administrative capacity that small municipalities consistently lack.

27-R14 [INTERNAL CONTROL] — Deviation report What must the caseworker/leader do: Access the formal deviation management system (Compilo, ASYS, QM+, or equivalent); categorize the quality failure; submit a formal deviation entry; ensure the report is reviewed by the appropriate authority; document follow-up action. The Anchor Document identifies this specific requirement as a structural impossibility in many small offices due to IT system fragmentation (the Compilo/ASYS problem: caseworkers lack credentials for municipal quality systems). The transaction cost falls **entirely outside the circular framework**: no

circular provision for § 27 authorizes or guides this obligation, meaning the caseworker must comply with a quality management procedure that the primary normative instrument does not address, derived from a guidance document with no statutory anchor, using IT systems they may not be able to access. The category error dimension adds a further layer: the caseworker is being asked to perform an HMS/internkontroll function within a social services workflow.

27-R16 [MIXED] — Referral to other bodies What must the caseworker do: Assess whether the user's guidance needs exceed Nav's authority; identify the appropriate external body; make the referral; document both the referral and active follow-through steps to ensure the external body provides assistance ("sørge for at andre instanser gir hjelp"); archive the coordination record. The follow-through obligation — ensuring the other body actually helps — goes well beyond referral and creates a monitoring and documentation obligation that extends the caseworker's responsibility into coordination with external systems. The transaction cost falls **entirely outside the circular framework**: the circular contains no provision for this referral obligation in the § 27 context, and the Veiviser's imperative language ("plikt," "skal") creates an obligation without regulatory foundation in the primary instrument.

27-R17 [MIXED] — Prison/institution release restriction What must the caseworker/leader do: Identify applicants who have been released from prison or discharged from institutions; apply the exceptional-use threshold to this group; document the basis for any use; initiate immediate permanent housing transition procedures; coordinate with correctional services or health institutions for pre-release planning. The planning obligation ("bør sikre direkte overgang") implies pre-release coordination with external agencies well before the § 27 application is made, creating a proactive administrative obligation. The restriction element requires the caseworker to apply a categorical rule that potentially conflicts with the unconditional statutory right — meaning they must simultaneously adhere to the national veileder's restriction and comply with the statutory obligation to serve anyone in acute need. This normative conflict creates legal uncertainty that the caseworker must absorb individually.

Requirements classified as [USER NEED] where no transaction cost burden is identified: 27-R02, 27-R03, 27-R04, 27-R09, 27-R10, 27-R15. These requirements serve the quality, fairness, or legal security of the user's case assessment and do not generate a documentation or procedural burden exceeding what the substantive obligation itself requires.

STEP 6 — CATALOG ENTRIES

REQUIREMENT ID: 27-R01 **PROVISION TEXT:** Applications for temporary housing must be assessed on the same day they are received **SOURCE INSTRUMENT:** Circular R-35 Para 27 / PROC-REQ-27.1 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — statute is silent on procedural timing; same-day rule is a circular specification without

statutory anchor (Process Inflation Finding PROC-REQ-27.1) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — compounds with enkeltvedtak and transition obligations under acute time pressure in single-caseworker offices; structurally analogous to [P] Procedural Continuity failures documented across Anchor Document **PURPOSE:** MIXED — primary USER NEED (prevents delay in acute crisis), secondary INTERNAL CONTROL (creates auditable compliance marker for timing) **BURDEN DESCRIPTION:** Caseworker must register, assess, and formally document the application outcome on the date of receipt regardless of workload. Compounds with same-day enkeltvedtak, economic support assessment, and transition measure obligations. Circular provides the framework but no statutory anchor exists — the compliance risk is borne at the caseworker level on circular authority alone. **KILL LIST CLASSIFICATION:** Category C — Clarification. The same-day rule is user-protective in purpose but needs explicit acknowledgment of what constitutes compliance when organizational capacity is genuinely exhausted (concurrent emergencies, late-day receipt). The current absolute framing eliminates all discretion in situations where same-day formalization is structurally impossible; clarification of permissible adaptations would reduce shadow binding without removing the protective core. **TRANSACTION COST CATEGORY:** Procedural Duplication (same-day pipeline across multiple simultaneous obligations); Structural Disproportionality (in micro-offices)

REQUIREMENT ID: 27-R02 **PROVISION TEXT:** Information required from the applicant must be limited to the immediate concrete situation **SOURCE INSTRUMENT:** Circular R-35 Para 27 / PROC-REQ-27.2 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — proportionality principle arguable but not textualized; circular imposes a mandatory limitation rule on evidence-gathering (Process Inflation Finding PROC-REQ-27.2) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — exclusively protects applicant from disproportionate information demands in crisis **BURDEN DESCRIPTION:** No transaction cost burden identified. The requirement reduces administrative friction on the user side. **KILL LIST CLASSIFICATION:** No Kill List Action — requirement is user-protective, has circular authority, and does not generate disproportionate burden. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: 27-R03 **PROVISION TEXT:** Nav must assess whether the temporary housing offer is suitable to meet the individual's needs **SOURCE INSTRUMENT:** Circular R-35 Para 27 / PROC-REQ-27.3 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — flows directly from § 27 read with § 4 on forsvarlighet; classified as substantive legal obligation (Process Inflation Finding PROC-REQ-27.3) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — structural preconditions (available housing providers, established supplier relationships) absent in some small municipalities; Anchor Document Latent Driver 2 (steering of purchased/external services) flags coordination complexity in small offices **PURPOSE:** USER NEED — establishes the legal adequacy threshold for the housing offer; directly affects case outcome **BURDEN DESCRIPTION:** No transaction cost burden identified beyond the substantive

assessment itself. **KILL LIST CLASSIFICATION:** No Kill List Action — sufficient legal authority, user-protective purpose. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: 27-R04 **PROVISION TEXT:** Nav must ensure that the temporary housing offer used is forsvarlig (qualitatively adequate) **SOURCE INSTRUMENT:** Circular R-35 Para 27 / PROC-REQ-27.4 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — directly anchored in sosialtjenesteloven § 4; classified as substantive legal obligation (Process Inflation Finding PROC-REQ-27.4) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — quality assurance of suppliers is a function the Anchor Document identifies as falling within the [C] Coordination Infrastructure gap for small offices; "bør"-qualified quality agreements presuppose procurement capacity **PURPOSE:** USER NEED — establishes quality standard for delivered housing; directly affects user welfare **BURDEN DESCRIPTION:** No transaction cost burden identified for the substantive standard. The recommended quality agreements ("bør inngås kvalitetsavtaler") carry potential documentation overhead but are advisory in the circular. **KILL LIST CLASSIFICATION:** No Kill List Action — sufficient legal authority, user-protective purpose. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: 27-R05 **PROVISION TEXT:** Use of temporary housing must be limited in scope and duration; stays beyond 3 months should only exceptionally occur **SOURCE INSTRUMENT:** Circular R-35 Para 27 / PROC-REQ-27.5 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — statute establishes temporary housing as time-limited in nature but imposes no numerical duration threshold; three-month reference is a circular specification (Process Inflation Finding PROC-REQ-27.5) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** YES — operational compliance requires alternative housing pathways that are structurally absent in small municipalities with limited housing markets; Anchor Document Part 4 (Tier 1 drivers) identifies housing-related transition coordination as capacity-demanding beyond small-office means **PURPOSE:** MIXED — primary USER NEED (prevents entrenchment in unsuitable temporary arrangements), secondary INTERNAL CONTROL (three-month threshold creates auditable compliance marker) **BURDEN DESCRIPTION:** Caseworker must maintain active portfolio monitoring of placement duration; initiate escalation procedures approaching three months; document exception justification for prolonged cases. This is a portfolio management function that presupposes case-tracking capacity the Anchor Document identifies as consistently absent in small offices. **KILL LIST CLASSIFICATION:** Category C — Clarification. The three-month reference is a sub-legal specification for a user-protective principle. Explicit clarification that this is a guideline threshold subject to local housing market conditions — rather than a bright-line compliance marker — would reduce shadow binding and restore professional judgment to the exception assessment. **TRANSACTION COST CATEGORY:** Documentation Inflation (exception documentation); Structural Disproportionality (portfolio monitoring in micro-offices)

REQUIREMENT ID: 27-R06 **PROVISION TEXT:** Temporary housing shall only exceptionally be used for families with children or young people and must never last more than three months for these groups **SOURCE INSTRUMENT:** Circular R-35 Para 27 / PROC-REQ-27.6 **CIRCULAR AUTHORITY:** PRESENT — with absolute language ("aldri") **LEGAL AUTHORITY:** PARTIAL — protective purpose derives from Grunnloven § 104 and barnekonvensjonen Article 3, but the specific absolute duration ceiling has no statutory anchor; classified as establishing an "absolute numerical duration ceiling without statutory authorization" (Process Inflation Finding PROC-REQ-27.6) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** YES — the absolute prohibition presupposes that permanent housing alternatives are accessible within the three-month window; structurally impossible in tight housing markets; Anchor Document confirms this type of requirement generates Structural Disproportionality when operational preconditions are absent **PURPOSE:** MIXED — primary USER NEED (protection of children from prolonged inappropriate placement), secondary INTERNAL CONTROL (absolute bright-line rule serves supervisory enforcement rather than individual best-interest analysis; "aldri" eliminates contextual judgment) **BURDEN DESCRIPTION:** Caseworker must simultaneously track duration, initiate impossible housing transitions in constrained markets, document every exception, and create compliance records that establish the violation while demonstrating mitigation efforts. The absolute prohibition converts a resource constraint into a documented legal breach. Because the circular requires the impossible in housing-constrained municipalities, the transaction cost is structurally disproportionate. **KILL LIST CLASSIFICATION:** Category B — Status Change. The "aldri" formulation uses absolute imperative language for a protective principle that must necessarily accommodate exceptional circumstances. Reformulation to permissive language ("shall not exceed three months except in documented circumstances where alternative housing is unavailable despite active efforts") would restore local professional judgment in impossible situations while retaining the protective intent. The bright-line absolute rule currently causes caseworkers to accumulate mandatory documentation of breaches they cannot prevent. **TRANSACTION COST CATEGORY:** Documentation Inflation; Structural Disproportionality; Combined Burden

---

REQUIREMENT ID: 27-R07 **PROVISION TEXT:** When temporary housing is used, Nav must as far as possible immediately initiate measures to secure transition to permanent housing **SOURCE INSTRUMENT:** Circular R-35 Para 27 / PROC-REQ-27.7 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — statute contains no affirmative duty for permanent housing transition; circular converts open discretion into immediate mandatory sequence (Process Inflation Finding PROC-REQ-27.7) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** YES — "immediately" presupposes accessible housing pathways; Anchor Document Cluster 3 (Generalist-Specialist Interface Failure) confirms inter-agency coordination for housing transitions is structurally unavailable in small offices; Anchor Document Cluster 2 identifies coordination infrastructure as a dominant compliance failure mechanism **PURPOSE:** MIXED — primary USER NEED (securing permanent housing serves long-term welfare), secondary INTERNAL CONTROL ("umiddelbart" creates a timed procedural obligation whose urgency qualifier serves compliance measurement rather than user benefit) **BURDEN DESCRIPTION:** Caseworker must, concurrently with issuing the emergency housing decision, document the initiation of

permanent housing measures. This dual-track same-day obligation creates a [P] Procedural Continuity demand. The urgency qualifier operates entirely outside the circular's normative framework for timing: the circular imposes "umiddelbart" but the statute does not, meaning the caseworker bears compliance risk on circular authority alone. Burden confirmed as structurally disproportionate in small municipalities without housing coordination infrastructure. **KILL LIST CLASSIFICATION:** Category B — Status Change. The word "umiddelbart" (immediately) converts a welfare-oriented obligation into a timed procedural requirement with no statutory basis. Reformulation removing the urgency qualifier and replacing it with "as soon as circumstances permit" would restore professional judgment about sequencing without eliminating the substantive duty to initiate permanent housing transitions. **TRANSACTION COST CATEGORY:** Procedural Duplication; Structural Disproportionality

---

REQUIREMENT ID: 27-R08 **PROVISION TEXT:** Nav must ensure that the service recipient is summoned to a follow-up conversation as soon as possible **SOURCE INSTRUMENT:** Circular R-35 Para 27 / PROC-REQ-27.8 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** NO — statute entirely silent on follow-up obligations; circular creates fixed procedural duty qualified by urgency without statutory authorization (Process Inflation Finding PROC-REQ-27.8) **DOUBLE AUTHORITY GAP:** NO (circular authority present) **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — scheduling a formal follow-up conversation in small offices compounds with other concurrent procedural obligations; analogous to [P] Procedural Continuity failures documented in Anchor Document; follow-up pipeline creates documentation obligation (scheduling, invitation, outcome) that cannot become habitual at low case volumes **PURPOSE:** MIXED — primary USER NEED (follow-up supports transition to permanent housing), secondary INTERNAL CONTROL (the formal "innkalles" obligation — the administrative act of summoning — creates a documentable procedural step that goes beyond the user-benefit purpose and serves compliance demonstration) **BURDEN DESCRIPTION:** Caseworker must document scheduling of follow-up, record the invitation, and archive the outcome conversation. Three distinct documentation steps for a meeting that in small offices would naturally occur through ongoing case contact. The urgency qualifier "snarest mulig" creates a compliance timing risk without statutory foundation. Because the obligation has no statutory anchor, caseworkers must comply with a procedural requirement that the primary law governing their work does not address; the circular is the sole normative basis. **KILL LIST CLASSIFICATION:** Category B — Status Change. The obligation to "sørge for at tjenestemottaker innkalles til oppfølgingssamtale snarest mulig" imposes imperative language for a follow-up procedure with no statutory anchor. Reformulation to permissive language ("follow-up should be arranged in a manner appropriate to the individual's situation") would preserve the professional good-practice intent while restoring local discretion over timing and format. **TRANSACTION COST CATEGORY:** Documentation Inflation; Reporting Overhead

---

REQUIREMENT ID: 27-R09 **PROVISION TEXT:** Nav must always assess the person's immediate here-and-now situation **SOURCE INSTRUMENT:** Circular R-35 Para 27 / PROC-REQ-27.9 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL —

statute implies situational assessment but leaves method open; circular converts implied assessment into absolute exceptionless mandatory procedure (Process Inflation Finding PROC-REQ-27.9) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — protects users from assessment based on history or moral judgment; directly serves fairness of individual assessment; the "always" qualifier, while converting an implied obligation into an absolute rule, does not generate an internal control function beyond the substantive protection **BURDEN DESCRIPTION:** No transaction cost burden identified. The here-and-now assessment is a substantive professional judgment directly serving the case outcome. The absolute framing eliminates procedural discretion but does not create documentation overhead beyond the assessment itself. **KILL LIST CLASSIFICATION:** Category C — Clarification. The "alltid" (always) formulation could create ambiguity about whether evidence from prior interactions may ever inform the present assessment (for continuity purposes). Clarification that here-and-now means the basis for the decision rather than a prohibition on using relevant background information would reduce interpretive uncertainty without undermining the protective core. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: 27-R10 **PROVISION TEXT:** Decision on granting or refusing temporary housing is an enkeltvedtak subject to all requirements of forvaltningsloven and the Social Services Act **SOURCE INSTRUMENT:** Circular R-35 Para 27 / DOC-REQ-27.1 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — correctly restates mandatory-closed legal classifications established by general administrative law; forvaltningsloven §§ 2 and 23 anchor the enkeltvedtak classification (Process Inflation Finding, Step 2, Requirement 10) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — issuing a formal enkeltvedtak same-day under emergency conditions compounds with other concurrent documentation obligations; the formalization pipeline (assess → document → issue) under acute time pressure creates structural [D] + [P] risks analogous to Anchor Document Cluster 1 in the § 17 context; not attributable to this requirement alone but as part of the same-day compliance stack **PURPOSE:** USER NEED — classification as enkeltvedtak enables the user's right to appeal, to written reasons, and to procedural protection under forvaltningsloven. No internal control function dominates. **BURDEN DESCRIPTION:** No transaction cost burden identified for this requirement in isolation. The administrative overhead of the enkeltvedtak is a statutory obligation whose compliance cost is proportionate to the legal protection it provides. **KILL LIST CLASSIFICATION:** No Kill List Action — full legal authority, direct user-protective function. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: 27-R11 **PROVISION TEXT:** The information, advice, and guidance given to the recipient must be described in the written decision on temporary housing **SOURCE INSTRUMENT:** Veileder til sosialtjenesteloven § 17 / DOC-REQ-27.4 **CIRCULAR AUTHORITY:** ABSENT — no textual presence in R-35 Para 27; this requirement operates entirely outside the circular framework for § 27. Consequence: the caseworker must comply with a documentation obligation that the primary normative instrument governing their § 27 work does not address, on the authority of a veileder written for a different statutory

provision. **LEGAL AUTHORITY:** NO — statute entirely silent on decision content beyond forvaltningsloven's general reasons requirement; the veileder imposes a content standard exceeding what any statutory provision requires (Process Inflation Finding DOC-REQ-27.4) **DOUBLE AUTHORITY GAP:** YES — no circular authority for § 27 AND no statutory authority. **CATEGORY ERROR:** NO — the documentation domain is within social services law, but the source instrument belongs to § 17, not § 27; application to § 27 decisions is methodologically unsupported. **SCALE FLAG:** YES — adds a specific content requirement to a same-day decision process under emergency conditions; directly analogous to the documentation apparatus failures documented as the dominant mechanism in the Anchor Document ([D], 60+ findings); in small offices this type of decision-content specification consistently generates compliance failures even where the substantive service is correctly provided **PURPOSE:** INTERNAL CONTROL — describes advice given in the written decision serves an administrative record function; the user has already received the advice regardless of documentation; direct bearing on case outcome: none. Primary function is to create a traceable record of the guidance interaction within the administrative system. **BURDEN DESCRIPTION:** Caseworker must, within the same-day emergency decision, reconstruct and formally document the specific advice and guidance provided during the crisis interaction. This creates a triple writing obligation: reasons under forvaltningsloven, housing outcome, and guidance narrative — all under acute time pressure. The obligation derives from a veileder for a different statutory provision with no cross-reference to § 27 in the circular. Caseworkers must comply with an obligation that the circular framework they work within does not address, on the authority of a sub-legal instrument with no statutory anchor in this context. This is a textbook documentation inflation requirement: it records caseworker activity for administrative traceability rather than serving the user's case outcome. **KILL LIST CLASSIFICATION:** Category A — Removal. This requirement lacks both circular authority in the § 27 context and statutory authority for the specific content demand. It is derived from a veileder for § 17 and applied to § 27 without any normative bridge. As a mandatory content requirement on enkeltvedtak that exceeds forvaltningsloven's reasons standard with no legal basis, it is a candidate for repeal from the § 27 normative framework. **TRANSACTION COST CATEGORY:** Documentation Inflation; Combined Burden (compounds with same-day obligation stack)

REQUIREMENT ID: 27-R12 **PROVISION TEXT:** If the recipient cannot pay for temporary housing, Nav must assess whether they should be granted economic support under § 18 **SOURCE INSTRUMENT:** Circular R-35 Para 27 (§ 4.27.2.5) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — the § 18 assessment duty is anchored in sosialtjenesteloven § 18, but the sequential framing of this as a mandatory downstream step within the § 27 process is a circular construction (Process Inflation Findings, orphan requirement analysis) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — creates a two-step formalization chain on the same day under emergency conditions; Anchor Document Cluster 1 (§ 17 compliance stack) confirms that sequential pipeline obligations compound into structural [P] failures in small offices **PURPOSE:** MIXED — primary USER NEED (ensures recipient can remain in housing by receiving economic support), secondary INTERNAL CONTROL (mandatory sequential documentation step creates administrative traceability for the dual-assessment) **BURDEN DESCRIPTION:** Caseworker must conduct and document a § 18 economic support

assessment concurrently with the § 27 housing process on the same day, under emergency time pressure. Two parallel administrative pipelines must run simultaneously. The circular provides the framework, but the sequential obligation creates documentation overhead in excess of the substantive user benefit. **KILL LIST CLASSIFICATION:** Category C — Clarification. The requirement correctly links housing and economic support as interrelated obligations. Explicit clarification that the § 18 assessment may be initiated within a reasonable timeframe after the § 27 decision (rather than same-day) — consistent with the nature of a sequential assessment rather than a simultaneous one — would reduce procedural duplication without eliminating the protection. **TRANSACTION COST CATEGORY:** Procedural Duplication

---

REQUIREMENT ID: 27-R13 **PROVISION TEXT:** For recipients who cannot manage their interests in the housing market, housing and stabilization services should be part of an individual plan **SOURCE INSTRUMENT:** Circular R-35 Para 27 (§ 4.27.2.3) — "bør" language **CIRCULAR AUTHORITY:** PRESENT (advisory register) **LEGAL AUTHORITY:** PARTIAL — sosialtjenesteloven § 28 provides for individuell plan; whether § 27 independently triggers a planning obligation for this user group is not established in statute (Process Inflation Findings, orphan requirement analysis) **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** YES — individual plans require inter-agency consultation, plan drafting, coordination meetings, and sustained review; Anchor Document Cluster 2 (Role-Separation Impossibility) and Cluster 3 (Generalist-Specialist Interface) confirm formal coordination infrastructure for individual plans is consistently absent in small offices; Anchor Document Section 2 ([C] Coordination Infrastructure): "absence of systematic, written cooperation agreements produces sanctions when small municipalities rely on informal case-by-case contact" **PURPOSE:** MIXED — primary USER NEED (individual plans coordinate housing and stabilization services around the person's needs), secondary INTERNAL CONTROL (plan documentation, inter-agency sign-off, and review cycles serve administrative accountability functions disproportionate to the substantive welfare purpose in small-office contexts) **BURDEN DESCRIPTION:** Caseworker must assess eligibility for individual plan, initiate inter-agency consultation, draft and coordinate plan content, and maintain review documentation. In small offices, this requires coordination infrastructure the Anchor Document identifies as structurally unavailable. The "bør" register in the circular technically reduces binding force but in practice is operationalized as expected professional conduct, creating shadow binding. **KILL LIST CLASSIFICATION:** Category C — Clarification. The "bør" formulation creates uncertainty about the threshold for when an individual plan is expected versus discretionary. Explicit clarification of the qualifying criteria ("cannot manage their interests in the housing market") and acknowledgment of equivalent individual-level planning alternatives in small municipalities would reduce shadow binding and restore local professional judgment. **TRANSACTION COST CATEGORY:** Reporting Overhead; Structural Disproportionality

---

REQUIREMENT ID: 27-R14 **PROVISION TEXT:** If Nav cannot find an offer, or if the offer is not qualitatively forsvarlig, a deviation report (avvik) should be submitted **SOURCE INSTRUMENT:** Veiviser for midlertidig botilbud **CIRCULAR AUTHORITY:** ABSENT — no

textual presence in R-35 Para 27. Consequence: the caseworker must comply with an internal quality management obligation that the primary normative instrument governing their § 27 work does not address, on the authority of a guidance document with no statutory anchor. **LEGAL AUTHORITY:** NO — no provision in sosialtjenesteloven or forvaltningsloven requires formal deviation reports in administrative quality management systems for housing quality failures (Process Inflation Findings, orphan requirement 3) **DOUBLE AUTHORITY GAP:** YES — no circular authority AND no statutory authority. **CATEGORY ERROR:** YES — formal deviation reporting (avvikshåndtering) as an operational procedure is primarily anchored in HMS frameworks (arbeidsmiljøloven § 3-1 and internkontrollforskriften) and municipal quality management systems, not in sosialtjenesteloven. Its application within the § 27 social services workflow represents an importation of an HMS/internkontroll instrument into a social services normative context without any cross-domain authorization. **SCALE FLAG:** YES — Anchor Document Part 3, Cluster 2 (Internal Control Apparatus): the Compilo/ASYS inaccessibility problem is documented as a structural failure across multiple municipalities where caseworkers lack credentials for municipal deviation software; the deviation reporting requirement imposes an obligation the Anchor Document identifies as structurally impossible to fulfill in small offices regardless of effort **PURPOSE:** INTERNAL CONTROL — the deviation report serves quality management functions internal to the administrative organization. The user receives no direct benefit from the existence of the report; the relevant action for the user is securing adequate housing, which occurs independently of the deviation system. This is a pure documentation inflation requirement in the social services context. **BURDEN DESCRIPTION:** Caseworker must access the formal deviation management system; categorize the quality or availability failure; submit a formal deviation entry; ensure review by the appropriate authority; document follow-up action. The Anchor Document confirms this is structurally inaccessible in many small offices. The transaction cost falls entirely outside the circular framework: the caseworker must comply with a category-error obligation that the primary normative instrument does not address, using IT systems they may be unable to access, on the authority of a guidance document with no statutory basis in this context. **KILL LIST CLASSIFICATION:** Category A — Removal. This requirement lacks both circular authority in the § 27 context and statutory authority in sosialtjenesteloven. It derives from a guidance document of uncertain normative status, belongs to a different legal domain (HMS/internkontroll), and imposes an administrative burden — through systems the Anchor Document confirms are structurally inaccessible to many small offices — without any regulatory foundation in the primary normative instrument. It is a candidate for repeal from the social services normative framework. **TRANSACTION COST CATEGORY:** Documentation Inflation; Structural Disproportionality; Combined Burden

---

REQUIREMENT ID: 27-R15 **PROVISION TEXT:** If the user has parental responsibility, special weight must be given to ensuring the needs of children and young people are protected **SOURCE INSTRUMENT:** Veiviser for midlertidig botilbud **CIRCULAR AUTHORITY:** PARTIAL — children mentioned in R-35 Para 27 § 4.27.2.3 (heightened housing requirements, stigma prohibition, study and social rights) but specific parental-responsibility operational trigger is absent; this specific framing is from the Veiviser **LEGAL AUTHORITY:** PARTIAL — Grunnloven § 104 and barnekonvensjonen Article 3 provide constitutional and international law dimensions for child protection;

sosialtjenesteloven § 27 itself does not create a differentiated parental-responsibility trigger, though § 4's forsvarlighet standard is responsive to individual circumstances including dependents **DOUBLE AUTHORITY GAP:** NO (partial circular, partial statutory) **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — Anchor Document Cluster 3 (Child Perspective Documentation) identifies child welfare assessment as a [K] Competence Sustainability and [D] Documentation Apparatus challenge in generalist offices; caseworkers who encounter family cases infrequently cannot maintain reliable triggering competence **PURPOSE:** USER NEED — directly serves the substantive protection of dependent children in a household where temporary housing is being used; constitutional and international law dimensions confirm protective character; no primary internal control function **BURDEN DESCRIPTION:** No material transaction cost burden identified for the substantive assessment itself. The assessment of children's needs is a professional welfare judgment directly serving case quality. Documentation of the assessment may generate some overhead, but this is proportionate to the protective purpose. The partial absence of circular authority for the specific trigger formulation creates some normative uncertainty about exactly when the heightened standard activates. **KILL LIST CLASSIFICATION:** Category C — Clarification. The parental-responsibility framing in the Veiviser creates an operational trigger that is absent from the circular. Incorporating this trigger explicitly into the circular's § 27 framework would reduce normative uncertainty while retaining the protective purpose, and would eliminate the need for caseworkers to locate the operative standard in a guidance document outside the primary normative instrument. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified (substantive assessment); partial Documentation Inflation risk in small offices

---

REQUIREMENT ID: 27-R16 **PROVISION TEXT:** Nav has a duty to refer to other administrative bodies where guidance needs exceed Nav's authority, and shall so far as possible ensure that those bodies provide assistance **SOURCE INSTRUMENT:** Veiviser for midlertidig botilbud **CIRCULAR AUTHORITY:** ABSENT — no textual presence in R-35 Para 27. Consequence: caseworkers must comply with a mandatory referral-and-follow-through obligation that the primary normative instrument governing their § 27 work does not address. **LEGAL AUTHORITY:** PARTIAL — forvaltningsloven § 17 and sosialtjenesteloven § 17 provide partial statutory support for veiledningsplikt and referral; but the specific follow-through obligation ("sørge for at andre instanser gir hjelp") goes beyond what either provision expressly mandates; the Veiviser uses imperative language ("plikt," "skal") without identifying any legal basis (Process Inflation Findings, orphan requirement 5) **DOUBLE AUTHORITY GAP:** YES — no circular authority for § 27 AND partial statutory authority only; the specific obligation as framed exceeds any statutory authorization **CATEGORY ERROR:** NO **SCALE FLAG:** YES — follow-through coordination across agencies presupposes coordination infrastructure the Anchor Document identifies as structurally absent in small offices; Anchor Document Section 2 ([C] Coordination Infrastructure, sub-type ii): "external coordination requirements produce sanctions when small municipalities rely on informal case-by-case contact"; coordination obligation without circular authority means the burden falls entirely outside the framework the primary instrument provides **PURPOSE:** MIXED — primary USER NEED (ensuring users are not stranded when needs exceed Nav's authority), secondary INTERNAL CONTROL (follow-through documentation and inter-agency tracking obligation serves administrative accountability functions that go beyond the user-protective

referral purpose) **BURDEN DESCRIPTION:** Caseworker must assess whether needs exceed Nav's authority; identify appropriate external bodies; execute referral; document the referral; and maintain active follow-through to ensure the external body provides assistance — creating a coordination monitoring obligation extending well beyond the referral act itself. Transaction cost falls entirely outside the circular framework: no provision of R-35 Para 27 authorizes or provides guidance for this obligation. In small offices the monitoring obligation assumes coordination infrastructure the Anchor Document confirms is structurally absent. **KILL LIST CLASSIFICATION:** Category A — Removal. The follow-through element ("sørge for at andre instanser gir hjelp") lacks both circular authority in the § 27 context and any statutory anchor; its imperative language creates a mandatory obligation from a sub-legal instrument with no identified legal basis. The basic referral obligation (which has partial statutory support in forvaltningsloven § 17) could be retained as a Category C clarification, but the follow-through element should be removed from the social services normative framework or reformulated as professional good practice rather than a legal duty. **TRANSACTION COST CATEGORY:** Reporting Overhead; Structural Disproportionality; Combined Burden

---

REQUIREMENT ID: 27-R17 **PROVISION TEXT:** Temporary housing shall only exceptionally be used at release from prison or discharge from institution; Nav should ensure direct transition to permanent housing for persons in these vulnerable phases **SOURCE INSTRUMENT:** Nasjonal veileder for kriminalomsorg / Nav **CIRCULAR AUTHORITY:** PARTIAL — R-35 Para 27 § 4.27.2.3 contains related text, but the operative source instrument is the national veileder, which specifies and extends the circular's language; the restriction on use for this category is present in both instruments **LEGAL AUTHORITY:** NO / PARTIAL — with statutory conflict. The statutory right under § 27 is unconditional; the restriction creates a category-based exception to an unconditional right without any cited legal basis. Process Inflation Findings: "the unconditional statutory right to housing is categorically restricted and appended with a transitional procedure without any cited legal basis, conflicting with the absolute duty confirmed by case law." The direct-transition aspiration has partial welfare-law support; the restriction element does not. **DOUBLE AUTHORITY GAP:** PARTIAL — circular authority partially present but the operative source is a separate instrument that potentially conflicts with statute; statutory authority is not present for the restriction; the restriction element constitutes a statutory conflict rather than merely a gap. **CATEGORY ERROR:** POSSIBLE — the Nasjonal veileder for kriminalomsorg / Nav operates at the intersection of criminal justice administration and social services. To the extent this veileder categorically restricts access to an unconditional social services right based on criminal justice status, it imports criminal justice categorization logic into the social services normative framework, which may constitute a domain error. **SCALE FLAG:** PARTIAL — pre-release coordination with correctional services and health institutions requires inter-agency planning infrastructure; Anchor Document Cluster 3 confirms this type of coordination is structurally absent in small municipalities; the direct-transition aspiration presupposes housing market access analogous to the structural precondition absent for Requirement 27-R06 **PURPOSE:** MIXED — the direct-transition aspiration is USER NEED (protecting a vulnerable group from acute homelessness); the restriction element is INTERNAL CONTROL / administrative categorization that serves boundary-setting for the service rather than the individual user's welfare, and its net effect on the affected user group

is adverse, narrowing an unconditional statutory right. **BURDEN DESCRIPTION:** Caseworker must identify released prisoners/discharged patients; apply the exceptional-use threshold; document the basis for any use with this group; initiate pre-release coordination with external agencies; and demonstrate active transition planning. The normative conflict — between the unconditional § 27 right and the veileder's restriction — creates legal uncertainty the caseworker must absorb individually. Where the restriction is applied and the person is denied housing they have a statutory right to, this generates appeal liability. The transition-planning obligation assumes inter-agency coordination infrastructure documented in the Anchor Document as structurally unavailable in small municipalities. **KILL LIST CLASSIFICATION:** Category A — Removal (restriction element). The categorical restriction on the unconditional statutory right for persons released from prison or discharged from institutions lacks legal authority and potentially contradicts the statute as interpreted by case law. This element should be removed from the normative framework. The transition aspiration ("bør sikre direkte overgang") is user-protective and could be reformulated as a Category C clarification of good professional practice rather than a limiting rule. **TRANSACTION COST CATEGORY:** Documentation Inflation; Structural Disproportionality; Combined Burden

---

CLOSING COMPARATIVE NOTE

Requirements identified from Process Inflation Findings: 17

Requirements visible from circular alone: 12–13 (Requirements 1–10, 12, 13, and partially 17; Requirements 11, 14, 15, 16, and the extended dimension of 17 are invisible or only partially visible without the Process Inflation Findings as the enumeration base)

Requirements not visible from circular alone: 5 (Requirements 11, 14, 15, 16, and 17 in its national-veileder dimension)

Double authority gaps confirmed: 3 (Requirements 27-R11, 27-R14, 27-R16). Each of these requires caseworkers to comply with obligations that neither the circular governing their § 27 work nor any statutory provision authorizes in the specific context of § 27.

Category errors confirmed: 1 confirmed (27-R14 — deviation reporting is an HMS/internkontroll instrument applied within a social services normative context without cross-domain authorization). 1 possible (27-R17 — criminal justice categorization logic potentially imported into the social services framework). The confirmed category error is significant because it means a caseworker performing emergency housing assessment is simultaneously required to operate a quality management procedure whose operative source domain is labor/management law.

Kill List breakdown:

Category	Requirements	IDs

Category A — Removal	3	27-R11, 27-R14, 27-R16 (follow-through element)
Category B — Status Change	3	27-R06, 27-R07, 27-R08
Category C — Clarification	5	27-R01, 27-R05, 27-R09, 27-R12, 27-R13, 27-R15 (note: 27-R17 transition aspiration also Category C)
No Kill List Action	4	27-R02, 27-R03, 27-R04, 27-R10

The three Category A candidates — Requirements 11, 14, and 16 — share a structural characteristic: they are sub-legal instruments (a veileder, a guidance document) generating imperative obligations within the § 27 framework without circular authority and without statutory basis. They represent the clearest cases of process inflation: administrative obligations that serve documentation, audit, or coordination functions internal to the system, imposed on emergency casework through normative instruments that operate below and outside the circular they are supposed to supplement.

The three Category B candidates — Requirements 6, 7, and 8 — share a different structural characteristic: they are requirements present in the circular but expressed in absolute or urgency-qualified imperative language that exceeds what any statutory provision supports, eliminating the professional discretion that the statute leaves open. The "aldri" in Requirement 6, the "umiddelbart" in Requirement 7, and the "innkalles" formulation in Requirement 8 are all examples of the same normative pattern: a welfare-oriented obligation escalated from a professional standard into an administrative compliance rule through the choice of imperative language in a sub-legal instrument.

Primary transaction cost categories by frequency:

Category	Frequency (requirements carrying this classification)
Documentation Inflation	6 (27-R01, 27-R08, 27-R11, 27-R12, 27-R14, 27-R16)
Structural Disproportionality	6 (27-R05, 27-R06, 27-R07, 27-R13, 27-R14, 27-R16)
Combined Burden	4 (27-R06, 27-R11, 27-R14, 27-R17)
Procedural Duplication	3 (27-R01, 27-R07, 27-R12)
Reporting Overhead	3 (27-R08, 27-R13, 27-R16)
No Transaction Cost Identified	5 (27-R02, 27-R03, 27-R04, 27-R09, 27-R10, 27-R15)

Synthesis observation for the main report and Kill List deliverables:

The § 27 audit reveals a structural split between a well-anchored core (Requirements 2–5, 9–10) and a procedural overlay with weak or absent normative foundations. The core

obligation — provide adequate housing same-day for persons in acute need, with a formal decision and proportionate evidence-gathering — is soundly authorized. The overlay — document advice in the decision, submit deviation reports, immediately initiate housing transitions, follow up on schedule, apply absolute duration ceilings, restrict access for defined groups — is built from sub-legal instruments that generate documentation and coordination demands calibrated for larger administrative organizations.

The most analytically significant finding for the main report is the structural parallel with the Anchor Document's dominant mechanism: [D] Documentation Apparatus, confirmed as the single most pervasive volume driver across §§ 17, 18, and 20a, is equally present in the § 27 context but through instruments that are invisible from the circular alone. Requirements 11 and 14 — both carrying double authority gaps and generating pure documentation inflation burdens — represent exactly the sub-legal normative accumulation that the Anchor Document identifies as the primary driver of the gap between substantive service quality (which supervision reports consistently acknowledge) and formal compliance ratings (which consistently fail small offices). The emergency housing context makes this pattern particularly consequential: documentation inflation requirements imposed on acute-need processing do not merely create administrative overhead; they actively compete with the caseworker's capacity to provide the substantive service at the moment of greatest urgency.

SLUDGE AUDIT — § 28 SOSIALTJENESTELOVEN

Individuell plan — Structured Identification of Documentation Requirements and Procedural Obligations

---

PRELIMINARY METHODOLOGICAL NOTE

Visibility comparison:

The Process Inflation Findings for § 28 enumerate **35 raw requirements** in Step 1 (with duplications), consolidating to **29 distinct requirements** once near-identical restatements are merged. Starting from the circular paragraph in the Context Document alone — which incorporates the statutory text, the commentary in sections 4.28.1 and 4.28.2, and the full text of Forskrift om individuell plan (FOR-2022-06-22-1110) §§ 1–13 — approximately **23 requirements** are visible. The difference of roughly **6 distinct requirements** derives entirely from sub-legal instruments that operate outside the circular framework.

Requirements with no textual presence in the circular, with source mapping:

Requirement	Source Instrument	Type
Municipality should be aware of inmates' need for IP	Kommunebrev 2025	(a) Kommunebrev
Correctional planning (POP) should be harmonized with IP and may serve as sub-plan	Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav	(b) Veileder
Restatement of coordination responsibility in correctional context	Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav	(b) Veileder
Explanatory description of regulatory content (no operative obligation)	Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav	(b) Veileder
IP shall synthesize cross-agency assessments using fixed three-part formula	Veileder til sosialtjenesteloven § 17	(d) Guidance document attached to a standard

Both child welfare and NAV must check for existing IP before creating new one	Retningslinjer for samarbeid mellom barnevernstjenesten og Nav-kontoret	(e) Sub-legal guidelines instrument

This 6-requirement gap is analytically decisive: five of these six sources carry operative obligations — three stated in mandatory or near-mandatory terms — yet none appear in the normative instrument (R-35 § 28) that is the primary governance document for caseworkers. The structural consequence is that caseworkers exposed only to the circular are unaware of binding obligations that originate in guidance documents from adjacent administrative domains. This finding validates the use of the Process Inflation Findings as the primary reference document for this audit.

STEP 1 — IDENTIFICATION OF ALL REQUIREMENTS

Working from the Process Inflation Findings as the reference document, 29 distinct requirements are enumerated below. Duplicate or near-duplicate entries from the raw Step 1 list are merged and noted.

ID	Obligation (as expressed in Process Inflation Findings)	Source Instrument	Explicit/Implicit	Circular Presence
28-01	Plan shall be updated continuously ("løpende") and function as a dynamic coordination tool	R-35 § 28 commentary (circular)	Explicit	Present — circular text; the *løpende* formulation is in the commentary, but *holdes oppdatert* is the Forskrift standard
28-02	Plan shall summarize assessments of needs and means and indicate a comprehensive, reasoned service offer	R-35 § 28 commentary; Veileder til stl. § 17	Explicit	Present in commentary; the specific three-part formula appears only in veileder

28-03	Service decisions shall be made in separate vedtak governed by the relevant service-specific rules	R-35 § 28 commentary (section 4.28.1.1)	Explicit	Present
28-04	Plan content and scope shall be individually adapted to each recipient's needs	Forskrift § 9(1)	Explicit	Present
28-05	Only one IP may be prepared for each recipient	Forskrift § 9	Explicit	Present
28-06	Plan shall be kept updated ("holdes oppdatert")	Forskrift § 9	Explicit	Present
28-07	Plan shall contain an overview of recipient's goals, resources, and service/measure needs	Forskrift § 9(1)	Explicit	Present
28-08	Plan shall contain an overview of who participates in the plan work	Forskrift § 9(2)	Explicit	Present
28-09	Plan shall indicate who has responsibility for drafting, coordination, and progress	Forskrift § 9(3)	Explicit	Present
28-10	Plan shall contain an overview of what recipient, providers, and relatives will contribute	Forskrift § 9(4)	Explicit	Present
28-11	Plan shall contain an overview of current services/measures, their scope, and responsibility	Forskrift § 9(5)	Explicit	Present

28-12	Plan shall contain a description of how services/measures shall be implemented	Forskrift § 9(6)	Explicit	Present
28-13	Plan shall indicate whether recipient has been offered or assigned coordinator, child coordinator, or contact physician	Forskrift § 9(7)	Explicit	Present
28-14	Plan shall indicate the plan period and timepoints for adjustments and revisions	Forskrift § 9(8)	Explicit	Present
28-15	Plan shall document recipient's consent to plan preparation and any consent to confidentiality exemptions for participants	Forskrift § 9(9)	Explicit	Present
28-16	Plan shall contain an overview of necessary or desired cooperation with other providers	Forskrift § 9(10)	Explicit	Present
28-17	If recipient is a child: plan shall describe how child's right to participate was ensured	Forskrift § 9 final paragraph	Explicit	Present
28-18	Municipality should be aware that inmates often have need for coordinated services and that IP can be used more for this group	Kommunebrev 2025	Explicit	ABSENT

28-19	(Explanatory statement) The Forskrift governs plan content and responsibility allocation between services	Nasjonal veileder (kriminalomsorgen/Nav)	Implicit — descriptive framing only; no operative obligation	ABSENT
28-20	IP shall indicate who has responsibility for coordination and progress in the plan — restated in correctional context	Nasjonal veileder (kriminalomsorgen/Nav)	Explicit — restatement of Forskrift § 9(3) in correctional context	ABSENT
28-21	Correctional planning (POP) should be harmonized with IP; POP may serve as a sub-plan under the IP	Nasjonal veileder (kriminalomsorgen/Nav)	Explicit	ABSENT
28-22	IP shall synthesize assessments of needs and means and indicate a comprehensive, reasoned cross-agency service offer	Veileder til sosialtjenesteloven § 17	Explicit — fixed three-part formula	ABSENT
28-23	Plan shall be formulated in cooperation with the recipient	R-35 § 28 / STL § 28 first paragraph	Explicit	Present
28-24	Municipality shall cooperate with other providers to contribute to a comprehensive offer	R-35 § 28 / STL § 28 second paragraph	Explicit	Present
28-25	If recipient does not want an IP or does not contribute, the plan shall not be prepared	R-35 § 28 commentary / Forskrift § 5	Explicit	Present
28-26	Child shall be listened to and child's views weighted in accordance with age and maturity	R-35 § 28 / Forskrift § 4	Explicit	Present

28-27	Consent from recipient (or authorized proxy) required before plan is prepared	R-35 § 28 / Forskrift § 5	Explicit	Present
28-28	NAV (Arbeids- og velferdsforvaltningen) has an independent duty to ensure that plan work is initiated	R-35 § 28 / Forskrift § 6	Explicit	Present
28-29	Both child welfare and NAV must investigate whether an existing IP is already in place before creating a new one	Retningslinjer for samarbeid mellom barnevernstjenesten og Nav-kontoret	Explicit ("må undersøke")	ABSENT
28-30	Where conditions are met and multiple services involved, there shall be agreement on which service has main responsibility for IP preparation and follow-up	R-35 § 28 / Forskrift § 7	Explicit	Present

Note: Requirement 28-19 is purely explanatory and imposes no novel operative obligation. It is carried through Steps 2–6 for completeness but is expected to generate no Kill List action and no transaction cost. Requirement 28-06 ("holdes oppdatert" from Forskrift § 9) is the formal Forskrift standard from which requirement 28-01 (the commentary's stronger "løpende") departs; both are retained as this departure is the source of the authority gap analysis.

STEP 2 — LEGAL AUTHORITY CHECK

Direction 1 — Circular authority (is the requirement contained in R-35 § 28?): Six requirements lack circular authority: 28-18, 28-19, 28-20, 28-21, 28-22, 28-29.

Direction 2 — Statutory authority (anchor in sosialtjenesteloven?):

The key authority structure for § 28 is:

- STL § 28 first, second, and third paragraphs confer the core rights and duties

- STL § 28 third paragraph delegates authority to issue detailed regulations via royal decree
- FOR-2022-06-22-1110 (Forskriften) is the authorized regulatory instrument; requirements deriving from it have statutory authority via the delegation
- Sub-legal instruments (Kommunebrev, veiledere, retningslinjer) have no independent binding authority and cannot create obligations beyond what STL or the Forskrift already authorize

Double authority gaps identified (no circular authority AND no/partial statutory authority):

ID	Circular Authority	Statutory Authority	Double Gap	Category Error
28-01	PRESENT (but circular exceeds Forskrift standard)	PARTIAL — commentary's "løpende" exceeds Forskrift § 9's "holdes oppdatert"	NO (circular present, but exceeds regulation)	NO
28-02	PRESENT (open standard)	PARTIAL — three-part formula from veileder exceeds open statutory standard	NO	NO
28-03	PRESENT	YES — general administrative law; however, context is outside § 28's delegated scope	NO	YES — vedtak obligation derives from forvaltningsloven and service-specific statutes, not § 28
28-04	PRESENT	YES — Forskrift § 9(1)	NO	NO
28-05	PRESENT	YES — Forskrift § 9	NO	NO
28-06	PRESENT	YES — Forskrift § 9	NO	NO
28-07 through 28-17	PRESENT	YES — Forskrift § 9 content items	NO	NO
28-18	**ABSENT**	**PARTIAL** — STL § 28 applies to inmates as potential recipients; "bør" language makes obligation advisory, not binding	**YES**	NO
28-19	**ABSENT**	N/A — no operative obligation	—	NO

28-20	**ABSENT**	YES — restatement of Forskrift § 9(3), but stated in veileder as if context-specific	NO (authority exists via Forskrift)	NO
28-21	**ABSENT**	**NO** — STL § 28 and Forskrift authorize IP generally; POP-as-subplan derives from correctional administrative practice outside § 28's scope	**YES**	**YES — correctional justice domain**
28-22	**ABSENT**	**PARTIAL** — STL § 28 and Forskrift establish an open standard; the fixed three-part formula is a veileder elaboration from § 17 context with no authorization in § 28	**YES**	**PARTIAL — formula imported from § 17 administrative domain**
28-23	PRESENT	YES — STL § 28 first paragraph verbatim	NO	NO
28-24	PRESENT	YES — STL § 28 second paragraph verbatim	NO	NO
28-25	PRESENT	YES — Forskrift § 5	NO	NO
28-26	PRESENT	YES — Forskrift § 4	NO	NO
28-27	PRESENT	YES — Forskrift § 5	NO	NO
28-28	PRESENT	YES — Forskrift § 6	NO	NO
28-29	**ABSENT**	**NO** — Retningslinjer imposes mandatory investigation duty ("må undersøke") not authorized by STL § 28 or Forskriften; no delegation traceable	**YES**	NO
28-30	PRESENT	YES — Forskrift § 7	NO	NO

Summary of Step 2:

- First-order authority gaps (no circular authority): 28-18, 28-19, 28-20, 28-21, 28-22, 28-29 — **6 requirements**
- Double authority gaps: 28-18, 28-21, 28-22, 28-29 — **4 requirements**

- Category errors: 28-03 (partial — general administrative law), 28-21 (correctional domain), 28-22 (partial — § 17 domain importation) — **3 requirements**

STEP 3 — SCALE AND PROPORTIONALITY CHECK

Cross-referencing with the Anchor Document (Volume Driver Findings). The Anchor Document primarily covers §§ 17–20a but establishes volume-driver mechanisms applicable across all paragraphs. The most directly relevant findings for § 28 are:

- **[C] Coordination Infrastructure failures**: The Anchor Document finds that "formal written inter-agency agreements" imposed on small municipalities derive from supervisory practice rather than statute, and that small offices coordinate effectively through informal personal contact which the formal compliance regime misclassifies as failure. This is directly applicable to § 28's inter-agency responsibility architecture (28-24, 28-30).
- **[D] Documentation Apparatus**: The IP content stack (28-07 through 28-17) collectively creates a 10-item documentation compliance burden for cases that are rare in small municipalities, analogous to the debt counseling compliance stack.
- **The "caseworkers knew more than journals reflected" pattern**: Applicable to IP maintenance requirements in small offices.
- **Cluster 2 (Internal Control / Coordination Architecture)**: The Anchor Document notes the structural impossibility of formal role separation and formal coordination agreements in offices of 2–5 social services staff.

ID	Scale Flag	Anchor Document Finding
28-01	PARTIAL	[D] Documentation Apparatus: continuous updating obligation assumes back-office capacity proportional to caseload; in small municipalities where IP cases are rare, no routine forms.
28-02	PARTIAL	[D]: Fixed assessment formula imposed on caseworkers who encounter multi-service cases infrequently; cannot maintain procedural fluency below ~5-10 IP cases/year.
28-03	NO	Scale-neutral; vedtak obligation attaches to service decisions, not IP specifically.
28-04	NO	Scale-neutral; individual adaptation is a qualitative judgment, not a volume-dependent function.
28-05	NO	Scale-neutral administrative limit.
28-06	NO	Scale-neutral baseline maintenance obligation.

28-07 through 28-16	PARTIAL (cumulative)	[D]+[C]: Individually each content item is modest; cumulatively the 10-item Forskrift § 9 content stack creates a compliance burden analogous to Cluster 1 documentation stacks documented for §§ 17-18. Small municipalities handling 1-3 complex multi-service cases per year cannot sustain procedural fluency across all 10 items.
28-17	NO	Scale-neutral; child participation documentation attaches to any IP involving a child.
28-18	YES	[D]+[C]: Inmates constitute a highly concentrated, numerically small population in small municipalities. The requirement to maintain awareness of this group's needs and extend IP practice to them presupposes organizational capacity to track this sub-population across correctional and municipal systems — capacity small municipalities structurally lack.
28-19	N/A	Not an operative requirement.
28-20	NO	Restatement of 28-09; scale flag follows 28-09 analysis (PARTIAL cumulative).
28-21	YES	[C]+[D]: POP harmonization requires coordination with a correctional institution — a coordination infrastructure function that the Anchor Document identifies as particularly burdensome when it requires formal written coordination protocols with external agencies outside the municipality's normal service network. No authority in § 28 framework; burden is entirely unsupported by circular guidance.
28-22	PARTIAL	[D]: Fixed three-part formula from § 17 veileder imported into § 28 context. The formula presupposes cross-agency documentation capacity. For municipalities handling very few multi-service IP cases, the requirement to document a "helhetlig og begrunnet tjenestetilbud på tvers av de offentlige instansene" is a high-overhead documentation task. Double burden: lacks circular authority AND presupposes scale capacity unavailable to small municipalities.
28-23	NO	Scale-neutral; user participation in plan formulation is a qualitative process not volume-dependent.
28-24	PARTIAL	[C]: Anchor Document Cluster 4 — formal written inter-agency cooperation is imposed on small offices where informal coordination functions correctly operationally but is classified as non-compliant for lack of formal documentation. "No explicit statutory requirement for written agreements identified; derives from supervisory interpretive practice."

28-25	NO	Scale-neutral threshold condition; applies regardless of office size.
28-26	NO	Scale-neutral; child participation rights apply to any case involving a child.
28-27	NO	Scale-neutral consent requirement.
28-28	NO	Scale-neutral procedural trigger; initiation duty attaches to qualifying cases.
28-29	YES	[C]: Investigating for existing IP before creating a new one requires access to records across multiple service systems (health, child welfare, NAV). In small municipalities with limited IT infrastructure and no formal multi-system record access protocols, this investigation duty presupposes coordination capacity the Anchor Document confirms is structurally unavailable. Obligation is unsupported by any circular framework.
28-30	PARTIAL	[C]: Formal responsibility agreements between services presuppose organizational capacity to negotiate and maintain such agreements. Anchor Document Cluster 4 directly applies: "small offices coordinate naturally through personal contact between a few colleagues; the requirement to formalize this into institutional agreements imposes overhead calibrated for larger, siloed bureaucracies."

STEP 4 — PURPOSE CLASSIFICATION

ID	Classification	Justification
28-01	MIXED	Primary: user need — dynamic updating serves coordination quality for recipient. Secondary: internal control — the specific "løpende" frequency standard serves documentation continuity for audit purposes beyond what user coordination requires. The Forskrift standard ("holdes oppdatert") is sufficient for user-need purposes; the circular's escalation to "løpende" adds an internal control dimension.
28-02	MIXED	Primary: user need — the substantive open standard of a comprehensive reasoned offer directly serves the recipient. Secondary: internal control — the three-part fixed formula serves audit and supervisory verification. The formula-ification converts a user-serving standard into an internal documentation template.

28-03	USER NEED	Ensures legal clarity for recipients on their rights to appeal specific service decisions. Not a documentation function; serves recipient's legal security.
28-04	USER NEED	Individual adaptation directly serves the quality of the recipient's plan. No internal control dimension.
28-05	MIXED	Primary: user need — prevents fragmented multi-plan chaos that would disadvantage recipient. Secondary: internal control — single-plan rule simplifies administrative tracking across agencies.
28-06	USER NEED	Baseline maintenance obligation serves coordination quality for recipient.
28-07	USER NEED	Goals/resources/needs overview directly serves recipient's plan quality.
28-08	MIXED	Primary: user need — knowing who participates serves coordination. Secondary: internal control — participant overview serves accountability tracking.
28-09	MIXED	Primary: user need — clear responsibility allocation prevents coordination collapse. Secondary: internal control — responsibility documentation serves audit trail.
28-10	MIXED	Primary: user need — contribution overview fosters shared ownership. Secondary: internal control — contribution documentation serves compliance verification.
28-11	USER NEED	Services/measures overview directly serves recipient's understanding of their full offer.
28-12	USER NEED	Implementation description serves recipient's understanding of how help will be delivered.
28-13	MIXED	Primary: internal control — coordinator indication serves administrative tracking of which agency role has been assigned. Secondary: user need — recipient benefits from knowing whether a coordinator has been appointed.
28-14	MIXED	Primary: user need — plan period and revision schedule serves recipient's right to timely updates. Secondary: internal control — revision schedule serves administrative oversight of plan currency.
28-15	USER NEED	Consent documentation serves the recipient's procedural legal rights and data protection.
28-16	USER NEED	Cooperation overview serves recipient's right to a comprehensive, coordinated service offer.

28-17	USER NEED	Child participation description directly serves child's procedural rights under Forskrift § 4 and Barnekonvensjonen.
28-18	MIXED	Primary (as framed): user need for the inmate group — the substantive concern about coordinated services for inmates is legitimate. Secondary (as imposed): internal control — the awareness obligation creates an administrative monitoring expectation for a sub-population. However, the *bør* formulation limits its operative force; it is closer to a policy signal than a binding documentation obligation.
28-19	N/A	Purely explanatory. No operative purpose.
28-20	INTERNAL CONTROL	The restatement of Forskrift § 9(3) in the correctional veileder context serves to document responsibility allocation in a correctional administrative record, not the recipient's plan outcome. The substantive obligation is already covered by 28-09; the restatement here serves the inter-agency documentation regime.
28-21	INTERNAL CONTROL	POP harmonization and the sub-plan structure serve the correctional administration's documentation and coordination reporting needs. There is no evidence that users benefit materially from the formal sub-plan designation versus integrated planning under the IP itself.
28-22	INTERNAL CONTROL	The fixed three-part formula serves supervisory documentation verification — it provides auditable evidence that the assessment process followed a defined structure. The substantive user benefit (comprehensive offer) is already served by the open standard in STL § 28 and Forskrift § 3; the formula adds only an internal documentation layer.
28-23	USER NEED	Direct statutory right of recipient to participate in plan formulation.
28-24	USER NEED	Statutory duty to cooperate with other providers directly serves recipient's right to a comprehensive offer.
28-25	USER NEED	Threshold condition protecting recipient's autonomy and right not to have a plan forced upon them.
28-26	USER NEED	Child's right to be heard is a substantive rights obligation serving the child recipient.
28-27	USER NEED	Consent requirement is a protective procedural right for the recipient.
28-28	USER NEED	Independent initiation duty ensures recipients receive access to the right they are entitled to.

28-29	INTERNAL CONTROL	The mandatory investigation ("må undersøke") for existing plans is a coordination protocol that serves administrative efficiency and avoids duplicate planning. It does not serve the recipient's case outcome directly; a recipient with an existing plan would benefit from that being known, but the *must-investigate* obligation as stated is an administrative procedure. It also protects the system from coordination failure rather than protecting the user's substantive rights.
28-30	MIXED	Primary: user need — clear main responsibility prevents the coordination vacuum that leaves recipients without effective follow-up. Secondary: internal control — formal responsibility agreements serve accountability and audit trails across agencies.

STEP 5 — TRANSACTION COST CHARACTERIZATION

Requirements classified as [INTERNAL CONTROL] or [MIXED]:

28-01 (MIXED): Caseworker must maintain an actively updated plan document on an ongoing basis — not merely update it when a significant event occurs (which would be the "holdes oppdatert" standard), but as a continuous rolling process. In practice this means regular documentation reviews and entries even in periods without substantive service changes. *For caseworkers: periodic documentation labor that exceeds what the Forskrift requires and what user coordination needs.*

28-02 (MIXED): Caseworker must structure assessment output as a three-part documentary formula — synthesizing needs, means, and a reasoned offer — rather than using the open qualitative standard. *For caseworkers: forced adherence to a specific documentation template rather than professional judgment on appropriate documentation form.*

28-05 (MIXED): Administrative verification that no prior IP exists must occur before preparation begins. *For caseworkers: cross-system record check obligation.*

28-08 (MIXED): Caseworker must produce and maintain an explicit participant list in the plan document. *For caseworkers: low overhead, but must be current at all times.*

28-09 (MIXED): Caseworker must document responsibility allocation explicitly in the plan, not merely ensure that it is operationally clear. *For caseworkers: ongoing documentation obligation to keep responsibility entries current.*

28-10 (MIXED): Caseworker must document contribution expectations from all parties in writing. *For caseworkers: negotiation and documentation of contribution commitments from multiple parties.*

28-13 (MIXED): Caseworker must document coordinator appointment status. *For caseworkers: administrative tracking entry.*

28-14 (MIXED): Caseworker must define and document a revision schedule. *For caseworkers: calendar management and documentation of future review obligations.*

28-18 (MIXED): NAV leader and caseworkers must maintain active awareness of the inmate sub-population and assess whether IP is appropriate for inmates receiving services. *For NAV leaders: organizational monitoring requirement for a population group that most small municipalities encounter rarely. This transaction cost has no circular framework to guide its operationalization — caseworkers must comply with an obligation the primary normative instrument governing their work does not address.* This is structurally similar to the "latent volume driver" pattern identified for outreach work in the Volume Driver findings.

28-20 (INTERNAL CONTROL): In correctional coordination contexts, caseworkers must specifically verify and document who holds coordination responsibility in the IP — a restatement of 28-09 targeted at a sub-context. *For caseworkers engaged with correctional services: additional documentation obligation in a context where the primary guidance instrument (the circular) offers no framework. Caseworkers must comply with a correctional administrative protocol whose authority in the § 28 framework is absent.*

28-21 (INTERNAL CONTROL): Caseworkers or NAV leaders must: (a) identify whether a recipient has a POP (Personlig oppfølgingsplan) in the correctional system; (b) coordinate with kriminalomsorgen to align the POP with the IP; (c) formally designate the POP as a sub-plan. *For caseworkers: cross-institutional coordination, record access, and formal document architecture obligations. These obligations fall entirely outside any framework the circular provides guidance for. The transaction cost is both operationally significant and entirely without regulatory foundation in the § 28 framework.*

28-22 (INTERNAL CONTROL): Caseworkers must structure cross-agency IP documentation as a fixed three-part formula — synthesizing assessments of needs, means, and a comprehensive reasoned service offer — across all participating agencies. *For caseworkers: imposed documentation architecture that eliminates municipal procedural discretion on how to record comprehensive service coordination. The circular does not address this formula, yet caseworkers are expected to comply with it in cross-agency contexts. The transaction cost includes coordination with other agencies to ensure all participants produce consistent formula-compliant documentation.*

28-29 (INTERNAL CONTROL): Before initiating IP preparation, both child welfare and NAV must investigate whether an existing IP is already in place. *For caseworkers: mandatory cross-system investigation using the imperative "må undersøke" with no corresponding guidance in the circular on how to conduct this investigation, which systems to check, or what constitutes adequate compliance. The transaction cost is operationally uncertain in small municipalities with limited IT system integration. This obligation falls entirely outside the circular framework.*

28-30 (MIXED): Where multiple services are involved, caseworkers and NAV leaders must negotiate and document a formal main-responsibility agreement with other services. *For NAV leaders: inter-agency coordination and formal agreement documentation. The Anchor Document flags this as a Scale-PARTIAL burden: small municipalities coordinate naturally through personal contact; the formalization requirement imposes overhead calibrated for larger, siloed bureaucracies.*

For requirements classified [USER NEED] (28-03, 28-04, 28-06, 28-07, 28-11, 28-12, 28-15, 28-16, 28-17, 28-23, 28-24, 28-25, 28-26, 28-27, 28-28): No transaction cost burden is identified. These requirements directly serve the quality, fairness, or legal security of the recipient's case assessment and impose compliance demands that are inseparable from the substantive right they protect.

STEP 6 — CATALOG ENTRIES

REQUIREMENT ID: 28-01 **PROVISION TEXT:** Plan shall be updated continuously ("løpende") and function as a dynamic coordination tool **SOURCE INSTRUMENT:** Circular — R-35 § 28 section 4.28.1 commentary **CIRCULAR AUTHORITY:** PRESENT — but the circular's "løpende" formulation *exceeds* the Forskrift § 9 standard of "holdes oppdatert," creating an authority overhang: the circular imposes a higher frequency standard than the authorized regulatory instrument it describes **LEGAL AUTHORITY:** PARTIAL — "holdes oppdatert" (Forskrift § 9) has full statutory authority; the escalation to "løpende" in the commentary exceeds the delegated regulatory standard **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — Volume Driver [D] Documentation Apparatus: in municipalities handling 1–3 IP cases/year, continuous updating cannot become a habitual routine; burden falls disproportionately on the rare case **PURPOSE:** MIXED — user need (coordination quality) primary; internal control (documentation continuity) secondary; the "løpende" escalation serves the internal control element **BURDEN DESCRIPTION:** Caseworker must maintain ongoing active documentation review and updating beyond event-triggered updating; imposes periodic labor exceeding the Forskrift standard; generates documentation overhead not justified by the statutory basis **KILL LIST CLASSIFICATION:** Category B — Status Change: circular uses mandatory "løpende" language that exceeds the Forskrift's "holdes oppdatert" standard; reformulation to align with the regulatory instrument would restore the proportionate update obligation **TRANSACTION COST CATEGORY:** Documentation Inflation

---

REQUIREMENT ID: 28-02 **PROVISION TEXT:** Plan shall summarize assessments of needs and means and indicate a comprehensive, reasoned service offer (from circular commentary) **SOURCE INSTRUMENT:** Circular — R-35 § 28 section 4.28.1 commentary; cross-referenced in Veileder til sosialtjenesteloven § 17 as a fixed three-part formula **CIRCULAR AUTHORITY:** PRESENT — the open outcome standard is in the circular commentary; the three-part formula is NOT (see 28-22 below) **LEGAL AUTHORITY:** YES — the substantive standard derives from Forskrift § 3 (formål) and STL § 28; the open outcome formulation has statutory grounding **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — [D]: articulating a "helhetlig og begrunnet tjenestetilbud" across agencies presupposes cross-agency coordination capacity; in small offices, writing a genuinely comprehensive cross-agency summary requires coordination overhead disproportionate to case frequency **PURPOSE:** MIXED — user need (comprehensive offer) primary; internal control (documentation of assessment process) secondary **BURDEN**

DESCRIPTION: Caseworker must produce a written synthesis of assessments across all participating agencies and state a reasoned, comprehensive service offer; coordination overhead to ensure consistent documentation across agencies **KILL LIST CLASSIFICATION:** Category C — Clarification: the open standard in the circular is well-authorized; the room for maneuver on *how* the summary is structured should be made explicit to prevent shadow-binding from the § 17 veileder formula (see 28-22) **TRANSACTION COST CATEGORY:** Documentation Inflation (moderate)

REQUIREMENT ID: 28-03 **PROVISION TEXT:** Service decisions shall be made in separate vedtak governed by the relevant service rules, not as part of the IP **SOURCE INSTRUMENT:** Circular — R-35 § 28 section 4.28.1.1 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — but the authority derives from general administrative law (forvaltningsloven) and service-specific statutes, not from STL § 28 or the IP Forskrift; the requirement is correctly stated but belongs to a different legal domain **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** YES — the obligation to use separate vedtak for service decisions derives from forvaltningsloven §§ 2, 23 and the service-specific statutes governing each tjeneste; its inclusion in the § 28 commentary context creates a category conflation by attributing a general administrative law obligation to the IP framework **SCALE FLAG:** NO **PURPOSE:** USER NEED — clarity on the legal boundary between the IP (planning document) and service entitlements (legal decisions) serves the recipient's legal rights **BURDEN DESCRIPTION:** No transaction cost burden identified; requirement correctly clarifies legal architecture for recipients' benefit **KILL LIST CLASSIFICATION:** Category C — Clarification: requirement is substantively correct but sourced from the wrong legal domain within the circular; should be clarified that the obligation derives from general administrative law, not from § 28 authority **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: 28-04 **PROVISION TEXT:** Plan content and scope shall be individually adapted to each recipient's needs **SOURCE INSTRUMENT:** Circular (via Forskrift § 9 first paragraph) — R-35 § 28 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — Forskrift § 9 authorized by STL § 28 third paragraph delegation **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED **BURDEN DESCRIPTION:** No transaction cost burden identified **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: 28-05 **PROVISION TEXT:** Only one IP may be prepared for each recipient **SOURCE INSTRUMENT:** Circular (via Forskrift § 9) — R-35 § 28 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — Forskrift § 9; rationale in 4.28.2 **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** MIXED — primarily user need (coherent single plan); secondarily internal control (administrative tracking) **BURDEN DESCRIPTION:** Minor — requires verification that no prior IP exists before initiating new plan work; cross-system check obligation **KILL LIST**

CLASSIFICATION: No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified (de minimis)

REQUIREMENT ID: 28-06 **PROVISION TEXT:** Plan shall be kept updated ("holdes oppdatert") **SOURCE INSTRUMENT:** Circular (via Forskrift § 9) — R-35 § 28 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — Forskrift § 9 **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — baseline maintenance serves coordination quality for recipient **BURDEN DESCRIPTION:** No transaction cost burden identified; this is the proportionate standard; see 28-01 for the inflated version **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: 28-07 **PROVISION TEXT:** Plan shall contain an overview of recipient's goals, resources, and service/measure needs **SOURCE INSTRUMENT:** Circular (via Forskrift § 9(1)) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL (cumulative with 28-08 through 28-16) **PURPOSE:** USER NEED **BURDEN DESCRIPTION:** No transaction cost burden identified on its own; see cumulative note for 28-07 through 28-16 **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified (individual); Combined Burden (cumulative)

[Requirements 28-08 through 28-16 follow the same structure as 28-07 with the following variations:]

REQUIREMENT ID: 28-08 — Participant overview | USER NEED dominant, MIXED (internal accountability secondary) | No Kill List Action | Documentation Inflation (minor, cumulative)

REQUIREMENT ID: 28-09 — Responsibility for drafting/coordination/progress | MIXED | No Kill List Action | Documentation Inflation (cumulative)

REQUIREMENT ID: 28-10 — Contribution overview | MIXED | No Kill List Action | Documentation Inflation (cumulative)

REQUIREMENT ID: 28-11 — Services/measures overview | USER NEED | No Kill List Action | No Transaction Cost Identified

REQUIREMENT ID: 28-12 — Implementation description | USER NEED | No Kill List Action | No Transaction Cost Identified

REQUIREMENT ID: 28-13 — Coordinator indication | MIXED (internal control primary) | No Kill List Action | Reporting Overhead (minor)

REQUIREMENT ID: 28-14 — Plan period and revision schedule | MIXED | No Kill List Action | Documentation Inflation (minor)

REQUIREMENT ID: 28-15 — Consent documentation | USER NEED | No Kill List Action | No Transaction Cost Identified

REQUIREMENT ID: 28-16 — Inter-agency cooperation overview | USER NEED | No Kill List Action | No Transaction Cost Identified

Cumulative note for 28-07 through 28-16: The Forskrift § 9 content stack of 10 mandatory plan items, while each individually proportionate and well-authorized, collectively creates a documentation compliance burden analogous to the debt counseling documentation stack documented in the Volume Driver findings. For municipalities handling 1–3 complex multi-service IP cases per year, the full 10-item stack cannot become a habitual routine. This generates Combined Burden at the aggregate level, though no individual item warrants Kill List action.

REQUIREMENT ID: 28-17 **PROVISION TEXT:** If recipient is a child: plan shall describe how child's right to participate was ensured in the plan work **SOURCE INSTRUMENT:** Circular (via Forskrift § 9 final paragraph) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — Forskrift § 9; Forskrift § 4; Barnekonvensjonen **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED **BURDEN DESCRIPTION:** No transaction cost burden identified **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: 28-18 **PROVISION TEXT:** Municipality should be aware that inmates often have need for coordinated services during and after sentence execution, and that IP can be used more for this group **SOURCE INSTRUMENT:** Kommunebrev 2025 — (a) Kommunebrev **CIRCULAR AUTHORITY:** ABSENT — Consequence: caseworkers reading R-35 § 28 have no basis for this obligation; if it generates supervisory expectations, caseworkers cannot locate its normative source in their primary governance document **LEGAL AUTHORITY:** PARTIAL — STL § 28 applies to any qualifying recipient including inmates; but the specific awareness and practice-extension obligation derives solely from the Kommunebrev with no Forskrift or circular anchoring **DOUBLE AUTHORITY GAP:** YES **CATEGORY ERROR:** NO **SCALE FLAG:** YES — Volume Driver [C]+[D]: inmates are a numerically small, geographically concentrated sub-population. Maintaining institutional awareness of this group's IP eligibility and coordinating with kriminalomsorgen assumes a monitoring capacity and inter-institutional relationship most small municipalities structurally lack; burden is unsupported by circular framework **PURPOSE:** MIXED — substantive user need (inmates' access to coordinated services) genuine; but the awareness obligation as structured creates an internal monitoring expectation for caseworkers without proportionate guidance **BURDEN DESCRIPTION:** NAV leaders and caseworkers must maintain active awareness of an inmate sub-population and assess IP appropriateness for cases crossing the correctional interface. No framework in the circular for how to operationalize this awareness. Transaction cost is operationally uncertain and organizationally disproportionate in small municipalities. Falls entirely outside circular guidance framework. **KILL LIST CLASSIFICATION:** Category B — Status Change: the *bør* ("should") language in the

Kommunebrev is advisory, but if it generates supervisory expectations, it functions as a shadow-binding obligation without binding authority. The substantive concern (inmate access to IP) is valid; reformulation as explicit permissive guidance rather than awareness obligation would restore municipal discretion **TRANSACTION COST CATEGORY:** Structural Disproportionality; Documentation Inflation

---

REQUIREMENT ID: 28-19 **PROVISION TEXT:** (Explanatory) The Forskrift governs plan content and responsibility allocation between services **SOURCE INSTRUMENT:** Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav — (b) Veileder **CIRCULAR AUTHORITY:** ABSENT **LEGAL AUTHORITY:** N/A — purely descriptive; no operative obligation **DOUBLE AUTHORITY GAP:** NO (no operative obligation to gap-test) **CATEGORY ERROR:** NO **SCALE FLAG:** N/A **PURPOSE:** N/A — explanatory **BURDEN DESCRIPTION:** No transaction cost identified; descriptive statement imposes no novel obligation **KILL LIST CLASSIFICATION:** No Kill List Action — this is an explanatory statement, not an operative requirement; it was captured in the Process Inflation Findings for completeness but does not belong on the Kill List **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: 28-20 **PROVISION TEXT:** IP shall indicate who has responsibility for coordinating and progressing the plan — stated in correctional coordination context **SOURCE INSTRUMENT:** Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav — (b) Veileder **CIRCULAR AUTHORITY:** ABSENT — Consequence: this restatement of Forskrift § 9(3) in the correctional veileder carries no independent circular authority; if interpreted as adding context-specific documentation obligations, it operates without framework guidance **LEGAL AUTHORITY:** YES — the substantive obligation is a restatement of Forskrift § 9(3), which has full statutory authority; no novel legal authority gap exists for the substance **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO (follows the PARTIAL cumulative flag of 28-09) **PURPOSE:** INTERNAL CONTROL — in this restatement context, the obligation functions primarily to ensure correctional coordination accountability is documented, serving the inter-institutional record rather than adding user value beyond what 28-09 already provides **BURDEN DESCRIPTION:** Caseworkers operating at the correctional interface must ensure coordination responsibility documentation in the IP complies with the veileder's correctional-context framing. No circular guidance exists for how this restatement modifies or supplements the Forskrift requirement. Transaction cost is the uncertainty cost of applying a sub-legal restatement without circular framework support. **KILL LIST CLASSIFICATION:** Category C — Clarification: the substantive obligation has full authority; the correctional-context restatement should explicitly state that it adds no content beyond Forskrift § 9(3) to prevent shadow-binding in correctional coordination contexts **TRANSACTION COST CATEGORY:** Documentation Inflation (minor); Procedural Duplication

---

REQUIREMENT ID: 28-21 **PROVISION TEXT:** Correctional planning (POP — Personlig oppfølgingsplan) should be harmonized with the IP; POP may serve as a sub-plan under the IP **SOURCE INSTRUMENT:** Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav — (b) Veileder **CIRCULAR AUTHORITY:** ABSENT — Consequence: caseworkers have no circular basis for this obligation; compliance requires navigating correctional administrative practice with no normative framework in their primary governance document **LEGAL AUTHORITY:** NO — STL § 28 and the IP Forskrift authorize the IP and its content; neither authorizes the designation of correctional justice instruments (POP) as sub-plans, nor the harmonization obligation with correctional planning processes. The POP derives from kriminalomsorgen's internal planning regime, not from social services law **DOUBLE AUTHORITY GAP:** YES **CATEGORY ERROR:** YES — the obligation derives from correctional administrative practice and is framed as if it creates binding coordination duties on NAV caseworkers; the home domain is correctional law/practice, not social services; applying it to social services caseworkers as a compliance obligation constitutes a category error **SCALE FLAG:** YES — [C]+[D]: coordinating with correctional institutions, accessing POP records, and formally designating POP as a sub-plan assumes institutional relationship and IT access capacity; Anchor Document Cluster 4 applies; burden entirely unsupported by circular framework **PURPOSE:** INTERNAL CONTROL — the sub-plan designation serves the correctional administrative record and inter-institutional coordination tracking; no evidence the formal designation produces user outcomes different from informal integration within the IP **BURDEN DESCRIPTION:** Caseworkers must: (a) identify existence of POP; (b) access kriminalomsorgen planning records; (c) coordinate harmonization of correctional planning with IP content; (d) formally designate POP as sub-plan in documentation. None of these steps are guided by the circular. The transaction cost falls entirely outside any framework the primary normative instrument provides. Caseworkers must comply with a correctional administrative obligation for which social services law offers no guidance. **KILL LIST CLASSIFICATION:** Category A — Removal: requirement lacks legal authority in the social services normative framework and derives from a different legal/administrative domain (correctional justice administration); candidate for removal from § 28 application context; if the coordination objective is valid, it should be addressed through a joint instrument with explicit statutory anchoring **TRANSACTION COST CATEGORY:** Structural Disproportionality; Documentation Inflation; Procedural Duplication

---

REQUIREMENT ID: 28-22 **PROVISION TEXT:** IP shall synthesize assessments of needs and means and indicate a comprehensive, reasoned service offer across all public agencies participating in the plan — stated as a fixed three-part documentary formula **SOURCE INSTRUMENT:** Veileder til sosialtjenesteloven § 17 — (d) Guidance document attached to a standard (§ 17, not § 28) **CIRCULAR AUTHORITY:** ABSENT — Consequence: the formula is imported from the § 17 veileder into § 28 application contexts; it has no basis in R-35 § 28 and introduces documentation architecture that the circular does not contemplate or authorize **LEGAL AUTHORITY:** PARTIAL — the substantive outcome standard (comprehensive, coordinated service offer) is grounded in Forskrift § 3 and STL § 28; the specific fixed three-part formula eliminates municipal procedural discretion on *how* to document this standard in a way that is not authorized by the delegation **DOUBLE AUTHORITY GAP:** YES **CATEGORY ERROR:** PARTIAL — the formula originates in the § 17 administrative domain (economic counseling documentation practice) and is imported

wholesale into § 28 (individuell plan) without the intermediate authorization step that would make this transplantation legitimate **SCALE FLAG:** PARTIAL — [D]+[C]: documenting a fixed cross-agency formula presupposes that the municipality can coordinate documentation format across all participating agencies; in small municipalities where inter-agency IP coordination is rare, sustaining this formula as a routine practice is structurally difficult; burden is doubly unsupported (no circular authority, sub-scale) **PURPOSE:** INTERNAL CONTROL — the formula converts the open outcome standard into an auditable document structure; it serves supervisory verification, not the recipient's actual service quality **BURDEN DESCRIPTION:** Caseworkers must produce a formula-compliant written synthesis — (1) vurderinger av behov, (2) virkemidler, (3) helhetlig og begrunnet tjenestetilbud — across all agency participants, eliminating local procedural discretion. This must be coordinated with agencies outside NAV who may not be familiar with the § 17 formula. The entire obligation falls outside any framework R-35 § 28 provides. Caseworkers encounter an imported formula whose normative source they cannot locate in their primary governance document. **KILL LIST CLASSIFICATION:** Category A — Removal: requirement lacks circular authority in the § 28 framework, derives from a different legal/administrative domain (§ 17 economic counseling documentation), and converts an open statutory standard into a fixed template without authorized delegation; candidate for removal from § 28 documentation obligations **TRANSACTION COST CATEGORY:** Documentation Inflation; Structural Disproportionality; Combined Burden

---

REQUIREMENT ID: 28-23 **PROVISION TEXT:** Plan shall be formulated in cooperation with the recipient **SOURCE INSTRUMENT:** Circular — R-35 § 28 / STL § 28 first paragraph **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — verbatim statutory provision **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED **BURDEN DESCRIPTION:** No transaction cost identified **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: 28-24 **PROVISION TEXT:** Municipality shall cooperate with other providers to contribute to a comprehensive offer for the recipient **SOURCE INSTRUMENT:** Circular — R-35 § 28 / STL § 28 second paragraph **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — verbatim statutory provision **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — Anchor Document Cluster 4: formal written inter-agency cooperation expected by supervisory practice may not be derived from the statute itself; "no explicit statutory requirement for written agreements identified; derives from supervisory interpretive practice." The statute requires cooperation; it does not require written formal agreements. If supervisory practice imposes the formalization standard beyond the statutory text, a shadow-binding burden is generated. **PURPOSE:** USER NEED — the substantive cooperation duty directly serves recipient's right to comprehensive offer **BURDEN DESCRIPTION:** No transaction cost identified for the statutory cooperation obligation itself. Note: if this requirement is interpreted (through supervisory practice) as requiring formal written cooperation agreements, a transaction cost burden of [Structural Disproportionality] is generated beyond what the circular authorizes. **KILL LIST**

CLASSIFICATION: Category C — Clarification: the room for maneuver on *how* cooperation is operationalized (formal vs. informal, written agreements vs. working relationship) should be made explicit to prevent supervisory shadow-binding converting a statutory cooperation duty into a formal documentation obligation **TRANSACTION COST CATEGORY:** No Transaction Cost Identified (for the statutory obligation as stated)

REQUIREMENT ID: 28-25 **PROVISION TEXT:** If recipient does not want an IP or does not contribute to its preparation, the plan shall not be prepared **SOURCE INSTRUMENT:** Circular — R-35 § 28 commentary / Forskrift § 5 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — Forskrift § 5 **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — protects recipient's autonomy **BURDEN DESCRIPTION:** No transaction cost identified **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: 28-26 **PROVISION TEXT:** Child shall be listened to, and child's views shall be weighted in accordance with age and maturity **SOURCE INSTRUMENT:** Circular — R-35 § 28 / Forskrift § 4 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — Forskrift § 4; Barnekonvensjonen art. 12 **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED **BURDEN DESCRIPTION:** No transaction cost identified **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: 28-27 **PROVISION TEXT:** Consent from recipient (or authorized proxy) required before plan is prepared; plan shall not be prepared without such consent **SOURCE INSTRUMENT:** Circular — R-35 § 28 / Forskrift § 5 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — Forskrift § 5 **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED **BURDEN DESCRIPTION:** No transaction cost identified **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: 28-28 **PROVISION TEXT:** NAV (Arbeids- og velferdsforvaltningen) has an independent duty to ensure that work on an IP is initiated, regardless of whether the recipient also receives services from other providers **SOURCE INSTRUMENT:** Circular — R-35 § 28 / Forskrift § 6 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — Forskrift § 6 **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — independent initiation duty protects recipients from falling between agencies **BURDEN DESCRIPTION:** No transaction cost identified; initiation obligation is a procedural trigger, not a documentation stack **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: 28-29 **PROVISION TEXT:** Both child welfare service and NAV must ("må") investigate whether an existing IP is already in place and, if so, be a contributor to that plan rather than creating a new one **SOURCE INSTRUMENT:** Retningslinjer for samarbeid mellom barnevernstjenesten og Nav-kontoret — (e) Sub-legal guidelines instrument **CIRCULAR AUTHORITY:** ABSENT — Consequence: a mandatory investigation obligation ("må undersøke") using the highest imperative register operates entirely outside the circular framework; caseworkers encountering cross-sector family cases have no circular-based guidance for how to comply **LEGAL AUTHORITY:** NO — STL § 28 and Forskrift § 9 (one-plan rule) implicitly support checking for existing plans, but neither instrument imposes a mandatory investigation procedure as a prerequisite step; the specific "must investigate" obligation with its imperative framing derives solely from the Retningslinjer, which has no independent binding authority and no delegation from STL or the IP Forskrift **DOUBLE AUTHORITY GAP:** YES **CATEGORY ERROR:** NO — the obligation operates in the § 28 subject domain, but the source instrument (retningslinjer for child welfare/NAV cooperation) does not derive its authority from § 28 **SCALE FLAG:** YES — [C]+[D]: investigation requires cross-system record access (child welfare + NAV + potentially other services); in small municipalities with limited IT infrastructure and fragmented record systems, this constitutes a coordination infrastructure task that the Anchor Document confirms is structurally problematic; burden is entirely without circular framework support **PURPOSE:** INTERNAL CONTROL — the mandatory investigation serves system coordination efficiency and prevents administrative duplication; it does not directly serve the recipient's case outcome (the recipient benefits equally whether the caseworker investigates formally or becomes aware informally) **BURDEN DESCRIPTION:** Caseworkers in child welfare/NAV interface cases must conduct a mandatory cross-system investigation for existing IP before initiating plan work. The imperative register ("må") implies a documented compliance step. No circular guidance exists for how to conduct the investigation, what systems to query, or what documentation of compliance is required. The obligation falls entirely outside the primary normative instrument governing caseworkers' work. In small municipalities with limited system access, the investigation itself may require inter-agency contact not otherwise required, generating coordination overhead without regulatory foundation. **KILL LIST CLASSIFICATION:** Category A — Removal: requirement lacks legal authority in the § 28 normative framework; the source instrument (retningslinjer) has no binding authority; the imperative "must investigate" formulation in a sub-legal guidelines instrument imposes a mandatory obligation without the regulatory basis to sustain it; if the investigation duty is operationally valuable, it should be expressed in the circular or Forskrift with appropriate authority **TRANSACTION COST CATEGORY:** Procedural Duplication; Structural Disproportionality; Documentation Inflation

---

REQUIREMENT ID: 28-30 **PROVISION TEXT:** Where conditions for IP are met and multiple welfare services are involved, there shall be agreement on which service holds main responsibility for preparation and follow-up; at unclear/disputed cases, the municipality shall clarify **SOURCE INSTRUMENT:** Circular — R-35 § 28 / Forskrift § 7 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — Forskrift § 7; doubly anchored in helse- og omsorgstjenesteloven § 3-4, sosialtjenesteloven § 13, and barnevernsloven § 15-9 **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — Anchor Document Cluster 4 / [C]: formal responsibility agreements between services are a

coordination infrastructure function; in small municipalities where all services know each other personally, the requirement to negotiate and document a formal main-responsibility agreement imposes overhead calibrated for larger, siloed bureaucracies; informal coordination already achieves the outcome but is classified as non-compliant **PURPOSE:** MIXED — user need (preventing coordination vacuum) primary; internal control (formal accountability trail for responsibility) secondary **BURDEN DESCRIPTION:** NAV leaders must negotiate and document a formal main-responsibility agreement with other services (health, child welfare, etc.) in each qualifying multi-service IP case. In small municipalities, this formalizes what would otherwise be a collegial conversation, generating documentation overhead without corresponding user benefit. The circular provides a framework for this obligation; the burden is proportionate for complex cases but disproportionate when imposed uniformly regardless of organizational context. **KILL LIST CLASSIFICATION:** Category C — Clarification: the room for maneuver on what constitutes an adequate "agreement" (formal written vs. documented verbal understanding vs. case note) should be made explicit; current framing leaves open whether informal coordination mechanisms in small municipalities are compliant, generating shadow-binding toward formal documentation **TRANSACTION COST CATEGORY:** Documentation Inflation; Structural Disproportionality (PARTIAL)

CLOSING COMPARATIVE NOTE

Total requirements identified starting from the Process Inflation Findings: 30 (including 28-19 which is explanatory and not operative; 29 operative requirements)

Requirements that would have been visible starting from the circular alone: 23

Requirements invisible from the circular: 6 (28-18, 28-19, 28-20, 28-21, 28-22, 28-29) — of which 5 carry operative obligations

Double authority gaps (absent from circular AND lacking or partial statutory authority): 4 — requirements **28-18, 28-21, 28-22, 28-29**

Category errors (requirement derives from a different legal/administrative domain):

- **28-03:** PARTIAL — general administrative law / forvaltningsloven, not § 28
- **28-21:** YES — correctional justice administrative practice
- **28-22:** PARTIAL — § 17 economic counseling documentation domain, imported into § 28 without authorization Total: 3 requirements with category error flags

Kill List breakdown:

Category	Requirements	Count
Category A — Removal	28-21 (POP harmonization — correctional domain), 28-22 (§ 17 veileder formula imported into § 28), 28-29 (Retningslinjer mandatory investigation — no legal authority)	**3**

Category B — Status Change	28-01 (circular "løpende" exceeds Forskrift standard), 28-18 (Kommunebrev advisory obligation generating shadow binding)	**2**
Category C — Clarification	28-02 (open standard vs. formula — room for maneuver), 28-03 (category error — source domain clarification), 28-20 (correctional restatement shadow binding), 28-24 (formal vs. informal cooperation — supervisory shadow binding), 28-30 (what constitutes adequate responsibility agreement)	**5**
No Kill List Action	28-04 through 28-17 (Forskrift content items, 14 requirements), 28-19 (explanatory), 28-23, 28-25, 28-26, 28-27, 28-28	**20**

Primary transaction cost categories by frequency:

Category	Requirements
Documentation Inflation	28-01, 28-02, 28-07–28-10, 28-13–28-14, 28-18, 28-20, 28-21, 28-22, 28-29 — **13 instances**
Structural Disproportionality	28-18, 28-21, 28-22, 28-29, 28-30 — **5 instances**
Procedural Duplication	28-20, 28-21, 28-29 — **3 instances**
Combined Burden	28-07–28-16 (cumulative stack), 28-22 — **2 cluster instances**
Reporting Overhead	28-13 — **1 instance**
No Transaction Cost Identified	28-03, 28-04–28-06, 28-11–28-12, 28-15–28-16, 28-17, 28-19, 28-23–28-28 — **17 instances**

Synthesis for main report:

The core analytical finding from this audit of § 28 is structural: the majority of the circular's requirements are well-authorized, user-serving, and proportionate — § 28 and its implementing Forskrift represent one of the more legally coherent paragraphs in the social services circular system. The Kill List does not arise from the circular itself but from the sub-legal accretion layer: three instruments operating outside the circular (Nasjonal veileder kriminalomsorgen/Nav, Veileder til stl. § 17, and Retningslinjer barnevernstjenesten/Nav-kontoret) are responsible for all three Category A candidates. The pattern is consistent with the Volume Driver findings' observation that documentation and coordination compliance failures in small municipalities are driven not by the statutory framework but by the "normative layer added on top."

The two analytically most significant findings for the Kill List are: (1) the importation of the § 17 three-part documentation formula (28-22) into § 28 contexts without authorization — a cross-domain compliance obligation invisible to caseworkers relying on R-35 § 28; and (2) the mandatory investigation obligation in the Retningslinjer (28-29), which uses imperative language ("må") in a sub-legal instrument that has no binding authority and that generates a

cross-system investigation burden with no circular guidance for operationalization. Both represent textbook cases of the sludge dynamic: obligations that generate transaction costs for caseworkers while serving internal coordination and audit functions rather than recipient outcomes.

SLUDGE AUDIT — § 29 KVALIFISERINGSPROGRAM

Systematic Documentation and Procedural Obligation Analysis

PRELIMINARY METHODOLOGICAL NOTE

Requirement count comparison: The Process Inflation Findings (Reference Document) enumerate **18 requirements** for § 29. Starting from the circular paragraph alone (Context Document), a reader would be able to identify **14 requirements** — those with direct or strong textual anchorage in sections 4.29.1.2 through 4.29.2.19. The Process Inflation Findings therefore surface **4 requirements entirely invisible from the circular text** — a gap of 22%.

Requirements with no textual presence in the circular:

Req	Description	Source Instrument	Instrument Type
5 (DOC-REQ-29.5)	Separate § 17 decision; prohibition on incorporating into § 29 decision	veileder-sosialtjenesteloven-17	(b) A veileder
6 (DOC-REQ-29.6)	Guidance given alongside other social services must be mentioned in the grant/denial decision	veileder-sosialtjenesteloven-17	(b) A veileder
17 (S.1)	KVP eligibility must be assessed before activity conditions are imposed	Kommunebrev 2025	(a) A Kommunebrev
18 (S.2)	Active outreach and investigation of possible KVP eligibility	Kommunebrev 2025	(a) A Kommunebrev

Structural significance: Two of the four invisible requirements (Req 5 and Req 6) originate entirely outside the § 29 normative framework — they derive from a veileder governing a different statutory provision (§ 17). These requirements operate on the § 29 process without any acknowledgment in the § 29 circular itself, creating not only an authority gap but a potential category error: obligations from the § 17 normative domain are being imposed on practitioners administering § 29, with no guidance from the instrument that is supposed to govern their work. The other two invisible requirements (Req 17 and Req 18) derive from a

more recent sub-legal instrument (Kommunebrev 2025) that postdates or supplements the circular without being incorporated into it. This source mapping is carried forward into Step 2.

STEP 1 — IDENTIFICATION OF ALL REQUIREMENTS

REQ-29-01 *Obligation:* Avgjørelse om kvalifiseringsprogram med tilhørende stønad er et enkeltvedtak. *Source instrument:* Rundskriv R-35, § 29, section 4.29.1.2 *Explicit/Implicit:* Explicit *Textual presence in circular:* YES

REQ-29-02 *Obligation:* Hvis kvalifiseringsprogrammet innvilges, skal varigheten av programmet fremgå av vedtaket. *Source instrument:* Rundskriv R-35, § 29, section 4.29.1.2 *Explicit/Implicit:* Explicit *Textual presence in circular:* YES

REQ-29-03 *Obligation:* Caseworker must jointly review existing information with the applicant, formally determine whether it can serve as a basis for decision, and mandatorily alter any data no longer considered valid. *Source instrument:* Rundskriv R-35, § 29, PROC-REQ-29.8 (incorporating DOC-REQ-29.3), section 4.29.2.2 *Explicit/Implicit:* Explicit *Textual presence in circular:* YES

REQ-29-04 *Obligation:* I arbeidsevnevurderingen skal en persons ressurser og hindringer, herunder eventuelle helseplager, kartlegges. *Source instrument:* Rundskriv R-35, § 29, DOC-REQ-29.4 / PROC-REQ-29.10, section 4.29.2.9 *Explicit/Implicit:* Explicit *Textual presence in circular:* YES (via Nav-loven § 14a reference in section 4.29.2.2)

REQ-29-05 *Obligation:* Any § 17 guidance provided as a measure must be issued as a separate enkeltvedtak under § 17; it must not be incorporated into the § 29 program decision. *Source instrument:* veileder-sosialtjenesteloven-17, DOC-REQ-29.5 / S.4 *Explicit/Implicit:* Explicit *Textual presence in circular:* NO — entirely invisible from the § 29 circular

---

REQ-29-06 *Obligation:* Guidance given in connection with the granting or denial of other social services must be explicitly mentioned in the grant or denial decision. *Source instrument:* veileder-sosialtjenesteloven-17, DOC-REQ-29.6 *Explicit/Implicit:* Explicit *Textual presence in circular:* NO — entirely invisible from the § 29 circular

---

REQ-29-07 *Obligation:* Administrative preparations — including first meeting, AEV, program content design, and individual plan drafting — may be conducted while the participant is incarcerated or in custody. *Source instrument:* Nasjonal veileder kriminalomsorgen og Nav, DOC-REQ-29.7 / S.3, section 4.29.2.13 *Explicit/Implicit:* Explicit *Textual presence in circular:* YES (section 4.29.2.13)

REQ-29-08 *Obligation:* Nav-kontoret must conduct a concrete assessment of whether renewed program participation is appropriate and necessary when a person who has previously completed or terminated a program re-applies. *Source instrument:* Rundskriv R-35, § 29, PROC-REQ-29.1 *Explicit/Implicit:* Explicit *Textual presence in circular:* YES

REQ-29-09 *Obligation:* Income opportunities through work and economic rights under other schemes must be clarified before the KVP decision is formulated. *Source instrument:* Rundskriv R-35, § 29, PROC-REQ-29.2 *Explicit/Implicit:* Explicit *Textual presence in circular:* YES

REQ-29-10 *Obligation:* When a participant moves to a new municipality, the receiving Nav office should collaboratively assess with the participant whether the existing program can be continued or whether a new program is more appropriate. *Source instrument:* Rundskriv R-35, § 29, PROC-REQ-29.3 *Explicit/Implicit:* Explicit *Textual presence in circular:* YES

REQ-29-11 *Obligation:* The application must be processed without undue delay. *Source instrument:* Rundskriv R-35, § 29, PROC-REQ-29.4 (via forvaltningsloven § 11a) *Explicit/Implicit:* Explicit *Textual presence in circular:* YES

REQ-29-12 *Obligation:* Program content must be developed after the grant decision has been issued; the program must be implemented within six months of the application date. *Source instrument:* Rundskriv R-35, § 29, PROC-REQ-29.6, section 4.29.1.2 *Explicit/Implicit:* Explicit (regarding content sequencing); Implicit (regarding the specific 6-month calculation from søknadstidspunktet as distinct from the statute's framing) *Textual presence in circular:* YES

REQ-29-13 *Obligation:* In the working capability assessment, the applicant's wishes and resources as they appear in the self-assessment must be taken into account. *Source instrument:* Rundskriv R-35, § 29, PROC-REQ-29.7 (via Nav-loven § 14a), section 4.29.2.2 *Explicit/Implicit:* Explicit *Textual presence in circular:* YES

REQ-29-14 *Obligation:* The assessment of whether close and coordinated assistance is appropriate and necessary must be built on AEV findings and professional social discretion (sosialfaglig skjønn), and must be conducted jointly between the Nav counselor and the applicant. *Source instrument:* Rundskriv R-35, § 29, PROC-REQ-29.9, section 4.29.2.3 *Explicit/Implicit:* Explicit *Textual presence in circular:* YES

REQ-29-15 *Obligation:* Participants who may have rights to AAP or uføretrygd must submit a formal claim for those benefits; the Nav office must conduct a concrete assessment of whether objective grounds exist to temporarily interrupt or terminate the program. *Source instrument:* Rundskriv R-35, § 29, PROC-REQ-29.11, section 4.29.2.9 *Explicit/Implicit:* Explicit *Textual presence in circular:* YES

REQ-29-16 *Obligation:* Nav-kontoret must perform an individualized concrete assessment of whether the prerequisites for participation in KVP are present in each specific case involving a participant undergoing criminal sentence execution. *Source instrument:* Rundskriv R-35, § 29, PROC-REQ-29.12, section 4.29.2.11 *Explicit/Implicit:* Explicit *Textual presence in circular:* YES

REQ-29-17 *Obligation:* The right to KVP must be assessed and determined before activity conditions are imposed on the person. *Source instrument:* Kommunebrev 2025, S.1 *Explicit/Implicit:* Explicit *Textual presence in circular:* NO — entirely invisible from the § 29 circular

---

REQ-29-18 *Obligation:* Nav-kontoret should actively investigate whether persons in the target group may have a right to KVP, and offer application assistance where necessary. *Source instrument:* Kommunebrev 2025, S.2 *Explicit/Implicit:* Explicit *Textual presence in circular:* NO — entirely invisible from the § 29 circular

---

STEP 2 — LEGAL AUTHORITY CHECK

REQ-29-01 (enkeltvedtak format) *Direction 1 — Circular authority:* YES *Direction 2 — Statutory authority:* YES — forvaltningsloven § 2(b) mandates this format for individual rights determinations; stl. § 29 creates the individual right; stl. § 41 applies fvl. to the entire paragraph. *Double authority gap:* NO *Category error:* NO

REQ-29-02 (duration in decision) *Direction 1 — Circular authority:* YES *Direction 2 — Statutory authority:* YES — stl. § 32 governs program duration; fvl. §§ 24–25 govern decision

content requirements; stl. § 31 governs iverksetting. *Double authority gap:* NO *Category error:* NO

REQ-29-03 (three-step joint evidence review) *Direction 1 — Circular authority:* YES — section 4.29.2.2 contains this requirement. *Direction 2 — Statutory authority:* PARTIAL — Nav-loven § 14a mandates the working capability assessment, including the requirement to consider the person's self-assessment, and stl. § 42 requires consultation with the service recipient. However, neither provision specifies the three-step structure of (a) joint review, (b) formal usability determination, and (c) mandatory updating of invalid data. The circular converts the law's open evidentiary discretion into three specific mandatory steps, eliminating the authority's freedom to determine assessment scope and procedure. Finding: Process Inflation Finding KRAV 3 — "circular converts the law's open evidence-discretion into three specific mandatory steps." *Double authority gap:* NO (circular authority present) *Category error:* NO

REQ-29-04 (mapping resources, obstacles, health in AEV) *Direction 1 — Circular authority:* YES — referenced through Nav-loven § 14a integration in section 4.29.2.2. *Direction 2 — Statutory authority:* YES — Nav-loven § 14a directly governs the content of working capability assessments and mandates this mapping. *Double authority gap:* NO *Category error:* NO

REQ-29-05 (separate § 17 decision; prohibition on consolidation) *Direction 1 — Circular authority:* NO — This requirement derives entirely from veileder-sosialtjenesteloven-17. The § 29 circular contains no instruction on how § 17 decisions should be packaged relative to § 29 decisions. This constitutes a first-order authority gap: the requirement operates outside the § 29 circular framework entirely. Consequence: every caseworker administering § 29 who also encounters a § 17 guidance situation must comply with a prohibition that their primary normative instrument does not address. *Direction 2 — Statutory authority:* PARTIAL — stl. § 17 and stl. § 29 are distinct statutory provisions, which provides some basis for separate decision instruments. However, neither provision explicitly prohibits consolidation; fvl. provisions on decision content do not mandate separation; the requirement converts the law's procedural silence into a mandatory rule. Finding: Process Inflation Finding KRAV 5 — "circular imposes a mandatory rule requiring a separate instrument and prohibiting incorporation" from a space where § 29 grants no instruction. *Double authority gap:* YES — NO circular authority AND PARTIAL statutory authority *Category error:* YES — this requirement derives from the § 17 legal domain and is applied to the § 29 administrative process via a § 17 veileder, with no normative bridge in the § 29 framework.

REQ-29-06 (mention guidance in decisions) *Direction 1 — Circular authority:* NO — derives entirely from veileder-sosialtjenesteloven-17. The § 29 circular contains no such content requirement for decisions. First-order authority gap: caseworkers must comply with a

decision-content obligation that their primary normative instrument does not address. *Direction 2 — Statutory authority:* PARTIAL — fvl. §§ 24–25 govern mandatory decision content (legal basis, facts, reasoning) but do not require documentation of collateral guidance activities; stl. § 29 provides no content requirement of this kind. The obligation is an imposition in the open normative space where the statute grants no instruction. Finding: Process Inflation Finding KRAV 6 — "circular imposes a mandatory specific content requirement on decisions in the open space where § 29 grants no instruction." *Double authority gap:* YES — NO circular authority AND PARTIAL statutory authority *Category error:* YES — this requirement derives from the § 17 legal domain, applied to the § 29 process via a § 17 veileder.

REQ-29-07 (preparations during incarceration — permissive) *Direction 1 — Circular authority:* YES — section 4.29.2.13 explicitly addresses this; the nasjonal veileder kriminalomsorgen og Nav mirrors this permissive authorization. *Direction 2 — Statutory authority:* YES — stl. § 31 on iverksetting provides the statutory basis; the circular uses permissive language ("kan") fully consistent with the law's open permissive space. Process Inflation Finding KRAV 7 confirms no escalation detected. *Double authority gap:* NO *Category error:* NO

REQ-29-08 (concrete assessment for re-entry) *Direction 1 — Circular authority:* YES *Direction 2 — Statutory authority:* YES — stl. § 29 requires assessment of whether entry conditions are met at each application; a concrete re-entry assessment is inherent to a conditions-based right. Process Inflation Finding KRAV 8 confirms no escalation detected. *Double authority gap:* NO *Category error:* NO

REQ-29-09 (clarify income/rights before decision — subsidiarity) *Direction 1 — Circular authority:* YES — section 4.29.1.1 explicitly states the scheme's subsidiary character. *Direction 2 — Statutory authority:* YES — stl. § 29 states the subsidiary character of the program explicitly in the statutory text ("ingen eller svært begrensede ytelser"). Subsidiarity verification is inherent to any conditions-based right of this kind. *Double authority gap:* NO *Category error:* NO

REQ-29-10 (inter-municipality collaboration on moving participants) *Direction 1 — Circular authority:* YES — section 4.29.1.1 uses bør (recommendation). *Direction 2 — Statutory authority:* YES — stl. § 3 on oppholdskommunens ansvar; the circular's recommendation language is weaker than binding law and remains within the permissive space. Process Inflation Finding KRAV 10 confirms no escalation detected. *Double authority gap:* NO *Category error:* NO

REQ-29-11 (without undue delay) *Direction 1 — Circular authority:* YES *Direction 2 — Statutory authority:* YES — fvl. § 11a directly mandates this; stl. § 41 applies fvl. to these proceedings. *Double authority gap:* NO *Category error:* NO

REQ-29-12 (content after decision; 6-month deadline) *Direction 1 — Circular authority:* YES — section 4.29.1.2 states this explicitly. *Direction 2 — Statutory authority:* PARTIAL — stl. § 31 governs iverksetting but does not specify a 6-month period calculated from søknadstidspunktet. The circular converts the law's open timing framework into a mandatory fixed deadline with a specific calculation point (søknadstidspunktet) not found in the statute. Finding: Process Inflation Finding KRAV 12 — "circular converts the law's open timing into a mandatory fixed deadline of 6 months from the application date." *Double authority gap:* NO (circular authority present) *Category error:* NO

REQ-29-13 (self-assessment in AEV) *Direction 1 — Circular authority:* YES — section 4.29.2.2. *Direction 2 — Statutory authority:* YES — Nav-loven § 14a directly mandates this; stl. § 42 requires user consultation. *Double authority gap:* NO *Category error:* NO

REQ-29-14 (three-part mandatory methodology) *Direction 1 — Circular authority:* YES — section 4.29.2.3. *Direction 2 — Statutory authority:* PARTIAL — Nav-loven § 14a governs the AEV; stl. § 29 requires the hensiktsmessig/nødvendig assessment; stl. § 42 requires user consultation. However, the specific three-part mandatory structure — (a) must build on AEV findings, (b) must apply sosialfaglig skjønn, (c) must be enacted jointly with the applicant — converts the statute's open professional discretion into a fixed methodology prescribing evidentiary source, reasoning standard, and mandatory co-presence. Finding: Process Inflation Finding KRAV 14 — "converts the law's open evidence-discretion into a three-part mandatory specific methodology dictating evidentiary source, reasoning standard, and fixed actor co-presence." *Double authority gap:* NO (circular authority present) *Category error:* NO

REQ-29-15 (participant claim obligation + interruption assessment) *Direction 1 — Circular authority:* YES — section 4.29.2.9. *Direction 2 — Statutory authority:* PARTIAL — stl. § 29 and the subsidiarity principle support the assessment of whether other rights have emerged. The office's obligation to conduct a concrete assessment of grounds for interruption has reasonable statutory support. However, the obligation on the participant to actively submit claims for AAP/uføretrygd converts a passive eligibility criterion into an affirmative procedural duty on the recipient, which has no direct statutory basis. Finding: Process Inflation Finding KRAV 15 — "circular imposes a mandatory positive obligation on the participant to apply for benefits, converting a passive eligibility criterion into an affirmative procedural duty." *Double authority gap:* NO (circular authority present) *Category error:* NO — but the participant-duty component raises a sub-classification question: imposing formal procedural obligations on service recipients through a circular (rather than statute) is a distinct form of authority overreach.

REQ-29-16 (individualized assessment during straffegjennomføring) *Direction 1 — Circular authority:* YES — section 4.29.2.11. *Direction 2 — Statutory authority:* YES — stl. § 29 requires individual assessment in each case; the criminal execution context is addressed explicitly in both the statute and the circular. Process Inflation Finding KRAV 16 confirms no escalation detected. *Double authority gap:* NO *Category error:* NO

REQ-29-17 (KVP before activity conditions — sequencing) *Direction 1 — Circular authority:* NO — derives entirely from Kommunebrev 2025. The § 29 circular contains no sequencing rule relative to § 20 vilkår. First-order authority gap: caseworkers must comply with a mandatory sequencing obligation that their primary normative instrument does not address. *Direction 2 — Statutory authority:* PARTIAL — stl. § 20 (on vilkår) and stl. § 29 (on KVP as a right) could together be read to imply that a substantive right must be assessed before conditions are imposed. However, neither provision contains an explicit sequencing obligation of this kind. The Kommunebrev converts the implicit relationship between these provisions into a mandatory sequential ordering. Finding: Process Inflation Finding KRAV 17 — "circular converts the law's open timing into a mandatory specific sequencing obligation." *Double authority gap:* YES — NO circular authority AND PARTIAL statutory authority *Category error:* NO — both § 20 and § 29 belong to the social services domain; the category error concern is not triggered, but the instrument authority gap is significant.

REQ-29-18 (proactive outreach — bør) *Direction 1 — Circular authority:* NO — derives entirely from Kommunebrev 2025. The § 29 circular contains no proactive investigation or outreach obligation. First-order authority gap noted. *Direction 2 — Statutory authority:* PARTIAL — stl. § 17 (on guidance and information) and the general principle that persons with rights should be made aware of them provide indirect support. However, neither provision mandates systematic proactive outreach for KVP eligibility identification. The Kommunebrev uses bør (recommendation), which mitigates but does not resolve the authority gap. *Double authority gap:* YES — NO circular authority AND PARTIAL statutory authority. Mitigated by permissive language (bør) but not resolved: a bør-requirement from a Kommunebrev without circular support still operates outside the primary normative framework. *Category error:* NO

STEP 3 — SCALE AND PROPORTIONALITY CHECK

Note on the Anchor Document scope: The Volume Driver Findings (Document 4) address §§ 17, 18, 19, 20a directly. For § 29 (KVP), the findings apply through structural analogy — the mechanisms identified ([D], [P], [C], [S], [K], [T]) are domain-independent and operate wherever the same organizational preconditions are present. KVP is inherently a low-volume program in small municipalities; supervision data suggests KVP participation rates in

municipalities under 5,000–10,000 inhabitants are in the range of 2–8 active participants at any time.

REQ-29-01 (enkeltvedtak format) Scale flag: NO Rationale: The requirement to format a decision as an enkeltvedtak is binary and does not presuppose organizational scale or volume. The Anchor Document's [D] mechanism findings relate to the content and pipeline of documentation, not its basic format.

REQ-29-02 (duration in decision) Scale flag: PARTIAL Rationale: The Anchor Document documents that specific content requirements in formal decisions — such as start-date justifications in § 17 vedtak — are among the most frequently sanctioned elements precisely because caseworkers who rarely produce formal decisions in a given domain fail to internalize the specific content checklist. Finding: Anchor Document, Cluster 1 and Part 3, Section 2 — "The requirement to include explicit start-date justifications in every vedtak... is confirmed across dozens of reports as the single most common trigger for sanctions." Duration specification in KVP decisions is structurally analogous.

REQ-29-03 (three-step joint evidence review) Scale flag: YES Rationale: The Anchor Document confirms that three-step mandatory procedural sequences — where each step requires separate documentation, joint scheduling, and formal determination — impose burdens that assume back-office capacity and are structurally unsustainable in small offices with low case frequency. Finding: Anchor Document, Cluster 1 — "Each requirement assumes the others are already satisfied... cumulative effect is more severe than any individual requirement." For KVP, the joint review process requires the caseworker to schedule collaborative sessions, produce a usability determination, and implement updates — a three-stage pipeline that small offices processing few KVP applications will not be able to routinize. Additionally, Req 3 lacks full statutory authority (PARTIAL), meaning the scale burden it imposes is partially unsupported by the circular framework.

REQ-29-04 (mapping in AEV) Scale flag: YES Rationale: The Anchor Document documents competence decay in assessment procedures as a function of case frequency. Finding: Anchor Document, Part 2, Section 1a — "municipalities generating fewer than approximately 10–15 formal decisions per year consistently show [K] failures." KVP requires a full AEV under Nav-loven § 14a; for small municipalities with 2–5 KVP applications per year, maintaining the competence to conduct thorough multi-dimensional assessments (resources, obstacles, health) encounters the same competence-sustainability problem documented extensively for § 17.

REQ-29-05 (separate § 17 decision) Scale flag: PARTIAL Rationale: The Anchor Document establishes that the [D] mechanism — the obligation to produce separate formal administrative instruments for separate legal interactions — imposes disproportionate burdens in small offices where back-office capacity for document production and case management is limited. Finding: Anchor Document, Part 3, Cluster 1 — documentation requirements that "assume a back-office capacity proportional to caseload." Critically: this requirement has NO circular authority (Step 2), meaning the scale burden it imposes falls entirely outside any framework the § 29 circular provides guidance for. Caseworkers must manage two-decision obligations without any normative support from their primary governing instrument.

REQ-29-06 (mention guidance in decisions) Scale flag: PARTIAL Rationale: Same [D] mechanism logic as Req 5. Small offices where one caseworker handles both § 17 guidance and § 29 applications simultaneously must track collateral guidance activities and integrate that documentation into formal decisions — a documentation overhead the Anchor Document confirms is systematically unsustainable at low case volumes. Finding: Anchor Document, Part 2 — "the obligation to translate informal, conversational... service into a formal bureaucratic paper trail." This requirement also has NO circular authority; its scale burden is entirely unsupported by the § 29 normative framework.

REQ-29-07 (preparations during incarceration — permissive) Scale flag: NO Rationale: This is a permissive provision (kan) that reduces burden rather than imposing it. No scale concern is applicable.

REQ-29-08 (concrete re-entry assessment) Scale flag: PARTIAL Rationale: Re-entry cases are low-frequency events in small municipalities. The Anchor Document's [K] mechanism findings document that rare-trigger procedural requirements (those arising fewer than 10 times per year) cannot be institutionalized as habitual routines. Finding: Anchor Document, Part 2 — "competence decay is a function of case volume, not of individual negligence." Caseworkers in small offices encountering re-entry applications very infrequently may not maintain the specialized judgment to assess changed circumstances adequately.

REQ-29-09 (clarify income/rights before decision) Scale flag: YES Rationale: The subsidiarity check for KVP requires knowledge of multiple benefit frameworks — AAP, uføretrygd, overgangsstønad, introduksjonsordning, and others. The Anchor Document documents precisely this pattern in adjacent domains. Finding: Anchor Document, Part 1 — "EØS residence assessment: specialist legal knowledge that is impossible to maintain operationally without a steady flow of such cases." The subsidiarity check is structurally analogous: a caseworker in a small municipality who rarely processes KVP applications may

lack current knowledge of the interaction between multiple benefit programs, leading to incorrect subsidiarity determinations.

REQ-29-10 (inter-municipality collaboration on moving participants) Scale flag: YES Rationale: The Anchor Document extensively documents that coordination obligations between municipalities are disproportionately burdensome for small offices. Finding: Anchor Document, Part 3, Cluster 4 — "the requirement for formalized inter-agency cooperation... penalizes the natural adaptive behavior of small offices." For moving KVP participants, the requirement to coordinate between two Nav offices on program continuity or redesign assumes established inter-municipal coordination infrastructure that small offices typically lack. However, this requirement uses bør language (recommendation), partially mitigating the burden.

REQ-29-11 (without undue delay) Scale flag: NO Rationale: This is a general administrative obligation rooted in fvl. § 11a that applies uniformly regardless of organizational scale. No specific scale sensitivity is identified for this requirement.

REQ-29-12 (content after decision; 6-month deadline) Scale flag: YES Rationale: The Anchor Document identifies fixed deadlines with specific calculation points as a major source of compliance failures in small offices. Finding: Anchor Document, Part 3, Cluster 1 — "the requirement for vedtak with start-date justifications before or at service commencement is sub-legal in origin and generates the largest number of sanctions across the widest range of municipalities." The 6-month implementation deadline from søknadstidspunktet requires calendar management, coordination of program content development, resource allocation, and multi-actor scheduling — a burden that assumes organizational capacity that small offices frequently lack. The specific 6-month calculation point also has only PARTIAL statutory authority.

REQ-29-13 (self-assessment in AEV) Scale flag: PARTIAL Rationale: Incorporating the applicant's self-assessment into the AEV is directly governed by Nav-loven § 14a. However, the Anchor Document's [K] findings suggest that even well-anchored assessment procedures degrade in low-volume environments. Finding: Anchor Document, Part 1, Section 1a — "caseworkers who encounter this specific administrative threshold too infrequently to maintain the procedural competence required." This applies to self-assessment integration where KVP applications are rare.

REQ-29-14 (three-part mandatory methodology) Scale flag: YES Rationale: The Anchor Document's findings on mandatory three-part procedural methodologies — specifically the requirement to combine multiple documentation streams, reasoning frameworks, and

mandatory co-presence — are directly applicable. Finding: Anchor Document, Part 3, Cluster 1 — "even if a municipality addresses competence (by securing occasional access to a specialist via intermunicipal cooperation), it remains exposed to [P] and [D] failures because the procedural and documentation obligations apply to all caseworkers." The three-part methodology for the hensiktsmessig/nødvendig assessment creates a compound documentation burden: AEV findings must be documented, sosialfaglig skjønn must be articulated and recorded, and joint enactment must be logged. This circular authority is present but the statutory authority is PARTIAL, and the scale burden is real.

REQ-29-15 (participant claim obligation + interruption assessment) Scale flag: PARTIAL Rationale: The Anchor Document documents that obligations triggering mid-program reassessments — combined with formal participant duties — create procedural complexity that small offices with low KVP participant counts handle too rarely to routinize. Finding: Anchor Document, Part 2 — "[P] Procedural Continuity: failures cluster around the inability to maintain a repeatable pipeline for formalizing obligations." The participant claim duty is additionally a rare-trigger obligation that caseworkers may not recall how to administer correctly given infrequent encounter.

REQ-29-16 (assessment during straffegjennomføring) Scale flag: YES Rationale: KVP participants under criminal sentence execution are an extremely rare subpopulation, particularly in small municipalities. The Anchor Document documents that rare-trigger assessments in specialized legal contexts — such as EØS residence assessments or § 19 discretionary exceptional cases — cannot be addressed competently where encounter frequency is near-zero. Finding: Anchor Document, Part 1, Section 1b — "latent volume driver of potentially high severity... the vast majority of small municipalities will encounter these cases so rarely that competence cannot be sustained even as a latent capacity." The same logic applies here: individualized assessment of KVP eligibility during various forms of straffegjennomføring requires specialized knowledge that will not be maintained through normal casework in small offices.

REQ-29-17 (KVP before activity conditions) Scale flag: YES Rationale: The Anchor Document directly addresses this structural relationship. Finding: Anchor Document, § 20a section — "Nav Vestby (2025) provides direct empirical corroboration. The municipality previously operated its own local activity programme and reported it was then straightforward to set conditions early. Once the municipal programme closed, the office became dependent on state-level measures with long waitlists, structurally preventing timely condition-setting under § 20a." The sequencing obligation — that KVP eligibility must be fully assessed before conditions are imposed — presupposes that the KVP assessment can be conducted promptly. In small municipalities where KVP assessment capacity is thin, the sequencing obligation may create delays in both KVP assessment and activity condition-setting. This requirement also has NO circular authority; the scale burden it imposes falls outside any framework the § 29 circular provides guidance for.

REQ-29-18 (proactive outreach) Scale flag: YES Rationale: The Anchor Document explicitly classifies proactive outreach as a latent volume driver. Finding: Anchor Document, Part 1, Section 1b (§ 17 memo) — "Outreach work (oppsøkende virksomhet): dedicated field roles cannot coexist with mandatory desk-bound case processing in small offices. Current absence of supervision findings may reflect dormant enforcement rather than absence of real compliance gaps." The same structural analysis applies directly to proactive KVP eligibility investigation: maintaining systematic identification of potentially eligible persons while carrying a full generalist caseload is an organizational capacity function that small offices cannot sustain. This requirement has NO circular authority; its scale burden is entirely unsupported by the § 29 normative framework.

STEP 4 — PURPOSE CLASSIFICATION

REQ-29-01 (enkeltvedtak format) Classification: **[USER NEED]** Justification: The enkeltvedtak format is the legal vehicle through which the applicant acquires formal appeal rights, the right to a reasoned decision, and the right to compensation if the decision is unlawful. The requirement serves the user's legal security directly. Source language: section 4.29.1.2 — "Vedtaket kan påklages til statsforvalteren."

REQ-29-02 (duration in decision) Classification: **[USER NEED]** Justification: Knowing the program's duration is essential for the participant's planning, understanding of their situation, and ability to contest a duration that is incorrect or insufficient. The requirement directly serves case transparency and legal security. Source language: section 4.29.1.2 — "skal varigheten av programmet fremgå av vedtaket."

REQ-29-03 (three-step joint evidence review) Classification: **[MIXED]** Primary: USER NEED — ensuring that the evidence base for a life-affecting decision is current, valid, and incorporates the applicant's own perspective. The joint review directly serves the quality and fairness of the individual assessment. Secondary: INTERNAL CONTROL — the mandatory three-step structure (joint review → formal usability determination → documented updating) converts a substantive quality concern into an auditable procedural protocol, creating a compliance trail that serves administrative accountability rather than contributing additional substantive value to the user. Source language: section 4.29.2.2 — "skal veileder sammen med søker gå igjennom informasjonen og avgjøre om den kan benyttes som beslutningsgrunnlag. Eventuelle opplysninger som ikke lenger oppfattes som gyldige må endres."

REQ-29-04 (mapping in AEV) Classification: **[USER NEED]** Justification: The mapping of resources, obstacles, and health issues directly determines the content, structure, and suitability of the program designed for the individual participant. Without this mapping, the program cannot be genuinely individualized. Source language: section 4.29.2.2 — "I vurderingen av arbeidsevnen skal det tas hensyn til søkers ønsker og ressurser slik de fremkommer i egenvurderingen, og forhold i omgivelsene som hemmer eller fremmer deltakelse i arbeidslivet."

REQ-29-05 (separate § 17 decision) Classification: **[INTERNAL CONTROL]** Justification: The prohibition on incorporating § 17 guidance into the § 29 decision is primarily about maintaining the formal administrative record and preserving the legal integrity of distinct administrative instruments. A consolidated decision that clearly identified all services, rights, and appeal paths would serve the user equally well or better. The requirement serves the administrative system's need to maintain distinct instrument categories for audit, legal classification, and supervisory review purposes. Source instrument: veileder-sosialtjenesteloven-17 — the framing is entirely structural-administrative, concerned with the classification of decision types rather than with user outcome.

Note: Because this requirement derives from a non-§ 29 legal domain (§ 17), its purpose must be assessed in relation to § 29 users specifically. From the perspective of a § 29 applicant, the separate-decision requirement creates no direct benefit — it does not improve the quality of their program assessment. Its purpose is internal administrative architecture.

REQ-29-06 (mention guidance in decisions) Classification: **[INTERNAL CONTROL]** Justification: The user has already received the guidance at the point the decision is issued. Mentioning that guidance in the grant or denial decision serves the administrative record — enabling supervisory review, appeals handling, and internal quality audit — rather than serving the user's case outcome. The user's substantive interests are met by the guidance itself, not by its documentary mention in the decision. Source instrument: veileder-sosialtjenesteloven-17 — the requirement is purely documentary in character: "Råd og veiledning gitt i forbindelse med innvilgelse eller avslag av andre sosiale tjenester skal omtales i innvilgelsesvedtaket eller avslaget."

Note: Same non-§ 29 domain classification applies. From the user's perspective, this requirement adds no substantive benefit to their § 29 case assessment.

REQ-29-07 (preparations during incarceration — permissive) Classification: **[USER NEED]** Justification: The permission to conduct KVP preparations during incarceration directly serves the user's interest in timely program activation upon release. This is a facilitative provision that removes an obstacle to user access. Source language: section 4.29.2.13 — "kan utføres mens deltakeren er i fengsel eller forvaring" (permissive language confirming the user-protective intent). No transaction cost burden identified.

REQ-29-08 (re-entry assessment) Classification: **[USER NEED]** Justification: The concrete assessment of re-entry suitability ensures the user's individual circumstances — including changed health, motivation, or labor market conditions — are genuinely considered rather than mechanically processed. This directly serves the quality of the individual assessment. Source language: "Det kan for eksempel være forhold ved deltakerens helse, motivasjon eller forhold i arbeidsmarkedet som gjør at forutsetningene for å nyttiggjøre seg av et nytt program har endret seg." No transaction cost burden identified.

REQ-29-09 (clarify income/rights before decision) Classification: **[USER NEED]** Justification: Subsidiarity verification directly protects the user from being placed in the wrong scheme. A user who has rights under another program (e.g., AAP) would be harmed by being channeled into KVP, which provides lower benefits and different obligations. The requirement serves the user's interest in accessing the correct legal instrument. Source language: section 4.29.1.1 — "Ordningen er subsidiær. Det betyr at inntektsmuligheter gjennom arbeid og økonomiske rettigheter etter andre ordninger må avklares." No transaction cost burden identified.

REQ-29-10 (inter-municipality collaboration on moving participants) Classification: **[USER NEED]** Justification: The recommendation to collaborate on continuation vs. redesign when a participant moves is explicitly aimed at preventing discontinuity of the participant's program — a direct user protection function. The bør language preserves local discretion. Source language: section 4.29.1.1 — "Nav-kontoret i den nye kommunen bør i samarbeid med deltakeren vurdere om kvalifiseringsprogrammet kan videreføres eller om det er mer hensiktsmessig å innvilge et nytt program." No transaction cost burden identified.

REQ-29-11 (without undue delay) Classification: **[USER NEED]** Justification: Timely processing directly affects the user's access to income through the KVP support benefit (kvalifiseringsstønad). Delay has direct financial consequences for the applicant. Source language: section 4.29.1.2 — "en søknad skal behandles uten ugrunnet opphold." No transaction cost burden identified.

REQ-29-12 (content after decision; 6-month deadline) Classification: **[MIXED]** Primary: USER NEED — the timely implementation of the program serves the user's interest in beginning structured support and receiving the associated benefit without unnecessary delay. Secondary: INTERNAL CONTROL — the specific 6-month calculation from søknadstidspunktet (rather than from the grant decision) creates a measurable administrative compliance metric that enables supervisory audit of implementation timelines. This specific calculation point is a circular specification exceeding the statute and serving administrative reporting and control rather than adding substantive user protection beyond a

general timeliness guarantee. Source language: section 4.29.1.2 — "Programmets innhold utarbeides etter at innvilgelsesvedtaket er fattet, og må iverksettes innen seks måneder fra søknadstidspunktet."

REQ-29-13 (self-assessment in AEV) Classification: **[USER NEED]** Justification: Incorporating the user's own perspective in the capability assessment directly serves the fairness of the assessment and the quality of the program design. Source language: section 4.29.2.2 — "I vurderingen av arbeidsevnen skal det tas hensyn til søkers ønsker og ressurser slik de fremkommer i egenvurderingen." No transaction cost burden identified.

REQ-29-14 (three-part mandatory methodology) Classification: **[MIXED]** Primary: USER NEED — the joint assessment methodology is designed to ensure that the hensiktsmessig/nødvendig determination is based on solid evidence (AEV), professional judgment, and the user's participation. These are substantive quality guarantees. Secondary: INTERNAL CONTROL — the prescriptive three-part structure creates a fixed compliance protocol that produces an auditable trail exceeding what case quality alone would require. A skilled social worker could reach an equally sound determination using fewer prescribed steps; the mandatory sequencing serves administrative accountability and supervisory review. Source language: section 4.29.2.3 — "Vurderingen av om tett og koordinert bistand er hensiktsmessig og nødvendig skal bygge på opplysningene i arbeidsevnevurderingen og sosialfaglig skjønn, og gjøres av Nav-veileder i samråd med søker."

REQ-29-15 (participant claim obligation + interruption assessment) Classification: **[MIXED]** Primary: USER NEED — identifying when a participant may have acquired rights to other, potentially more appropriate or beneficial schemes (AAP, uføretrygd) serves their long-term interest in accessing the right support framework. Secondary: INTERNAL CONTROL — the affirmative obligation imposed on the participant to formally submit claims converts a passive eligibility situation into a formal administrative process. This serves the system's need to formally close or redirect cases rather than contributing additional substantive protection to the user. The participant duty is the internal-control element; the Nav office's assessment obligation is the user-need element. Source language: section 4.29.2.9 — "Deltakere som kan ha rett til arbeidsavklaringspenger eller uføretrygd, skal da sette frem krav om det, og det må foretas en konkret vurdering av om det er saklig grunn til å midlertidig avbryte eller avslutte programmet."

REQ-29-16 (assessment during straffegjennomføring) Classification: **[USER NEED]** Justification: The individualized assessment in a specialized legal context ensures that persons undergoing criminal sentence execution are not systematically excluded from KVP or automatically included without proper assessment of the prerequisites. Source language: section 4.29.2.11 — "Nav-kontoret må foreta en konkret vurdering av om forutsetningene for

deltakelse i kvalifiseringsprogram under straffegjennomføring er tilstede i hvert enkelt tilfelle." No transaction cost burden identified.

REQ-29-17 (KVP before activity conditions) Classification: **[MIXED]** Primary: USER NEED — protecting the user from premature imposition of activity conditions before their right to a comprehensive support program has been fully assessed. This is a procedural protection with direct impact on the user's situation. Secondary: INTERNAL CONTROL — the sequencing obligation creates an administrative trail requirement: the office must document that KVP was assessed before proceeding to § 20 vilkår, potentially requiring a negative KVP assessment record even when the primary outcome is an activity condition. This documentation requirement serves administrative accountability and supervisory review. Source instrument: Kommunebrev 2025 — "Rett til kvalifiseringsprogram skal vurderes før det stilles vilkår om aktivitet."

REQ-29-18 (proactive outreach) Classification: **[USER NEED]** Justification: Proactive identification of persons who may have a right to KVP — and who may not seek help independently — directly serves the user's interest in accessing their legal rights. This is an access-to-rights function. The bør language confirms that this is framed as a quality recommendation rather than a compliance obligation. Source instrument: Kommunebrev 2025 — "Nav-kontoret bør aktivt undersøke om personer som er i målgruppen kan ha rett på kvalifiseringsprogram, og gi hjelp til å søke der det er nødvendig." No transaction cost burden identified (USER NEED classification).

STEP 5 — TRANSACTION COST CHARACTERIZATION

REQ-29-03 (three-step joint evidence review) — [MIXED] The caseworker must: (1) schedule and conduct a dedicated joint review session with the applicant to go through existing information; (2) make and formally record a binary determination of whether that information can serve as a valid decision basis; (3) where information is determined invalid, implement and document the changes. This is a three-stage workflow requiring administrative scheduling, formal determination language, and documented updating — all for a process the law frames as an open evidentiary assessment. The demand is placed on the caseworker in their role as joint assessor and on the office as the entity responsible for formal documentation. The circular authority is present, but the three-step mandatory structure converts what could be a professional judgment into a compliance checklist, imposing both the time cost of the collaborative session and the documentation cost of each sub-step. Transaction cost category: **Documentation Inflation + Combined Burden**

REQ-29-05 (separate § 17 decision) — [INTERNAL CONTROL] The caseworker must: identify that a § 17 guidance interaction has occurred alongside the § 29 process; produce a

separate enkeltvedtak under § 17 with all required formal elements; maintain two distinct administrative instruments for what may be a closely related, contemporaneous interaction; manage two separate archiving entries, two separate appeal notifications, and two separate processing tracks. This doubles the formal administrative workload for combined service interactions and requires the caseworker to actively separate and re-categorize services that arise as an integrated whole. The administrative demand is imposed on the caseworker in their document-production and case-management role, and on the Nav leader as the entity responsible for ensuring correct decision packaging.

ABSENCE OF CIRCULAR GUIDANCE: The § 29 circular provides no guidance whatsoever on this requirement. The caseworker must comply with a two-decision packaging obligation from the § 17 veileder that their primary normative instrument — the § 29 circular — does not address. This means the caseworker has no normative resource within the § 29 framework to understand, interpret, or correctly apply this obligation. Transaction cost category: **Documentation Inflation + Procedural Duplication + Structural Disproportionality**

REQ-29-06 (mention guidance in decisions) — [INTERNAL CONTROL] The caseworker must: (1) track all guidance interactions that have occurred in connection with other social services during the § 29 process; (2) integrate a documentary description of those interactions into the formal grant or denial decision under § 29. This requires the caseworker to maintain an active log of collateral activities across service boundaries and to translate that log into decision text — adding a documentation overhead to the decision-writing process that serves administrative accountability rather than the user's case outcome.

ABSENCE OF CIRCULAR GUIDANCE: The § 29 circular provides no guidance on this requirement. The caseworker must comply with a decision-content obligation from the § 17 veileder that is invisible from the § 29 normative framework. There is no circular provision to interpret, adapt, or qualify this obligation in the § 29 context. Transaction cost category: **Documentation Inflation + Reporting Overhead**

REQ-29-12 (content after decision; 6-month deadline) — [MIXED] The caseworker and Nav leader must: maintain calendar tracking of the søknadstidspunktet for each KVP case; manage program content development, resource coordination, and multi-actor scheduling within the 6-month window; escalate and document when the deadline is at risk of being exceeded. The administrative demand is primarily on the Nav leader as the entity responsible for program implementation timelines and resource coordination. The 6-month-from-søknadstidspunktet calculation — a circular specification — creates a compliance obligation that does not follow the natural logical sequence of the process (grant → content → implementation) but instead introduces a third reference point (application date) that must be separately tracked. Transaction cost category: **Procedural Duplication + Documentation Inflation**

REQ-29-14 (three-part mandatory methodology) — [MIXED] The caseworker must: (1) formally document that the assessment is built on AEV findings — requiring explicit reference to and incorporation of the AEV in the assessment record; (2) articulate, apply, and record sosialfaglig skjønn as a distinct reasoning layer — requiring that professional judgment be made explicit and justifiable in the administrative record; (3) conduct and document joint enactment with the applicant — requiring scheduling, collaborative execution, and documentation of the joint process. This creates a three-documentation stream: the AEV reference, the social discretion reasoning, and the joint consultation record. Each stream is individually modest; together they impose a compound documentation burden on what is already a substantively demanding assessment. The circular authority is present, but the partial statutory authority and mandatory structure mean the caseworker is complying with a compliance protocol that exceeds the law's own requirements. Transaction cost category: **Documentation Inflation + Combined Burden**

REQ-29-15 (participant claim obligation + interruption assessment) — [MIXED] The caseworker must: (1) continuously monitor the participant's situation during the program for indicators that AAP or uføretrygd rights may have emerged; (2) formally inform the participant of the obligation to submit a claim; (3) verify that the participant has submitted the claim; (4) conduct and document a concrete assessment of whether objective grounds exist to interrupt or terminate the program. Steps 2 and 3 impose an unusual administrative relationship: the caseworker must enforce a procedural obligation on the participant, creating a documentation trail of that enforcement. The interruption assessment is additionally a formal determination requiring justification. This is a multi-step administrative process with obligations on both the office and the participant that the law itself does not frame in these terms. Transaction cost category: **Documentation Inflation + Reporting Overhead**

REQ-29-17 (KVP before activity conditions) — [MIXED] The Nav leader and caseworker must: maintain a formal sequential review protocol for every case in which § 20 activity conditions are contemplated; document that KVP eligibility was assessed first; in practice, potentially produce a documented negative KVP assessment record as a prerequisite for proceeding to § 20 vilkår — even when the primary intent and outcome is the imposition of conditions rather than program access. The administrative demand involves maintaining a protocol across two separate statutory frameworks (§ 20 and § 29), producing inter-provision assessment records, and tracking the sequencing compliance in the case file.

ABSENCE OF CIRCULAR GUIDANCE: The § 29 circular provides no guidance on this sequencing obligation. Caseworkers must comply with a mandatory sequencing rule from the Kommunebrev 2025 that the primary normative instrument governing their § 29 work does not address. The obligation operates across two normative frameworks — § 29 and § 20 — with no bridge in either framework's circular. Transaction cost category: **Procedural Duplication + Documentation Inflation + Structural Disproportionality**

Requirements classified as [USER NEED] (REQ-29-01, 02, 04, 07, 08, 09, 10, 11, 13, 16, 18): No transaction cost burden is identified for these requirements. Their procedural demands are inherent to the substantive rights and protections they serve, and the administrative cost they impose is calibrated to the user's legal security interest rather than the administrative system's internal needs.

STEP 6 — CATALOG ENTRIES

REQUIREMENT ID: REQ-29-01

PROVISION TEXT: Avgjørelse om kvalifiseringsprogram med tilhørende stønad er et enkeltvedtak.

SOURCE INSTRUMENT: Rundskriv R-35, § 29, section 4.29.1.2

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — forvaltningsloven § 2(b); sosialtjenesteloven § 41; stl. § 29 creating the individual right.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: NO

PURPOSE: USER NEED

BURDEN DESCRIPTION: No transaction cost burden identified. The enkeltvedtak format is the legal vehicle for the user's appeal rights and legal security. The administrative demand it imposes is inherent to the statutory framework.

KILL LIST CLASSIFICATION: No Kill List Action — requirement has sufficient authority and the burden is proportionate to the statutory framework.

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: REQ-29-02

PROVISION TEXT: Hvis kvalifiseringsprogrammet innvilges, skal varigheten av programmet fremgå av vedtaket.

SOURCE INSTRUMENT: Rundskriv R-35, § 29, section 4.29.1.2

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — stl. § 32 (program duration); fvl. §§ 24–25 (decision content requirements).

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: PARTIAL — analogous to the start-date specification requirement in § 17 decisions documented in the Anchor Document (Cluster 1); caseworkers who rarely produce KVP decisions may not internalize specific content checklists.

PURPOSE: USER NEED

BURDEN DESCRIPTION: No transaction cost burden identified. Duration specification is directly required by stl. § 32 and serves the user's legal security. The scale concern is marginal and does not alter the purpose classification.

KILL LIST CLASSIFICATION: No Kill List Action

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: REQ-29-03

PROVISION TEXT: Caseworker must jointly review existing information with the applicant, formally determine whether it can serve as a decision basis, and mandatorily alter any information no longer considered valid.

SOURCE INSTRUMENT: Rundskriv R-35, § 29, PROC-REQ-29.8 (incorporating DOC-REQ-29.3), section 4.29.2.2

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: PARTIAL — Nav-loven § 14a and stl. § 42 provide the substantive basis for evidence review and user consultation, but neither specifies the three-step mandatory structure (joint review → formal usability determination → mandatory updating). Finding: Process Inflation Finding KRAV 3 — "the circular converts the law's open evidence-discretion into three specific mandatory steps, eliminating the authority's freedom to determine the assessment scope."

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: YES — Anchor Document Cluster 1: three-step mandatory procedural sequences are disproportionately burdensome in small offices where the pipeline cannot be routinized at low case volumes.

PURPOSE: MIXED — Primary: USER NEED (ensuring valid, current evidence base for a life-affecting decision). Secondary: INTERNAL CONTROL (the mandatory three-step

structure creates an auditable compliance protocol beyond what substantive case quality requires).

BURDEN DESCRIPTION: Caseworker must schedule and conduct a joint review session, produce a formal usability determination, and document and implement any updating of invalid data — three distinct administrative acts for what the law frames as open evidentiary assessment. Demand falls on the caseworker in their assessment and documentation roles. The PARTIAL statutory authority means the three-step structure exceeds what the law mandates; the administrative cost of the secondary steps is not fully supported by the normative framework.

KILL LIST CLASSIFICATION: Category B — Status Change. The three-step mandatory structure uses imperative language ("skal... gå igjennom"; "må endres") that converts open professional discretion into a fixed protocol without full statutory backing. Reformulation to permissive language for the procedural sequencing steps would restore local assessment discretion while preserving the substantive requirement to use valid, current evidence.

TRANSACTION COST CATEGORY: Documentation Inflation + Combined Burden

---

REQUIREMENT ID: REQ-29-04

PROVISION TEXT: I arbeidsevnevurderingen skal en persons ressurser og hindringer, herunder eventuelle helseplager, kartlegges.

SOURCE INSTRUMENT: Rundskriv R-35, § 29, DOC-REQ-29.4 / PROC-REQ-29.10, section 4.29.2.9

CIRCULAR AUTHORITY: PRESENT (via Nav-loven § 14a integration)

LEGAL AUTHORITY: YES — Nav-loven § 14a directly mandates the content of working capability assessments.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: YES — Anchor Document Part 1, Section 1a: municipalities generating fewer than approximately 10–15 formal assessment-based decisions per year consistently show [K] competence failures. KVP applications in small municipalities fall well below this threshold, creating competence decay risk in AEV execution.

PURPOSE: USER NEED

BURDEN DESCRIPTION: No transaction cost burden identified. The mapping of resources, obstacles, and health issues directly determines program suitability for the individual participant. The scale concern is structural but does not alter the user-protective purpose of the requirement.

KILL LIST CLASSIFICATION: No Kill List Action

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: REQ-29-05

PROVISION TEXT: Any § 17 guidance provided as a measure must be issued as a separate enkeltvedtak under § 17; it must not be incorporated into the § 29 program decision.

SOURCE INSTRUMENT: veileder-sosialtjenesteloven-17, DOC-REQ-29.5 / S.4

CIRCULAR AUTHORITY: ABSENT — derives entirely from a veileder governing § 17, a different statutory provision. The § 29 circular contains no instruction on this matter. Consequence: the caseworker must comply with a decision-packaging prohibition that their primary normative instrument — the § 29 circular — does not address, leaving them without normative guidance on how to manage this obligation in the § 29 context.

LEGAL AUTHORITY: PARTIAL — stl. § 17 and § 29 are distinct provisions, providing some basis for separate instruments; however, neither provision explicitly prohibits consolidation, and fvl. provisions on decision content do not mandate separation. Finding: Process Inflation Finding KRAV 5 — "the circular converts the law's procedural silence on decision packaging into a mandatory rule requiring a separate instrument and prohibiting incorporation."

DOUBLE AUTHORITY GAP: YES — NO circular authority AND PARTIAL statutory authority.

CATEGORY ERROR: YES — this requirement belongs to the § 17 legal domain. It is applied to the § 29 administrative process through a § 17 veileder, with no normative bridge in the § 29 framework. From the perspective of a § 29 user, this requirement imposes an administrative packaging obligation derived from a different legal domain without any basis in the instrument governing their case.

SCALE FLAG: PARTIAL — Anchor Document [D] mechanism: maintaining separate decision instruments requires back-office document production and case management capacity that small offices demonstrably lack. This requirement has NO circular authority; its scale burden is entirely unsupported by any guidance in the § 29 normative framework.

PURPOSE: INTERNAL CONTROL — the requirement serves administrative architecture (formal category separation of decision instruments) rather than any user-protective function. A consolidated, clear decision providing all required information on both § 17 and § 29 services would serve the user equally well. See note: assessment made in relation to § 29 users, as required by the methodology.

BURDEN DESCRIPTION: Caseworker must produce a separate enkeltvedtak for any § 17 service arising alongside the § 29 process; maintain two distinct administrative instruments; manage two separate appeal notifications; archive two separate entries. This doubles the formal administrative workload for combined service interactions. The demand falls on the caseworker in their document-production role and on the Nav leader as the entity

responsible for correct decision packaging. This burden falls entirely outside any framework the § 29 circular provides guidance for; caseworkers must comply with the obligation without normative support from their primary instrument.

KILL LIST CLASSIFICATION: Category A — Removal. The requirement lacks circular authority in the § 29 framework and belongs to a different legal domain (§ 17). It is a candidate for repeal from the § 29 normative framework; any legitimate decision-packaging concern should be addressed within the § 17 normative framework rather than imposed on § 29 practitioners through a cross-domain veileder.

TRANSACTION COST CATEGORY: Documentation Inflation + Procedural Duplication + Structural Disproportionality

---

REQUIREMENT ID: REQ-29-06

PROVISION TEXT: Guidance given in connection with the granting or denial of other social services must be explicitly mentioned in the grant or denial decision.

SOURCE INSTRUMENT: veileder-sosialtjenesteloven-17, DOC-REQ-29.6

CIRCULAR AUTHORITY: ABSENT — derives entirely from a veileder governing § 17. The § 29 circular contains no such decision-content requirement. Consequence: the caseworker must comply with a specific documentation obligation that their primary normative instrument does not address, without any circular guidance on how to fulfill it in the § 29 context.

LEGAL AUTHORITY: PARTIAL — fvl. §§ 24–25 govern mandatory decision content but do not require documentation of collateral guidance activities; stl. § 29 contains no such content requirement. Finding: Process Inflation Finding KRAV 6 — "the circular imposes a mandatory specific content requirement on decisions in the open space where § 29 grants no instruction."

DOUBLE AUTHORITY GAP: YES — NO circular authority AND PARTIAL statutory authority.

CATEGORY ERROR: YES — this requirement belongs to the § 17 legal domain. Applied to § 29 decisions through a § 17 veileder, it creates a content obligation in a different service's administrative instrument without normative support in the § 29 framework.

SCALE FLAG: PARTIAL — Anchor Document [D] mechanism: maintaining specific content checklists across service interactions is a documented challenge in small offices processing few cases per year. This requirement has NO circular authority; its scale burden is entirely unsupported by the § 29 normative framework.

PURPOSE: INTERNAL CONTROL — the user has already received the guidance before the decision is issued. Mentioning it in the decision serves the administrative record (audit trail, supervisory review) rather than the user's case outcome or legal security. See note: assessment made in relation to § 29 users.

BURDEN DESCRIPTION: Caseworker must actively track all guidance interactions across service boundaries during the § 29 process; integrate documentary descriptions of those interactions into the formal § 29 decision text; maintain an active log of collateral activities to support that integration. The demand falls on the caseworker in their cross-service tracking and decision-writing roles. This burden falls entirely outside any framework the § 29 circular provides guidance for; caseworkers must comply without normative support from their primary instrument.

KILL LIST CLASSIFICATION: Category A — Removal. The requirement lacks circular authority in the § 29 framework and belongs to a different legal domain (§ 17). It is a candidate for repeal from the § 29 normative framework.

TRANSACTION COST CATEGORY: Documentation Inflation + Reporting Overhead

---

REQUIREMENT ID: REQ-29-07

PROVISION TEXT: Administrative preparations — first meeting, AEV, program content design, individual plan drafting — may be conducted while the participant is incarcerated or in custody.

SOURCE INSTRUMENT: Nasjonal veileder kriminalomsorgen og Nav, DOC-REQ-29.7 / S.3, section 4.29.2.13

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — stl. § 31 (iverksetting) and the circular use permissive language ("kan") fully consistent with the statute's open permissive space. Finding: Process Inflation Finding KRAV 7 confirms no escalation detected.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: NO — this is a permissive provision reducing burden.

PURPOSE: USER NEED — facilitates timely program activation upon release, directly serving the participant's interest in uninterrupted support.

BURDEN DESCRIPTION: No transaction cost burden identified. This is a facilitative provision.

KILL LIST CLASSIFICATION: No Kill List Action

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: REQ-29-08

PROVISION TEXT: Must conduct a concrete assessment of whether new program participation is appropriate and necessary when a person who has previously completed or terminated a program re-applies.

SOURCE INSTRUMENT: Rundskriv R-35, § 29, PROC-REQ-29.1

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — stl. § 29 requires assessment of whether conditions are met at each application; a concrete re-entry assessment is inherent to a conditions-based right. Finding: Process Inflation Finding KRAV 8 — no escalation detected.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: PARTIAL — Anchor Document [K] mechanism: rare-trigger procedural requirements cannot be institutionalized at low case volumes. Re-entry applications are rare events in small municipalities.

PURPOSE: USER NEED

BURDEN DESCRIPTION: No transaction cost burden identified.

KILL LIST CLASSIFICATION: No Kill List Action

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: REQ-29-09

PROVISION TEXT: Income opportunities through work and economic rights under other schemes must be clarified before the KVP decision is formulated.

SOURCE INSTRUMENT: Rundskriv R-35, § 29, PROC-REQ-29.2

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — stl. § 29 explicitly establishes the subsidiary character of the program. Finding: Process Inflation Finding KRAV 9 — no escalation detected.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: YES — Anchor Document [K] mechanism: subsidiarity verification requires knowledge of multiple benefit frameworks; competence in navigating this knowledge base decays in low-volume environments. Finding: Anchor Document Part 1, Section 1b — structural parallel with EØS residence assessment.

PURPOSE: USER NEED

BURDEN DESCRIPTION: No transaction cost burden identified. Subsidiarity verification is inherent to the user-protective purpose of the right.

KILL LIST CLASSIFICATION: No Kill List Action

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: REQ-29-10

PROVISION TEXT: When a participant moves to a new municipality, the receiving Nav office should collaboratively assess with the participant whether the existing program can be continued or whether a new program is more appropriate.

SOURCE INSTRUMENT: Rundskriv R-35, § 29, PROC-REQ-29.3

CIRCULAR AUTHORITY: PRESENT (bør — recommendation)

LEGAL AUTHORITY: YES — stl. § 3 (oppholdskommunens ansvar); circular uses bør (weaker than mandatory). Finding: Process Inflation Finding KRAV 10 — no escalation detected.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: YES — Anchor Document Cluster 4: coordination obligations between municipalities are disproportionately burdensome in small offices lacking inter-municipal coordination infrastructure. However, the bør language preserves local discretion and partially mitigates this concern.

PURPOSE: USER NEED

BURDEN DESCRIPTION: No transaction cost burden identified. The recommendation language preserves local discretion; the obligation to consider the participant's program continuity is inherent to the user-protective purpose.

KILL LIST CLASSIFICATION: No Kill List Action

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: REQ-29-11

PROVISION TEXT: The application must be processed without undue delay.

SOURCE INSTRUMENT: Rundskriv R-35, § 29, PROC-REQ-29.4 (via forvaltningsloven § 11a)

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — fvl. § 11a directly mandates this; stl. § 41 applies fvl. to these proceedings.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: NO — general administrative obligation applying uniformly regardless of scale.

PURPOSE: USER NEED

BURDEN DESCRIPTION: No transaction cost burden identified.

KILL LIST CLASSIFICATION: No Kill List Action

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: REQ-29-12

PROVISION TEXT: Program content must be developed after the grant decision; the program must be implemented within six months of the application date.

SOURCE INSTRUMENT: Rundskriv R-35, § 29, PROC-REQ-29.6, section 4.29.1.2

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: PARTIAL — stl. § 31 governs iverksetting but does not specify a 6-month deadline calculated from søknadstidspunktet. The circular converts the law's open timing into a mandatory fixed deadline with a specific calculation point not found in the statute. Finding: Process Inflation Finding KRAV 12 — "converts the law's open timing into a mandatory fixed deadline of 6 months from the application date."

DOUBLE AUTHORITY GAP: NO (circular authority present)

CATEGORY ERROR: NO

SCALE FLAG: YES — Anchor Document Cluster 1 and Part 2, Section 2: fixed deadlines with specific calculation points are among the most frequently sanctioned elements across the dataset, particularly for small offices processing few cases annually. Finding: "the § 17 formalization pipeline — requiring formal decisions with start-date justifications — is sub-legal in origin and generates the largest number of sanctions."

PURPOSE: MIXED — Primary: USER NEED (timely program implementation). Secondary: INTERNAL CONTROL (the 6-month-from-søknadstidspunktet calculation creates a measurable administrative compliance metric for supervisory purposes).

BURDEN DESCRIPTION: Nav leader and caseworker must track søknadstidspunktet across multiple cases; manage program content development and multi-actor scheduling within the 6-month window; escalate and document when deadlines are at risk. The circular authority is present, but the specific calculation point (søknadstidspunktet) has PARTIAL statutory support and serves administrative audit functions beyond the law's own requirements.

KILL LIST CLASSIFICATION: Category B — Status Change. The 6-month calculation from søknadstidspunktet uses mandatory language to specify a deadline calculation point that exceeds the statute. Reformulation to clarify that the statutory requirement is timely implementation, with the 6-month period as guidance rather than a fixed compliance point, would restore proportionality without undermining the user-protective intent.

TRANSACTION COST CATEGORY: Procedural Duplication + Documentation Inflation

---

REQUIREMENT ID: REQ-29-13

PROVISION TEXT: In the working capability assessment, the applicant's wishes and resources as they appear in the self-assessment must be taken into account.

SOURCE INSTRUMENT: Rundskriv R-35, § 29, PROC-REQ-29.7 (via Nav-loven § 14a), section 4.29.2.2

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — Nav-loven § 14a directly mandates this; stl. § 42 requires user consultation.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: PARTIAL — Anchor Document [K] mechanism: assessment procedures degrade in low-volume environments, but this requirement has full statutory backing and is a substantive quality standard.

PURPOSE: USER NEED

BURDEN DESCRIPTION: No transaction cost burden identified.

KILL LIST CLASSIFICATION: No Kill List Action

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: REQ-29-14

PROVISION TEXT: The assessment of whether close and coordinated assistance is appropriate and necessary must be built on AEV findings and professional social discretion, and must be conducted jointly between the Nav counselor and the applicant.

SOURCE INSTRUMENT: Rundskriv R-35, § 29, PROC-REQ-29.9, section 4.29.2.3

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: PARTIAL — Nav-loven § 14a, stl. § 29, stl. § 42 provide substantive support for the component elements. However, the specific three-part mandatory methodology — (a) must build on AEV findings, (b) must apply sosialfaglig skjønn, (c) must be enacted jointly — converts the law's open professional discretion into a fixed protocol. Finding: Process Inflation Finding KRAV 14 — "converts the law's open evidence-discretion into a three-part mandatory specific methodology dictating evidentiary source, reasoning standard, and fixed actor co-presence."

DOUBLE AUTHORITY GAP: NO (circular authority present)

CATEGORY ERROR: NO

SCALE FLAG: YES — Anchor Document Cluster 1: "cumulative effect is more severe than any individual requirement." The three-part methodology imposes a compound documentation burden that small offices with low KVP volumes cannot routinize.

PURPOSE: MIXED — Primary: USER NEED (joint assessment methodology ensures evidence quality and user participation). Secondary: INTERNAL CONTROL (the mandatory three-part structure creates an auditable compliance protocol beyond what case quality alone requires).

BURDEN DESCRIPTION: Caseworker must: (1) formally document the assessment's grounding in AEV findings; (2) articulate and record sosialfaglig skjønn as an explicit reasoning layer; (3) conduct and document the joint enactment with the applicant. Three distinct documentation streams created for what the law frames as open professional assessment. The circular authority is present, but the three-part structure converts the law's permissive space into a compliance checklist with PARTIAL statutory support.

KILL LIST CLASSIFICATION: Category B — Status Change. The three-part mandatory structure uses imperative language ("skal bygge på"; "gjøres av Nav-veileder i samråd med søker") that converts open professional discretion into a fixed methodology without full statutory backing. Reformulation to clarify that the methodology constitutes guidance for good practice rather than a mandatory compliance protocol would restore professional discretion while preserving the substantive quality intent.

TRANSACTION COST CATEGORY: Documentation Inflation + Combined Burden

---

REQUIREMENT ID: REQ-29-15

PROVISION TEXT: Participants who may have rights to AAP or uføretrygd must submit a formal claim for those benefits; the Nav office must conduct a concrete assessment of whether objective grounds exist to temporarily interrupt or terminate the program.

SOURCE INSTRUMENT: Rundskriv R-35, § 29, PROC-REQ-29.11, section 4.29.2.9

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: PARTIAL — stl. § 29 and the subsidiarity principle support the office's assessment obligation. However, the affirmative duty imposed on the participant to actively submit claims for AAP/uføretrygd converts a passive eligibility situation into an affirmative procedural obligation on the recipient without direct statutory basis. Finding: Process Inflation Finding KRAV 15 — "circular imposes a mandatory positive obligation on the participant to apply for benefits, converting a passive eligibility criterion into an affirmative procedural duty."

DOUBLE AUTHORITY GAP: NO (circular authority present)

CATEGORY ERROR: NO — but the participant-duty component raises a distinct authority concern: imposing formal procedural obligations on service recipients through a circular rather than by statute is a form of authority overreach that deserves targeted clarification.

SCALE FLAG: PARTIAL — Anchor Document [P] mechanism: mid-program reassessment obligations triggered by emerging rights information are rare events in small municipalities; the procedural pipeline cannot be routinized at low encounter frequency.

PURPOSE: MIXED — Primary: USER NEED (identifying more appropriate rights frameworks for the participant). Secondary: INTERNAL CONTROL (the participant's mandatory claim-submission creates a formal administrative process trail that serves case-management accountability rather than adding substantive protection beyond the office's own assessment obligation).

BURDEN DESCRIPTION: Caseworker must: monitor participant situation during program; formally inform the participant of the claim-submission obligation; verify compliance; conduct and document a concrete assessment of grounds for interruption. The participant's claim-submission duty additionally creates an enforcement relationship between caseworker and participant that the law does not establish.

KILL LIST CLASSIFICATION: Category C — Clarification. The requirement is ambiguous: the office's assessment obligation has reasonable statutory support, but the participant's mandatory claim-submission duty does not. The room for maneuver — and specifically the legal basis for imposing a procedural duty on the participant through circular language — must be made explicit to prevent caseworkers from enforcing an obligation that lacks statutory grounding, or from failing to distinguish between the administrative assessment they must conduct and the participant duty they cannot legally mandate.

TRANSACTION COST CATEGORY: Documentation Inflation + Reporting Overhead

---

REQUIREMENT ID: REQ-29-16

PROVISION TEXT: Must perform an individualized concrete assessment of whether the prerequisites for KVP participation are present in each specific case involving a participant undergoing criminal sentence execution.

SOURCE INSTRUMENT: Rundskriv R-35, § 29, PROC-REQ-29.12, section 4.29.2.11

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — stl. § 29 requires individual assessment in each case. Finding: Process Inflation Finding KRAV 16 — mirrors individualized assessment already mandated by statute; no escalation detected.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: YES — Anchor Document [K] mechanism: rare-trigger assessments in specialized legal contexts cannot be addressed competently in small offices where encounter frequency is near-zero. Finding: Anchor Document Part 1, Section 1b — "latent volume driver: the vast majority of small municipalities will encounter these cases so rarely that competence cannot be sustained even as a latent capacity." KVP participants under various forms of straffegjennomføring will be extremely rare in small municipalities.

PURPOSE: USER NEED

BURDEN DESCRIPTION: No transaction cost burden identified. The individualized assessment serves the user's right to individual consideration regardless of institutional context.

KILL LIST CLASSIFICATION: No Kill List Action

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: REQ-29-17

PROVISION TEXT: The right to KVP must be assessed and determined before activity conditions are imposed.

SOURCE INSTRUMENT: Kommunebrev 2025, S.1

CIRCULAR AUTHORITY: ABSENT — derives entirely from Kommunebrev 2025. The § 29 circular contains no sequencing rule relative to § 20 vilkår. Consequence: caseworkers must comply with a mandatory sequencing obligation, enforced through imperative language ("skal vurderes"), that their primary normative instrument does not address.

LEGAL AUTHORITY: PARTIAL — stl. § 20 and stl. § 29 could together be read to imply sequential assessment, but neither provision contains an explicit sequencing obligation.

Finding: Process Inflation Finding KRAV 17 — "converts the law's open timing into a mandatory specific sequencing obligation."

DOUBLE AUTHORITY GAP: YES — NO circular authority AND PARTIAL statutory authority.

CATEGORY ERROR: NO — both § 20 and § 29 belong to the social services domain.

SCALE FLAG: YES — Anchor Document § 20a findings: "Nav Vestby (2025) provides direct empirical corroboration... the municipality previously operated its own local activity programme and reported it was then straightforward to set conditions early. Once the municipal programme closed, the office became dependent on state-level measures with long waitlists, structurally preventing timely condition-setting." The sequencing obligation presupposes that the KVP assessment can be conducted promptly; where KVP assessment capacity is thin, the obligation creates delays across both frameworks. The scale burden it imposes has NO circular support.

PURPOSE: MIXED — Primary: USER NEED (protecting the user from premature activity conditions before their right to a comprehensive program is assessed). Secondary: INTERNAL CONTROL (the sequencing obligation creates a documentation trail requirement — the negative KVP assessment must be recorded before § 20 vilkår can be imposed — serving administrative accountability and supervisory review).

BURDEN DESCRIPTION: Nav leader and caseworker must maintain a formal sequential review protocol; document that KVP eligibility was assessed first; potentially produce a documented negative KVP assessment record as a prerequisite for each § 20 vilkår case. The obligation operates across two statutory frameworks without normative support in either framework's circular. Caseworkers must comply with an obligation that the primary normative instrument governing their § 29 work does not address — and for which no circular guidance exists anywhere in the § 29 or § 20 circulars.

KILL LIST CLASSIFICATION: Category A — Removal (from the § 29 normative framework). The requirement lacks both circular authority and full statutory authority in the § 29 framework. It is a candidate for either: (a) repeal and replacement with a formally anchored sequencing provision in both the § 29 and § 20 normative frameworks, or (b) if the substantive sequencing principle is sound policy, elevation to a formally binding instrument with explicit statutory grounding and circular-level guidance in both frameworks.

TRANSACTION COST CATEGORY: Procedural Duplication + Documentation Inflation + Structural Disproportionality

---

REQUIREMENT ID: REQ-29-18

PROVISION TEXT: Nav-kontoret should actively investigate whether persons in the target group may have a right to KVP, and offer application assistance where necessary.

SOURCE INSTRUMENT: Kommunebrev 2025, S.2

CIRCULAR AUTHORITY: ABSENT — derives entirely from Kommunebrev 2025. The § 29 circular contains no proactive outreach obligation.

LEGAL AUTHORITY: PARTIAL — stl. § 17 (guidance and information) and the general principle that persons with rights should be informed provide indirect support; neither mandates systematic proactive outreach for KVP eligibility identification. The Kommunebrev uses bør (recommendation), which mitigates but does not resolve the authority gap.

DOUBLE AUTHORITY GAP: YES — NO circular authority AND PARTIAL statutory authority. Mitigated by bør language.

CATEGORY ERROR: NO

SCALE FLAG: YES — Anchor Document Part 1, Section 1b (§ 17 memo): "Outreach work (oppsøkende virksomhet): dedicated field roles cannot coexist with mandatory desk-bound case processing in small offices. Current absence of supervision findings may reflect dormant enforcement rather than absence of real compliance gaps." Finding directly applicable: systematic KVP eligibility investigation requires ongoing monitoring capacity that small offices with generalist workforces cannot sustain alongside mandatory casework obligations. The scale burden has NO circular support.

PURPOSE: USER NEED — proactive identification serves the user's interest in accessing their legal rights. The bør language preserves local discretion.

BURDEN DESCRIPTION: No transaction cost burden identified under the [USER NEED] classification. However: the absence of circular authority means that any shadow-binding interpretation of the bør requirement — treating it as a compliance standard in supervisory reviews — would impose a capacity demand on small offices without any normative basis in the § 29 framework. This risk of shadow-binding is the basis for the clarification flag below.

KILL LIST CLASSIFICATION: Category C — Clarification. The room for maneuver must be made explicit. The bør language is correctly permissive, but operating without any § 29 circular support creates a risk that supervisory practice treats the Kommunebrev recommendation as a de facto compliance standard (a shadow-binding dynamic extensively documented in the Anchor Document). The clarification needed is: this is a quality recommendation, not a compliance obligation, and small offices cannot be sanctioned for failing to maintain systematic outreach infrastructure for KVP eligibility identification.

TRANSACTION COST CATEGORY: No Transaction Cost Identified (USER NEED classification; shadow-binding risk noted but no current transactional burden assessed)

CLOSING COMPARATIVE NOTE

Requirements identified starting from the Process Inflation Findings: 18

Requirements that would have been visible starting from the circular alone: 14 (requirements 1–4, 7–16; requirements 5, 6, 17, and 18 are entirely absent from the circular text)

Percentage of requirements invisible from the circular: 22% (4 of 18)

Double authority gaps (NO circular authority AND NO or PARTIAL statutory authority): 4 — REQ-29-05, REQ-29-06, REQ-29-17, REQ-29-18

Category errors (requirement belonging to a different legal domain): 2 — REQ-29-05 (§ 17 veileder obligation imposed on § 29 process) — REQ-29-06 (§ 17 veileder obligation imposed on § 29 process)

Kill List Breakdown:

Category	Count	Requirements
A — Removal	3	REQ-29-05, REQ-29-06, REQ-29-17
B — Status Change	3	REQ-29-03, REQ-29-12, REQ-29-14
C — Clarification	2	REQ-29-15, REQ-29-18
No Kill List Action	10	REQ-29-01, 02, 04, 07, 08, 09, 10, 11, 13, 16

Transaction Cost Categories by Frequency:

Category	Count	Requirements
Documentation Inflation	6	REQ-29-03, 05, 06, 12, 14, 15, 17
Procedural Duplication	3	REQ-29-05, 12, 17
Reporting Overhead	2	REQ-29-06, 15
Structural Disproportionality	3	REQ-29-05, 06, 17
Combined Burden	2	REQ-29-03, 14
No Transaction Cost Identified	11	REQ-29-01, 02, 04, 07, 08, 09, 10, 11, 13, 16, 18

Note: Several requirements carry multiple transaction cost categories simultaneously; the frequency count reflects all applicable categories per requirement.

Primary analytical observation for the main report:

The most structurally significant finding for § 29 is not the volume of requirements flagged — the majority of § 29 requirements are properly anchored and serve the user directly — but the character of the four requirements that are invisible from the circular. Two of them (REQ-29-05 and REQ-29-06) are Category A removals from the § 29 normative framework, both carrying a category error: obligations originating in the § 17 legal domain, applied to § 29 practitioners through a § 17 veileder with no bridge in the § 29 circular. These two requirements impose an administrative documentation architecture on § 29 caseworkers that their primary normative instrument does not address, cannot guide, and has no basis to enforce. One of the remaining invisible requirements (REQ-29-17) is also a Category A removal — a mandatory sequencing rule from a Kommunebrev that operates entirely outside both the § 29 and § 20 circular frameworks simultaneously. Together, these three Category A items represent the core sludge yield of the § 29 audit: procedural obligations that have been layered onto the § 29 process through sub-legal instruments operating outside the framework that is supposed to govern it, creating compliance demands that caseworkers in small municipalities cannot locate in, interpret through, or justify by reference to the instrument that defines their work.

SLUDGE AUDIT — §30 KVALIFISERINGSPROGRAMMETS INNHOLD

Systematic Identification of Documentation Requirements and Procedural Obligations

Legal-Administrative Analysis | Norwegian Social Services (NAV)
Session Reference: §30 | Analytical Date: March 2026
Classification: Working Document — Manual Verification Required

---

PRELIMINARY METHODOLOGICAL NOTE

Requirements visible from Process Inflation Findings vs. Circular Alone:

The Process Inflation Findings enumerate **26 requirements** applicable to §30. Starting from the §30 circular paragraph alone (R-35 §4.30 and Forskrift §1), only **23 requirements** would be visible. Three requirements — R17, R18, and R19 — have no textual presence in the §30 circular. This 3-requirement gap (12% of total requirements) establishes the core analytical value of the Process Inflation Findings as the reference document: a non-trivial share of operational obligations derives from sub-legal instruments invisible when reading the primary normative instrument.

Requirements invisible from the §30 circular alone:

Req	Obligation	Source Instrument	Instrument Type
R17	Active investigation of KVP eligibility in target group	Kommunebrev 2025	(a) Kommunebrev
R18	§17 advisory service as KVP measure must be formalized in separate §17 decision	Veileder sotjl. §17	(b) Veileder
R19	Program preparation can occur during imprisonment for start upon release	Kriminalomsorg veileder	(e) Other sub-legal instrument (external agency)

Source characterization for invisible requirements:

- **R17 — Kommunebrev (type a):** A Kommunebrev is an administrative letter to municipalities issued by the directorate. It has no formal regulatory hierarchy placement above or equivalent to circular guidance, and carries no binding legal force. Its instruction operates through administrative channels. Where it introduces obligations that §30 does not address — such as a duty of proactive eligibility investigation for a provision governing enrolled participants — it exceeds its normative competence.

- **R18 — Veileder (type b):** A veileder is explicitly an advisory document. Yet by prescribing the specific procedural vehicle (a separate §17 decision) required when a §17 advisory service is included as a KVP measure, it operates as a binding procedural constraint in practice. Its attachment to §30 is imported from §17's own normative framework; the linkage to §30 is externally constructed rather than native.

- **R19 — Other sub-legal instrument (type e):** The kriminalomsorg veileder is issued by the correctional service, an agency operating in the criminal justice domain under a different legal and institutional framework. The permissive character of the requirement ('kan') reduces operational burden, but the source's external institutional origin renders its normative standing in the §30 framework indeterminate. NAV caseworkers operating under §30 guidance have no §30 circular reference for this practice.

This source mapping is carried forward into Step 2 (legal authority check) and the catalog entries in Step 6.

STEP 1 — IDENTIFICATION OF ALL REQUIREMENTS

All 26 requirements from the Process Inflation Findings are enumerated below. No requirement is omitted.

ID	Obligation (exact, from Process Inflation Findings)	Source Instrument	Explicit / Implicit	Circular Presence
R1	Nav-veileder skal sammen med deltaker definere mål og utarbeide et individuelt tilpasset program	R-35 §4.30.1 (PROC-REQ 30.1)	Explicit	PRESENT — §4.30.1
R2	Stor vekt på deltakerens egne ønsker og vurderinger ved utformingen av programmet	R-35 §4.30.1 (PROC-REQ 30.2)	Explicit	PRESENT — §4.30.1

R3	Nav-kontoret må foreta en konkret og individuell vurdering av hvilken utdanning/opplæring som skal inngå	R-35 §4.30.2.2 (PROC-REQ 30.3)	Explicit	PRESENT — §4.30.2.2
R4	Nav-kontoret må begrunne bruken av tiden i hver sak	R-35 §4.30.2.5 (PROC-REQ 30.4 / DOC-REQ 30.4)	Explicit	PRESENT — §4.30.2.5
R5	Deler av programmet kan legges til kveld, natt eller helg hvis hensiktsmessig og nødvendig	R-35 §4.30.2.5 (PROC-REQ 30.5)	Explicit	PRESENT — §4.30.2.5
R6	Tidspunkt for iverksettelse skal fastsettes etter individuell vurdering i samarbeid med deltaker	R-35 §4.30.2.6 + Forskrift §1 (PROC-REQ 30.6)	Explicit	PRESENT — §4.30.2.6
R7	Programmet må iverksettes innen seks måneder fra søknadsdato	R-35 §4.30.2.6 (PROC-REQ 30.7)	Explicit	PRESENT — §4.30.2.6
R8	Kontinuerlig vurdering av om aktiviteter og tiltak er egnet for å fremme deltakerens mål	R-35 §4.30.2.7 + Forskrift §1 (PROC-REQ 30.8)	Explicit	PRESENT — §4.30.2.7
R9	Deltakerens utbytte og progresjon skal vurderes og eventuelt følges opp med endringer	R-35 §4.30.2.7 + Forskrift §1 (PROC-REQ 30.9)	Explicit	PRESENT — §4.30.2.7
R10	Nav-kontoret må foreta en konkret og individuell vurdering av hvilke andre tiltak som kan inngå	R-35 §4.30.2.9 (PROC-REQ 30.10)	Explicit	PRESENT — §4.30.2.9
R11	Tidsbruken til helseaktiviteter skal begrunnes og fremgå av saken	R-35 §4.30.2.10 (PROC-REQ 30.11 / DOC-REQ 30.7)	Explicit	PRESENT — §4.30.2.10
R12	Alltid vurdere om helsesituasjonen utløser andre rettigheter til ytelser og oppfølging	R-35 §4.30.2.10 (PROC-REQ 30.12)	Explicit	PRESENT — §4.30.2.10
R13	Kombinasjon med samfunnsstraff må vurderes individuelt i samarbeid med deltaker	R-35 §4.30.2.11 (PROC-REQ 30.13)	Explicit	PRESENT — §4.30.2.11

R14	Deltakerbevis skal utstedes ved gjennomført eller avsluttet program	R-35 §4.30.2.13 + Forskrift §1 (PROC-REQ 30.14 / DOC-REQ 30.3)	Explicit	PRESENT — §4.30.2.13
R15	Deltakerbeviset skal utformes i samarbeid med deltaker	R-35 §4.30.2.13 (PROC-REQ 30.15)	Explicit	PRESENT — §4.30.2.13
R16	Hensyn til familiesituasjon og eventuelt tilpasninger til barnets behov	R-35 §4.30.2.16 (PROC-REQ 30.16)	Explicit	PRESENT — §4.30.2.16
R17	Nav-kontoret bør aktivt undersøke potensielle KVP-kandidater og hjelpe med søknad	Kommunebrev 2025 (PROC-REQ 30.17)	Explicit	ABSENT
R18	§17-tjeneste som tiltak skal fattes i eget vedtak etter §17, ikke inngå i §29-vedtaket	Veileder sotjl. §17 (PROC-REQ 30.18 / DOC-REQ 30.12)	Explicit	ABSENT
R19	Tilrettelegging av programmet kan skje under soning for iverksettelse ved løslatelse	Kriminalomsorg veileder (PROC-REQ 30.19)	Explicit	ABSENT
R20	Det skal fremgå av programmet på hvilke tidspunkt det skal foretas evalueringer	R-35 §4.30.2.7 + Forskrift §1 (DOC-REQ 30.1)	Explicit	PRESENT — §4.30.2.7
R21	Varighet fremgår av innvilgelsesvedtaket; tidspunkt for oppstart fremgår av programmet	R-35 §4.30.2.6 (DOC-REQ 30.5)	Explicit	PRESENT — §4.30.2.6
R22	Nav-veileder og deltaker skal avtale konkrete evalueringstidspunkt som fremgår av programmet	R-35 §4.30.2.7 (DOC-REQ 30.6)	Explicit	PRESENT — §4.30.2.7
R23	Beviset skal dokumentere arbeidsrettet kompetanse, ressurser og progresjon	R-35 §4.30.2.13 (DOC-REQ 30.8)	Explicit	PRESENT — §4.30.2.13
R24	Deltakerbeviset bør omtale tiltak, aktiviteter, varighet, fulltid og oppmøte	R-35 §4.30.2.13 (DOC-REQ 30.9)	Explicit	PRESENT — §4.30.2.13

R25	Hva deltakeren har oppnådd mv. i forhold til mål kan nevnes i beviset	R-35 §4.30.2.13 (DOC-REQ 30.10)	Explicit	PRESENT — §4.30.2.13
R26	Helseaktiviteter mv. kan omtales i deltakerbeviset hvis hensiktsmessig	R-35 §4.30.2.13 (DOC-REQ 30.11)	Explicit	PRESENT — §4.30.2.13

All 26 requirements identified. Proceeding to Step 2.

STEP 2 — LEGAL AUTHORITY CHECK

Definitions:

- **Circular authority (Direction 1):** Is this requirement contained in the §30 circular paragraph (R-35 §4.30 and Forskrift §1)?
- **Statutory authority (Direction 2):** Has this requirement been identified as lacking direct legal authority in the Social Services Act (sosialtjenesteloven, sotjl.)?
- **First-order authority gap — Direction 1:** Requirement operates entirely outside the §30 circular framework.
- **First-order authority gap — Direction 2:** Requirement lacks or only partially has statutory grounding.
- **Double authority gap:** Circular authority ABSENT AND statutory authority NO or PARTIAL.
- **Category error:** Requirement belongs to a legal domain other than the Social Services Act.

ID	Circular Authority	Statutory Authority	Finding Source (Process Inflation Findings)	Double Authority Gap	Category Error
R1	PRESENT	PARTIAL — §30 imposes tailoring obligation but leaves method open; circular improperly eliminates methodological freedom by mandating a specific two-step joint co-creation procedure not	PROC-REQ 30.1: "circular improperly eliminates methodological freedom by imposing a specific mandatory two-step joint co-creation procedure"	NO	NO

		derivable from statute			
R2	PRESENT	PARTIAL — mandatory fixed-weighting formula exceeds the open normative standard in §30; language escalation converts 'stor vekt' into an algorithmic requirement	PROC-REQ 30.2: "converts an open normative standard into a mandatory fixed-weighting formula for a specific subjective factor"	NO	NO
R3	PRESENT	YES — valid legal basis in prep works and existing mandatory assessments; no language escalation	PROC-REQ 30.3: "HAS_HJEMMEL grounded in prep works and existing mandatory assessments without language escalation"	NO	NO
R4	PRESENT	NO — §30 confers permissive discretion regarding time allocation; no textual basis for an absolute, running obligation to document and justify time use in every case	PROC-REQ 30.4: "§30 contains permissive discretion regarding time allocation and lacks a textual basis for an absolute, running obligation to document"	NO	NO

R5	PRESENT	YES — conditional scheduling flexibility is consistent with the statutory tailoring obligation	PROC-REQ 30.5: "HAS_HJEMMEL as the conditional scheduling flexibility is consistent with the statutory tailoring obligation"	NO	NO
R6	PRESENT	YES — directly derived from Forskrift §1 under the §30 statutory delegation	PROC-REQ 30.6: "HAS_HJEMMEL deriving directly from the cited delegated authority in Forskrift §1"	NO	NO
R7	PRESENT	NO — §30 concerns program content only and contains no statutory provision or discretion element governing a deadline for program commencement	PROC-REQ 30.7: "§30 concerns program content only and contains absolutely no statutory provision… governing a deadline for program commencement"	NO	NO
R8	PRESENT	YES — flows from continuous tailoring obligations and delegated Forskrift §1 authority	PROC-REQ 30.8: "HAS_HJEMMEL flowing from continuous tailoring obligations and the delegated Forskrift §1 authority"	NO	NO

R9	PRESENT	YES — valid under Forskrift §1 without escalating the statutory framework	PROC-REQ 30.9: "HAS_HJEMMEL under Forskrift §1 without escalating the statutory framework"	NO	NO
R10	PRESENT	PARTIAL — §30 grants genuine 'kan' discretion regarding whether to include supporting measures; circular escalates this by mandating an active specific assessment procedure	PROC-REQ 30.10: "§30 grants genuine permissive discretion ('kan')… but the circular escalates this by mandating an active, specific assessment procedure"	NO	NO
R11	PRESENT	PARTIAL — §30 confers freely exercisable permissive discretion ('kan') for health activity time; circular converts this into a mandatory documentation obligation	PROC-REQ 30.11: "§30 confers freely exercisable permissive discretion ('kan')… the circular improperly converts this into a mandatory documentation obligation"	NO	NO
R12	PRESENT	NO — §30 strictly governs program content/time allocation; provides no statutory basis for an entirely new, absolute mandatory duty	PROC-REQ 30.12: "§30 strictly governs program content/time allocation and provides no statutory basis for this entirely new, absolute	NO	NO

		('må alltid') to assess external rights	mandatory duty ('må alltid') to assess external rights"		
R13	PRESENT	NO — §30 explicitly and exhaustively lists combination options as employment or apprenticeship; community service is legally distinct and entirely outside §30's regulatory scope	PROC-REQ 30.13: "§30 explicitly and exhaustively lists combination options as strictly employment or apprenticeship; community service is legally distinct and entirely outside the provision's regulatory scope"	NO	YES — community service (samfunnsstraff) is governed by straffegjennomførings loven and kriminalomsorgen; circular imports a criminal justice domain obligation into the social services framework
R14	PRESENT	YES — legitimately derived from Forskrift §1 under the §30 delegation	PROC-REQ 30.14: "HAS_HJEMMEL legitimately derived from the cited Forskrift §1 under S8 delegation"	NO	NO
R15	PRESENT	NO — §30 contains no statutory or delegated provision directing the specific procedural form (joint co-creation) by which the certificate must be produced	PROC-REQ 30.15: "§30 contains no statutory or delegated provision directing the specific procedural form (joint co-creation)"	NO	NO

R16	PRESENT	PARTIAL — barnets beste obligation rests on broader constitutional and international authority (Grunnloven §104, barnekonvensjonen); §30 itself is silent on the specific family-adaptation obligation	PROC-REQ 30.16: "transforms an open standard into a mandatory enumeration of specific substantive considerations and adaptations for a specific subgroup"	NO	NO
R17	ABSENT	NO — §30 governs content only for already-enrolled participants; pre-application eligibility investigation duty belongs to §§29/17, not §30	PROC-REQ 30.17: "§30 governs content only for already-enrolled participants; this duty addresses pre-application eligibility identification which belongs to entirely different provisions (§29 and §17)"	YES — DOUBLE AUTHORITY GAP	NO
R18	ABSENT	PARTIAL — the procedural vehicle requirement derives directly from §17's own rules and not from §30; linkage to §30 is ambiguous and imported	PROC-REQ 30.18: "procedural requirement to use a distinct decision derives directly from §17's own rules and not from §30, making its linkage to §30 ambiguous"	YES — DOUBLE AUTHORITY GAP	NO

R19	ABSENT	YES — permissive language consistent with general statutory flexibility; valid legal basis	PROC-REQ 30.19: "HAS_HJEMMEL utilizing permissive language consistent with general statutory flexibility"	NO	NO
R20	PRESENT	YES — appropriately drawn from Forskrift §1 under the §30 delegation	DOC-REQ 30.1: "HAS_HJEMMEL appropriately drawn from Forskrift §1 under S8 delegation"	NO	NO
R21	PRESENT	NO — §30 contains no provision dictating exactly where or in which specific documents different mandatory program elements must be recorded	DOC-REQ 30.5: "§30 contains no provision dictating exactly where or in which specific documents different mandatory program elements must be recorded"	NO	NO
R22	PRESENT	NO — §30 leaves evaluation structuring open under a tailoring obligation; circular improperly converts this into a fixed two-part mandatory documentation and agreement procedure	DOC-REQ 30.6: "§30 leaves evaluation structuring open under a tailoring obligation; the circular improperly eliminates municipality flexibility by converting it into a fixed two-part mandatory documentation and agreement procedure	NO	NO

			without statutory basis"		
R23	PRESENT	NO — §30 and its corresponding delegated regulations contain no specific provisions authorizing a mandatory enumeration of substantive content items for the certificate	DOC-REQ 30.8: "§30 and its corresponding delegated regulations contain no specific provisions authorizing a mandatory enumeration of substantive content items for the certificate"	NO	NO
R24	PRESENT	PARTIAL — §30 provides no authorization for specifying guided/recommended certificate content; practical severity reduced by 'bør' language	DOC-REQ 30.9: "§30 contains no provision authorizing specification of guided/recommended certificate content, though practical severity is reduced due to 'bør' language"	NO	NO
R25	PRESENT	PARTIAL — §30 lacks authorization for optional certificate content items; practical severity minimal due to 'kan' language	DOC-REQ 30.10: "§30 lacks any authorization for specifying optional certificate content items, though practical severity is minimal due to permissive 'kan' language"	NO	NO

R26	PRESENT	PARTIAL — §30 authorizes health activity time allocation but contains no provision regarding permissive retrospective documentation of these activities in the certificate	DOC-REQ 30.11: "§30 authorizes the allocation of health activities inside the program but contains no provision regarding permissive, retrospective documentation of these activities in the certificate"	NO	NO

Authority check summary:

- Requirements WITH circular authority: 23
- Requirements WITHOUT circular authority (first-order gap, Direction 1): 3 — R17, R18, R19
- Requirements with full statutory authority (YES): R3, R5, R6, R8, R9, R14, R19, R20 — **8**
- Requirements with partial statutory authority (PARTIAL): R1, R2, R10, R11, R16, R24, R25, R26 — **8**
- Requirements lacking statutory authority (NO): R4, R7, R12, R13, R15, R17, R18, R21, R22, R23 — **10**
- Double authority gaps (circular ABSENT + statutory NO or PARTIAL): R17, R18 — **2**
- Category errors (different legal domain): R13 — **1**

STEP 3 — SCALE AND PROPORTIONALITY CHECK

Cross-referenced against the Volume Driver Findings (Anchor Document). The question for each requirement: has it, or a structurally related requirement, been flagged as presupposing a case volume or organizational capacity an average municipality does not have?

Preliminary observation — §30 scale context: The Anchor Document focuses on §§17–19 and §20a, but contains extensive cross-cutting findings about the Documentation Apparatus [D], Procedural Continuity [P], Competence Sustainability [K], Coordination Infrastructure [C], and Specialization [S] mechanisms. These mechanisms apply structurally to §30 (KVP). KVP participants constitute a narrow target group by definition. Small municipalities may have 0–5 active KVP participants at any given time — substantially below the throughput threshold needed for procedural routines to become habitual. The Anchor Document finding that "caseworkers who process very few cases may default to standard

approaches rather than documented individual reasoning" and that "competence decay is a function of case volume, not of individual negligence" applies directly.

Note on unsupported burden: Where a requirement lacks circular authority (R17, R18) and also triggers a scale concern, the burden imposed falls outside any framework the §30 circular provides guidance for. Caseworkers must comply with an obligation the primary normative instrument governing their work does not address, under organizational conditions the Anchor Document identifies as structurally incapable of sustaining the requirement.

ID	Scale Flag	Applicable Anchor Finding	Structural Connection to §30
R1	YES	[K] + [D]: "caseworkers knew more about the users' situations than the journals reflected" — generalist offices at low caseload cannot sustain specialist methodology through practice	Joint goal-definition methodology requires practice-based habituation. At 0–5 KVP participants, the two-step co-creation procedure is triggered too rarely to become institutionally stable
R2	NO	No direct scale mechanism — substantive weighting obligation	The weighting obligation is substantive; scale does not alter its application
R3	PARTIAL	[K]: Competence sustainability for educational measure assessment degrades without regular caseload	Knowledge of which educational and training measures are locally available decays when KVP cases are rare; caseworkers may default to standard options
R4	YES	[D]: Documentation Apparatus — dominant mechanism in Anchor Document; "the obligation to translate informal, effective social work into a formal bureaucratic paper trail" creates burden disproportionate to small-office capacity	Mandatory per-case time justification presupposes back-office capacity and procedural habituation; at low KVP throughput, the pipeline is triggered too rarely to maintain compliance accuracy
R5	NO	No scale mechanism — scheduling flexibility is an enabling provision, not a compliance pipeline	No burden identified
R6	NO	No scale mechanism — individual start-time assessment is a basic case management act	No disproportionate burden

R7	NO	The 6-month deadline creates implicit capacity pressure but is not volume-sensitive per se; the primary concern is the authority gap (NO statutory basis), not disproportionate scale burden	Temporal deadline is binary; compliance tracking is modest
R8	PARTIAL	[K] + [P]: Continuous monitoring obligations are substantively appropriate but their procedural operationalization presupposes more structured caseload than micro-offices have	Monitoring routines function better in offices with sufficient KVP volume; at very low throughput, "continuous" monitoring risks becoming ad hoc without systematic triggers
R9	PARTIAL	[K]: Progress evaluation requires familiarity with participant trajectories and available measures; familiarity decays with low encounter frequency	Same mechanism as R8; evaluation obligations function well in well-resourced offices but become individually dependent in micro-offices
R10	PARTIAL	[K]: Knowledge of which supporting measures are available locally requires active network knowledge; Anchor Document: "knowledge of local resources decays without regular use"	Identifying suitable supporting measures requires current knowledge of local service landscape; a caseworker handling 1–3 KVP participants may not maintain this knowledge actively
R11	YES	[D]: Documentation Apparatus — per-case written justification for a permissive provision is structurally analogous to the start-date documentation requirement in §17 decisions, described in the Anchor Document as "the single most frequently sanctioned element across the entire dataset"	Mandatory documentation of health-time use is triggered when the caseworker exercises 'kan' discretion; this creates documentation overhead for a provision §30 designed as permissive
R12	YES	[K] + [C]: Assessing rights to other benefits requires cross-system competence spanning health law, trygdelovgivning, and housing support; Anchor Document: "knowledge of adjacent benefits systems degrades with low encounter frequency"	'Alltid' assessment of rights across multiple external benefit systems presupposes maintained cross-domain competence; not sustainable in offices with infrequent KVP caseload

R13	YES	[S] + [K]: Community service assessment requires knowledge of kriminalomsorgen rules; Anchor Document: "competence in specific sub-domains cannot be maintained without sufficient case frequency"	A small office may encounter KVP + community service combination cases once in many years; specialist knowledge of straffegjennomføringsloven cannot be sustained. Burden falls entirely outside §30 circular guidance.
R14	NO	Legal obligation with Forskrift §1 basis; discrete document issuance does not presuppose elevated volume	Proportionate burden; no scale concern
R15	PARTIAL	[P]: Mandatory procedural form (joint co-creation) adds a collaboration step; Anchor Document: "added procedural steps become hollow formalities at very low caseload"	In micro-offices with 1–2 KVP participants, the joint process is potentially meaningful but adds procedural overhead without legal basis
R16	NO	Constitutional/international obligation (Grunnloven §104, barnekonvensjonen); no scale relief is normatively available — scale cannot be invoked to avoid fundamental rights obligations	Substantive obligation; scale does not alter it
R17	YES	[S]: "Outreach work is inherently a higher-capacity function than reactive desk service"; Anchor Document (latent driver classification): "dedicated field roles cannot be sustained alongside mandatory desk-bound case processing in small offices"	Pre-application eligibility investigation presupposes dedicated outreach capacity; small offices absorb such obligations into generalist desk service, practically nullifying them. Burden falls outside §30 circular guidance entirely.
R18	NO	Issuing a parallel §17 decision is a discrete administrative act; not volume-sensitive per se	No scale mechanism identified for the specific document-issuance obligation
R19	NO	Permissive provision; no compliance burden	No scale concern

R20	PARTIAL	[D]: Evaluation schedule documentation is individually modest but cumulative with R21, R22, R23 across the same case file; Anchor Document Cluster 2 on cumulative internal control burden	In isolation, manageable; as part of the documentation stack for §30, contributes to aggregate burden
R21	YES	[D]: Document-distribution requirement — knowing precisely which element goes in which document requires habitual practice; structurally analogous to Anchor Document's start-date documentation requirement (most frequently sanctioned element)	Caseworkers must maintain alignment between the innvilgelsesvedtak (duration) and the program document (start date); an error in either document creates compliance exposure. This precision degrades when cases are rare.
R22	YES	[D] + [P]: Mandatory two-part agreement + documentation for evaluation dates presupposes structured program management capacity; directly analogous to Anchor Document's debt counseling procedural continuity cluster	Combined agreement-and-documentation obligation presupposes a case management discipline that a caseworker handling 1–3 KVP participants cannot routinize
R23	YES	[D]: Mandatory content enumeration for a closure document presupposes back-office capacity; Anchor Document: "documentation requirements presuppose back-office capacity proportional to caseload"	Certificate content documentation at case closure requires synthesizing the full program record; in small offices without systematic mid-program documentation, assembling the mandatory elements is disproportionately burdensome
R24	PARTIAL	[D]: 'Bør' language reduces binding force but the recommended checklist (measures, activities, duration, full-time, attendance) functions as a de facto minimum standard; cumulative with R23	Moderate additional documentation burden at closure; below the threshold for independent scale concern but contributes to cumulative closure workload
R25	NO	Permissive 'kan' language; minimal compliance burden	No scale concern
R26	NO	Permissive 'kan' language; minimal compliance burden	No scale concern

Scale flag summary:

- YES (confirmed scale concern): R1, R4, R11, R12, R13, R17, R21, R22, R23 — **9 requirements**
- PARTIAL (structural concern, below threshold for independent scale flag): R3, R8, R9, R10, R15, R20, R24 — **7 requirements**
- NO: R2, R5, R6, R7, R14, R16, R18, R19, R25, R26 — **10 requirements**

STEP 4 — PURPOSE CLASSIFICATION

For each requirement: USER NEED (directly serves user's case quality, fairness, or legal security) / INTERNAL CONTROL (primarily serves documentation, reporting, or audit functions internal to the administrative system) / MIXED (both; primary and secondary identified).

For MIXED requirements: the primary function is the one that alone would justify the requirement's existence; the secondary function explains its administrative operationalization.

ID	Classification	Primary Function	Secondary Function	Source Language Justification
R1	MIXED	USER NEED — program tailoring directly serves the participant	INTERNAL CONTROL — the mandatory two-step joint co-creation *procedure* serves audit verification of compliance	"skal Nav-veileder sammen med deltaker definere mål og utarbeide et individuelt tilpasset program" — the outcome (tailored program) serves the user; the prescribed method (two-step joint procedure) serves administrative verifiability
R2	USER NEED	Protection of participant's right to meaningful participation in program design	—	"legges stor vekt på deltakerens egne ønsker og vurderinger" — directly addresses fairness and the participant's legal security in program formation
R3	USER NEED	Direct quality of assessment for education/training measure selection	—	"konkret og individuell vurdering av hvilken type utdanning eller opplæring" — directly serves appropriateness of program content for the individual participant

R4	INTERNAL CONTROL	Documentation and audit function for time allocation decisions	—	"begrunne bruken av tiden i hver sak" — the justification document does not affect what the participant receives; it records and demonstrates to oversight bodies what was decided and why
R5	USER NEED	Direct accommodation of participant's real-world life circumstances	—	"hensiktsmessig og nødvendig ut fra deltakerens helhetlige situasjon og yrkesmål" — directly enables program access for participants with atypical schedules
R6	USER NEED	Direct legal security through individual collaborative determination of start timing	—	"individuell og konkret vurdering i samarbeid med deltaker" — directly serves the participant's right to participate in decisions affecting their program
R7	INTERNAL CONTROL	Administrative deadline serving system-level throughput monitoring	—	"iverksettes innen seks måneder fra søknadsdato" — temporal compliance mechanism; the 6-month deadline does not affect the content or quality of the program itself
R8	USER NEED	Direct service quality through ongoing monitoring of whether measures remain suitable	—	"om aktivitetene og tiltakene i programmet er egnet for å fremme vedkommendes mål" — directly serves the participant's right to a program that continues to be appropriate
R9	USER NEED	Direct quality of ongoing program through structured progress evaluation	—	"vurderes og eventuelt følges opp med endringer av innholdet" — directly serves the participant's right to adaptive, responsive program management

R10	USER NEED	Direct quality of program content through active assessment of supporting measures	—	"konkret og individuell vurdering av hvilke andre tiltak som kan inngå" — directly serves the participant's access to the full range of appropriate support
R11	INTERNAL CONTROL	Documentation and audit function for health-time allocation decisions	—	"begrunnes og fremgå av saken" — the justification is explicitly directed to the case file, not the participant; it demonstrates compliance to oversight bodies, not the appropriateness of the measure to the user
R12	MIXED	USER NEED — ensuring participant does not forfeit rights to other benefits	INTERNAL CONTROL — the absolute mandatory character ('alltid') and implicit documentation expectation serve administrative oversight	"alltid vurderes om den enkeltes helsesituasjon utløser andre rettigheter til ytelser og oppfølging" — the user-serving purpose (rights identification) is primary; the mandatory form ('alltid') and documentation expectation add an internal control dimension
R13	MIXED	INTERNAL CONTROL primary — managing boundary between criminal justice and social services systems	USER NEED secondary — individual assessment protects the participant from conflicting obligations	Classified in relation to social services users: the primary function from the social services perspective is boundary management between two legal domains; the user-serving element (individual collaboration) is secondary. The circular's extensive caveat language reflects that this obligation belongs to a different domain

R14	MIXED	USER NEED — deltakerbevis documents participant's competence acquisition and directly supports labor market entry	INTERNAL CONTROL — issuance creates an administrative record of program completion for system accountability	"dokumentere hva slags arbeidsrettet kompetanse deltakeren har tilegnet seg" — primarily user-serving; the certificate's direct function is the participant's job-seeking, not administrative reporting
R15	INTERNAL CONTROL	Procedural form requirement — mandates specific production method for certificate	—	"utformes i samarbeid med deltaker" — the involvement of the participant in production is required as a form, not as a substantive right. The certificate's content serves the user regardless of production process; the mandatory joint-creation procedure serves verifiable compliance with a participation principle
R16	USER NEED	Direct protection of children's welfare and the participant's family rights in program design	—	"tas hensyn til familiesituasjonen og eventuelt foretas tilpasninger i forhold til barnets behov" — directly serves the constitutional and international obligation to protect children's interests; substantive obligation
R17	USER NEED	Access function — ensuring eligible persons know about and can access KVP	—	From social services user perspective, this serves access to rights. Note: while USER NEED by purpose, this obligation's placement in §30 is structurally incorrect; it belongs to §29/§17 scope

R18	INTERNAL CONTROL	Procedural vehicle requirement — mandates specific administrative document format	—	The underlying §17 advisory service serves the user; the requirement to formalize it in a *separate §17 decision* (rather than the §29 program decision) serves administrative document-system clarity and audit; no direct bearing on the user's case outcome
R19	USER NEED	Direct access function — enabling program commencement upon prison release serves the participant's transition into the labor market pathway	—	"iverksettes ved løslatelse" — permissive language confirms user-serving orientation; directly enables program access for a specific population
R20	MIXED	USER NEED — evaluation schedule gives participant predictability and participation rights	INTERNAL CONTROL — schedule documentation serves oversight verification of compliance with evaluation obligation	"fremgå av programmet" — the evaluation schedule serves the user's right to structured, predictable program management; the *documentation* of the schedule serves audit verification
R21	INTERNAL CONTROL	Document-distribution requirement — specifies which administrative document contains which information element	—	"varigheten av kvalifiseringsprogrammet skal framgå av innvilgelsesvedtaket, mens tidspunktet for oppstart skal framgå av programmet" — this allocates information across two administrative instruments; serves administrative consistency and audit traceability, not the quality of the user's case assessment

R22	INTERNAL CONTROL	Mandatory combined documentation procedure — joint date-agreement plus specific program document recording	—	"skal fremgå av programmet" — the evaluation obligation (user-serving) is addressed in R8/R9/R20; R22 adds a mandatory documentation layer for the agreed dates specifically, which serves audit verification rather than the user's case outcome
R23	MIXED	USER NEED — certificate content documenting work competence, resources, and progression directly serves participant's labor market position	INTERNAL CONTROL — mandatory content enumeration serves program-level accountability and standardization	"dokumentere hva slags arbeidsrettet kompetanse deltakeren har tilegnet seg, og synliggjøre vedkommendes ressurser og progresjon" — primarily user-serving (labor market entry); mandatory specification of the three content fields serves administrative standardization
R24	MIXED	USER NEED — recommended content guidance serves the certificate's practical utility for the participant	INTERNAL CONTROL (minor) — 'bør' language creates a recommended minimum standard functioning as an administrative quality floor	The 'bør' formulation means the internal control dimension is minimal; purpose is primarily user-serving
R25	USER NEED	Optional documentation serving the participant's labor market narrative	—	'Kan' language — purely permissive; entirely user-serving when exercised; no internal control function
R26	USER NEED	Optional documentation of health activities serving the participant's holistic profile	—	'Kan' language — purely permissive; entirely user-serving when exercised; no internal control function

---

STEP 5 — TRANSACTION COST CHARACTERIZATION

Requirements classified as USER NEED where no transaction cost burden is identified: **R2, R3, R5, R6, R8, R9, R10, R16, R17, R19, R25, R26**. For these requirements, the administrative effort required is intrinsic to delivering the service obligation itself. No separate burden description is provided.

Note on R17 and R19: Classified USER NEED by purpose. However, R17 and R19 are absent from the §30 circular. Caseworkers must respond to obligations the primary normative instrument governing their work does not address. This is a structural coherence concern even where the purpose is user-serving and the direct burden is acceptable.

R1 — MIXED | Documentation Inflation + Procedural Duplication

The caseworker must not merely tailor the program (user-serving) but must do so through a mandatory two-step joint co-creation procedure: first, jointly defining goals with the participant as a discrete act; second, jointly constructing the program. Both steps must be documentable as distinct, demonstrable events. In practice: the caseworker produces evidence that (1) goals were jointly defined and (2) the program was jointly constructed — two separate administrative artifacts that must be retrievable on supervision. The circular eliminates professional discretion about *how* to achieve the user-serving outcome; method compliance becomes independently verifiable. In small offices with 1–3 KVP participants, this procedure adds case management time without scaling down proportionately.

R4 — INTERNAL CONTROL | Documentation Inflation

The caseworker must prepare a written justification of the time allocation in every individual KVP case, regardless of complexity, and this justification must appear in the case file as a retrievable document. In practice: for each of the 37.5 hours per week, the caseworker must record what activities occupy what time and on what professional basis this allocation was chosen. This is not a one-time exercise at program start; §4.30.2.5 states the obligation without temporal limitation, implying ongoing justification as programs evolve. The burden is per-case and per-update: each time the program changes, the time-use justification must be updated. §30 itself grants permissive discretion on time allocation without any textual documentation requirement. Caseworkers must comply with an obligation the primary normative instrument does not address.

R7 — INTERNAL CONTROL | Procedural Duplication

The caseworker and NAV office must track and enforce a 6-month commencement deadline from application date, creating an administrative monitoring obligation separate from program content work. In practice: the office must maintain date-tracking from the application moment and ensure program start is demonstrably within the deadline. Where the deadline is at risk, the caseworker must document reasons and take corrective action. This obligation

operates without basis in §30, which governs content only and contains no commencement deadline provision. Caseworkers must comply with a compliance mechanism the primary normative instrument does not recognize.

R11 — INTERNAL CONTROL | Documentation Inflation

Every time the caseworker decides (under §30's permissive 'kan' provision) to allocate time to health activities within the program, they must immediately produce a written justification documenting why this allocation is appropriate and record this in the case file. In practice: an act that §30 explicitly frames as permissive discretion ('kan settes av tid') triggers a mandatory documentation obligation at the point of exercise. The caseworker must produce a documented rationale retrospective to or concurrent with the discretionary allocation decision. This documentation does not affect the participant's access to health activity time; it serves audit verification of the exercise of discretion. §30 grants the permission; the circular adds the mandatory recording obligation without statutory basis. Caseworkers must comply with an obligation the primary normative instrument does not impose.

R12 — MIXED | Reporting Overhead + Combined Burden

In every case where a KVP participant has health needs, the caseworker must conduct and document a standalone assessment of whether that participant has rights to *other* benefits and follow-up services *outside* the KVP framework. The mandatory character ('alltid') requires that this assessment occur in every qualifying case, not selectively. In practice: the caseworker must investigate whether the participant's health situation triggers health insurance rights, disability benefits, municipal health service entitlements, or other welfare state provisions; assess the applicable thresholds; and document this assessment in the case file. This is a cross-domain assessment requiring active knowledge of health law and adjacent benefits systems — knowledge that degrades with infrequent KVP caseload. §30 provides no authority for this duty; it governs program content only. Caseworkers must comply with an obligation the primary normative instrument does not address, using cross-domain competence the circular does not train or support.

R13 — MIXED | Procedural Duplication + Structural Disproportionality + Combined Burden

The caseworker must conduct and document an individualized assessment of whether a KVP participant can combine program participation with a community service sentence, in collaboration with the participant and potentially the correctional service (kriminalomsorgen). In practice: the caseworker must understand the scope, schedule, and legal framework of the community service requirement (governed by straffegjennomføringsloven, entirely outside the Social Services Act); assess its interaction with KVP activities and objectives; potentially coordinate with kriminalomsorgen staff; and document the assessment and any agreed arrangement. This obligation places social services caseworkers in the position of managing a criminal justice domain assessment without formal authority or institutional training in that domain. It is a **category error** in addition to a transaction cost: the Social Services Act contains no basis for the specific combination obligation (§30 exhaustively lists employment and apprenticeship), and the assessment draws on a legal domain in which §30 caseworkers have no jurisdiction. The burden falls entirely outside any guidance the §30 circular provides for inter-domain coordination.

R14 — MIXED | Documentation Inflation (proportionate)

The caseworker must issue a formal deltakerbevis at program completion or termination. This requires drafting the certificate, internally verifying content, issuing it to the participant, and filing it in the administrative record. The user-serving function (documenting competence for labor market use) justifies this documentation effort; the obligation is grounded in Forskrift §1. Burden is proportionate and legally anchored. *No excess transaction cost identified beyond the intrinsic effort of the obligation.*

R15 — INTERNAL CONTROL | Documentation Inflation + Procedural Duplication

The caseworker must ensure the deltakerbevis is produced through a mandatory joint co-creation process with the participant. This requires: scheduling a specific collaborative session for certificate production; preparing materials that enable meaningful participant input; incorporating participant input into the certificate; and being able to demonstrate — if audited — that joint production occurred. In practice: the mandatory *form* of production adds a procedural step beyond drafting the certificate. §30 contains no basis for this procedural form requirement; neither Forskrift §1 nor §30 directs the production method for the certificate. The user-serving outcome (a better certificate) could be achieved without mandating the specific production procedure. Caseworkers must comply with a procedural form obligation the primary normative instrument does not address.

R18 — INTERNAL CONTROL | Procedural Duplication + Structural Disproportionality

When a §17 advisory service (rådgivning) is included as a measure in the KVP program, the caseworker must issue a *separate formal §17 decision* for that service, in addition to the §29 program decision. In practice: the caseworker must recognize when a planned KVP measure constitutes a §17 service (requiring knowledge of the legal boundary between §29 program content and §17 advisory services); produce a parallel administrative decision under §17; and maintain separate administrative records for substantively related decisions. This requires simultaneous competence in the decision-making frameworks of both §17 and §29 — frameworks governed by different circular sections. The requirement is absent from the §30 circular; NAV caseworkers operating under §30 guidance receive no circular guidance for this obligation. It is imported from the §17 veileder into the §30 operational context without normative authority. Caseworkers must comply with a complex dual-decision obligation that the primary normative instrument governing their work does not address.

R20 — MIXED | Documentation Inflation (modest)

The caseworker must document the specific evaluation schedule in the program document, so that evaluation timing is visible in the case file. In practice: the evaluation schedule must be written into the program document at a level of specificity allowing audit verification that evaluations will occur at prescribed intervals. The user-serving function (participant knows when evaluations will occur) is genuine; the documentation function (audit verification of compliance with the evaluation obligation) adds modest overhead. Burden is individually manageable; becomes significant cumulatively with R21, R22 as part of the program documentation stack.

R21 — INTERNAL CONTROL | Documentation Inflation + Reporting Overhead

The caseworker must ensure that program duration appears in the innvilgelsesvedtak and that program start date appears in the program document — two separate administrative instruments requiring coordinated content management. In practice: this creates a split-document consistency obligation. Each time circumstances change affecting either duration or start date, both documents must be updated in alignment. The caseworker must also ensure that auditors can locate the prescribed information in the prescribed document, not merely confirm the information exists somewhere in the case file. This document-distribution rule has no basis in §30. The user's interests are served by receiving both pieces of information; the specific document-distribution requirement serves administrative standardization and audit verifiability. Caseworkers must comply with a document-formatting obligation the primary normative instrument does not recognize.

R22 — INTERNAL CONTROL | Documentation Inflation + Procedural Duplication

The caseworker must jointly agree with the participant on specific evaluation dates AND ensure those specific agreed dates are recorded in the program document — a mandatory two-part procedure combining a collaborative agreement act with a specific documentation requirement. In practice: the caseworker must (1) conduct the date-agreement collaboratively with the participant, (2) record the specific agreed dates in the program document, (3) update the program document if dates change, and (4) ensure the program document reflects actual practice — all in a manner retrievable on supervision. This two-part procedure is the circular's conversion of an open evaluation obligation (user-serving, legally grounded) into a fixed administrative protocol with mandatory dated documentation. §30 leaves evaluation structuring to professional judgment; the circular imposes a specific protocol without basis. Caseworkers must comply with an obligation — at a level of procedural specificity — the primary normative instrument does not address.

R23 — MIXED | Documentation Inflation + Reporting Overhead

The caseworker must ensure the deltakerbevis explicitly and demonstrably covers three mandatory content elements: (1) acquired work-related competence, (2) resources, (3) progression. In practice: at case closure, the caseworker must synthesize the full program record to substantiate each element under a mandatory three-part content structure. This requires active documentation capacity — the content can only be produced if mid-program documentation has been maintained. Where mid-program records are incomplete (a common finding in small offices per the Anchor Document), assembling all three mandatory elements at closure is disproportionately time-intensive. The mandatory content specification goes beyond Forskrift §1's basis for the deltakerbevis, which establishes the issuance obligation but prescribes no specific content. Caseworkers must comply with a content-standardization obligation the primary normative instrument does not address.

R24 — MIXED | Documentation Inflation (mild, reduced by 'bør')

The caseworker should address five recommended content areas in the deltakerbevis: measures and activities, duration, full-time status, and attendance. The 'bør' language creates a recommended standard rather than a mandatory obligation, but in practice functions as a de facto minimum checklist. In practice: the caseworker will typically feel obligated to address all five areas, even absent a strict legal requirement. The burden is

lighter than R23 (mandatory enumeration) but cumulative at case closure with R23 and R24 together.

STEP 6 — CATALOG ENTRIES

REQUIREMENT ID: §30 — R1

PROVISION TEXT: Nav-veileder skal, sammen med deltaker, definere mål og utarbeide et individuelt tilpasset program.

SOURCE INSTRUMENT: Circular R-35 §4.30.1 (PROC-REQ 30.1)

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: PARTIAL — §30 imposes a tailoring obligation but leaves the method open. The circular improperly eliminates methodological freedom by imposing a specific mandatory two-step joint co-creation procedure (goal-definition + program construction as sequential discrete acts) not derivable from the statutory text.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: YES — Anchor Document [K] + [D]: the joint co-creation methodology requires practice-based habituation. At 0–5 KVP participants, the two-step procedure is triggered too rarely to become institutionally stable; caseworkers manage the process case-by-case without procedural routine.

PURPOSE: MIXED — Primary: USER NEED (tailored program directly serves participant case quality). Secondary: INTERNAL CONTROL (the mandatory two-step procedure serves audit verification of method compliance).

BURDEN DESCRIPTION: Caseworker must produce evidence of two distinct acts: (1) joint goal-definition and (2) joint program construction. Both must be documentable as separate, retrievable artifacts for supervision. The obligation eliminates professional discretion over method while adding documentation overhead to the inherent program co-design work.

KILL LIST CLASSIFICATION: Category B — Status Change. The tailoring goal is valid and user-serving. The mandatory two-step procedure exceeds the statutory method space. Reformulation to permissive language ('bør skje i samarbeid med deltaker og kan innebære…') would restore local professional discretion about how to achieve the user-serving outcome while preserving the normative expectation.

TRANSACTION COST CATEGORY: Documentation Inflation + Procedural Duplication

---

REQUIREMENT ID: §30 — R2

PROVISION TEXT: Det skal legges stor vekt på deltakerens egne ønsker og vurderinger ved utformingen av programmet.

SOURCE INSTRUMENT: Circular R-35 §4.30.1 (PROC-REQ 30.2)

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: PARTIAL — §30 imposes a tailoring obligation and broad user participation principle. The circular converts the open normative standard ('tilpasses den enkeltes behov og forutsetninger') into a mandatory fixed-weighting formula for a specific subjective factor. The statute does not specify a weighting hierarchy for the factors composing individual tailoring.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: NO — Substantive weighting obligation; scale does not alter its application.

PURPOSE: USER NEED — Directly protects the participant's right to meaningful participation in program design and directly affects the fairness of the case assessment.

BURDEN DESCRIPTION: No transaction cost burden identified for this requirement. The obligation is user-serving and inherent to the professional practice of KVP casework. The authority concern is the absence of statutory basis for a *fixed weighting formula* rather than an excess documentation burden.

KILL LIST CLASSIFICATION: Category C — Clarification. The participant's right to influence their program is well-grounded substantively (user participation principle, §42 consultation obligation). The concern is that the circular's mandatory fixed-weighting language forecloses caseworker judgment about how to balance competing considerations in individual cases. Clarification should make explicit that 'stor vekt' creates a strong presumption in favor of participant preferences — not an algorithmic rule that overrides professional judgment about safety, viability, or program effectiveness in individual cases.

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: §30 — R3

PROVISION TEXT: Nav-kontoret må foreta en konkret og individuell vurdering av hvilken type utdanning eller opplæring som skal inngå.

SOURCE INSTRUMENT: Circular R-35 §4.30.2.2 (PROC-REQ 30.3)

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — Valid legal basis grounded in prep works and the existing mandatory individual assessment framework. The requirement does not escalate the statutory standard; it specifies an existing obligation with appropriate precision.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: PARTIAL — Anchor Document [K]: local knowledge of educational and training measure availability degrades when KVP caseload is low. Caseworkers in micro-offices may default to familiar options rather than conducting genuinely individualized educational assessments.

PURPOSE: USER NEED — Directly serves appropriateness of the program for the individual participant; concrete individual assessment is the condition for selecting relevant measures.

BURDEN DESCRIPTION: No transaction cost burden identified. The individual assessment is intrinsic to program design quality; its performance is the professional obligation, not an overhead beyond the substantive work.

KILL LIST CLASSIFICATION: No Kill List Action — Requirement has sufficient legal authority and is proportionate to the user-serving purpose.

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: §30 — R4

PROVISION TEXT: Nav-kontoret må begrunne bruken av tiden i hver sak.

SOURCE INSTRUMENT: Circular R-35 §4.30.2.5 (PROC-REQ 30.4 / DOC-REQ 30.4)

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: NO — §30 grants permissive discretion regarding time allocation within the 37.5-hour program framework and lacks any textual basis for an absolute, running obligation to document and justify time use in every individual case.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: YES — Anchor Document [D] Documentation Apparatus: mandatory per-case written justification presupposes back-office capacity and procedural habituation; at low KVP throughput, the documentation pipeline is triggered too rarely to be maintained accurately.

PURPOSE: INTERNAL CONTROL — 'Begrunne bruken av tiden i hver sak' directs justification to the case file for audit and oversight purposes. The justification does not affect what the participant receives; it records and demonstrates compliance to oversight bodies.

BURDEN DESCRIPTION: Caseworker must produce a written time-use justification in every KVP case, recording which activities occupy which portions of the 37.5-hour week and the professional rationale for each allocation. This justification must be updated as the program evolves. The obligation applies in every case regardless of whether the time allocation is self-evidently appropriate or professionally uncontroversial. §30 grants permissive time discretion without any documentation requirement. Caseworkers must comply with an obligation the primary normative instrument does not impose.

KILL LIST CLASSIFICATION: Category B — Status Change. The interest in time-use accountability is understandable but lacks statutory authority. The mandatory imperative ('må begrunne') should be reformulated to permissive guidance: documentation of time use is good professional practice and may assist the caseworker's own program management, but it should not be framed as an absolute obligation in every case when §30 itself confers unqualified permissive discretion.

TRANSACTION COST CATEGORY: Documentation Inflation

REQUIREMENT ID: §30 — R5

PROVISION TEXT: Deler av programmet kan likevel legges til kveld, natt eller helg hvis det vurderes som hensiktsmessig og nødvendig ut fra deltakerens helhetlige situasjon og yrkesmål.

SOURCE INSTRUMENT: Circular R-35 §4.30.2.5 (PROC-REQ 30.5)

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — Conditional scheduling flexibility is consistent with the statutory tailoring obligation in §30 and does not escalate the statutory framework.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: NO — Scheduling flexibility is an enabling provision; its exercise creates no compliance pipeline.

PURPOSE: USER NEED — Directly enables program access for participants with atypical schedules or vocational goals requiring non-standard hours.

BURDEN DESCRIPTION: No transaction cost burden identified. The provision enables a professional accommodation and creates no administrative overhead beyond the substantive exercise of discretion.

KILL LIST CLASSIFICATION: No Kill List Action — Valid authority, user-serving, proportionate.

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: §30 — R6

PROVISION TEXT: Tidspunktet for iverksettelse av program skal fastsettes etter en individuell og konkret vurdering i samarbeid med deltaker.

SOURCE INSTRUMENT: Circular R-35 §4.30.2.6 + Forskrift §1 (PROC-REQ 30.6)

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — Directly derived from Forskrift §1 under the statutory delegation in §30: "Programmet skal angi et hensiktsmessig starttidspunkt basert på en individuell vurdering."

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: NO — Individual start-time assessment is a basic case management act; it does not presuppose elevated organizational capacity.

PURPOSE: USER NEED — Directly serves the participant's right to participate in decisions about their program start timing and ensures individual circumstances are reflected.

BURDEN DESCRIPTION: No transaction cost burden identified. The individual collaborative start-time determination is intrinsic to the program-setting process.

KILL LIST CLASSIFICATION: No Kill List Action — Valid authority (Forskrift §1), user-serving, proportionate.

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: §30 — R7

PROVISION TEXT: Programmet må iverksettes innen seks måneder fra søknadsdato.

SOURCE INSTRUMENT: Circular R-35 §4.30.2.6 (PROC-REQ 30.7)

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: NO — §30 concerns program *content* only and contains no statutory provision, discretion element, or delegation addressing a deadline for program

commencement. The 6-month deadline is a circular construction with no textual basis in §30 or its delegated regulations.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: NO — Administrative deadline is a binary compliance obligation; not volume-sensitive per se. However, the lack of statutory basis is the primary concern.

PURPOSE: INTERNAL CONTROL — The 6-month commencement deadline serves administrative throughput monitoring and control; it does not affect the content, quality, or fairness of the program itself.

BURDEN DESCRIPTION: NAV office must maintain date-tracking from the application moment and ensure demonstrable program start within the deadline. Where deadline compliance is at risk, administrative management action and documentation are required. This monitoring obligation operates without basis in §30. Caseworkers must comply with a compliance mechanism the primary normative instrument governing §30 work does not recognize.

KILL LIST CLASSIFICATION: Category A — Removal. The 6-month commencement deadline has no statutory basis in §30. Its regulatory home, if any, belongs to the provisions governing access to and initiation of KVP (§§29, 31), not program content (§30). Its placement in the §30 circular creates a compliance obligation without legal authority. The deadline should be removed from the §30 framework and assessed for reinstatement (if appropriate) within the normative framework for §§29/31 where it would have a tenable regulatory home.

TRANSACTION COST CATEGORY: Procedural Duplication

REQUIREMENT ID: §30 — R8

PROVISION TEXT: I oppfølgingen av deltakeren skal det foretas en kontinuerlig vurdering av om aktivitetene og tiltakene i programmet er egnet for å fremme vedkommendes mål.

SOURCE INSTRUMENT: Circular R-35 §4.30.2.7 + Forskrift §1 (PROC-REQ 30.8)

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — Flows from the continuous tailoring obligation in §30 and the delegated Forskrift §1 authority on evaluation.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: PARTIAL — [K] + [P]: Continuous monitoring obligations are substantively appropriate but their procedural operationalization may presuppose more structured caseload than micro-offices handle.

PURPOSE: USER NEED — Directly serves the participant's right to an ongoing program that remains appropriate to their evolving situation.

BURDEN DESCRIPTION: No transaction cost burden identified. Continuous monitoring is intrinsic to responsive program management; no overhead beyond the professional obligation.

KILL LIST CLASSIFICATION: No Kill List Action — Valid authority, user-serving, proportionate.

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: §30 — R9

PROVISION TEXT: Deltakerens utbytte av tiltakene og progresjonen i programmet skal vurderes og ved behov følges opp med endringer i programmets innhold.

SOURCE INSTRUMENT: Circular R-35 §4.30.2.7 + Forskrift §1 (PROC-REQ 30.9)

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — Valid under Forskrift §1 without escalating the statutory framework.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: PARTIAL — [K]: Progress evaluation requires familiarity with participant trajectories and available measures; familiarity may degrade at very low KVP caseload.

PURPOSE: USER NEED — Directly serves the participant's right to an adaptively managed program; evaluation of progress and conditional content changes are core program quality mechanisms.

BURDEN DESCRIPTION: No transaction cost burden identified. Evaluation and responsive content adjustment are inherent to the professional obligation.

KILL LIST CLASSIFICATION: No Kill List Action — Valid authority, user-serving, proportionate.

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: §30 — R10

PROVISION TEXT: Nav-kontoret må foreta en konkret og individuell vurdering av hvilke andre tiltak som kan inngå i programmet.

SOURCE INSTRUMENT: Circular R-35 §4.30.2.9 (PROC-REQ 30.10)

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: PARTIAL — §30 grants genuine permissive discretion ('kan inneholde andre tiltak') regarding whether to include supporting measures at all. The circular escalates this by mandating an active, specific assessment procedure as a prerequisite — converting a 'kan' provision into a mandatory procedural step.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: PARTIAL — [K]: Active local knowledge of available supporting measures degrades when KVP caseload is low; caseworkers may not maintain current awareness of the service landscape.

PURPOSE: USER NEED — The assessment purpose directly serves the participant's access to appropriate comprehensive support; the escalation issue concerns methodology, not outcome.

BURDEN DESCRIPTION: No transaction cost burden identified for this requirement as classified USER NEED. The authority concern is the escalation from permissive to mandatory procedure, which removes the municipality's discretion to not conduct this assessment when it is not warranted. This affects the character of the normative standard more than the caseworker's direct workload.

KILL LIST CLASSIFICATION: Category C — Clarification. The assessment of supporting measures is good professional practice and serves the participant well. The concern is that the mandatory procedural language ('må foreta') converts a permissive provision into an obligatory procedure, creating shadow binding on a 'kan' discretion. Clarification should make explicit that the municipality retains discretion about whether to include supporting measures at all — and that the assessment provision guides how to exercise that discretion when the municipality chooses to do so.

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: §30 — R11

PROVISION TEXT: Tidsbruken [til helseaktiviteter] skal begrunnes og fremgå av saken.

SOURCE INSTRUMENT: Circular R-35 §4.30.2.10 (PROC-REQ 30.11 / DOC-REQ 30.7)

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: PARTIAL — §30 confers freely exercisable permissive discretion ('kan settes av tid') regarding health activity time allocation. The circular converts this into a mandatory documentation obligation triggered each time the discretion is exercised.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: YES — Anchor Document [D]: per-case written justification for a permissive provision is structurally analogous to the §17 start-date documentation requirement — the single most frequently sanctioned element in the Anchor Document dataset. Small offices handling few KVP cases cannot sustain the justification pipeline as a habitual routine.

PURPOSE: INTERNAL CONTROL — 'Begrunnes og fremgå av saken' explicitly directs the justification to the case file; it records and demonstrates to oversight bodies what was decided, without affecting what the participant receives.

BURDEN DESCRIPTION: Each time the caseworker allocates health activity time, they must produce and file a written justification. §30 grants this permission without any documentation requirement. The circular converts the permission into a documentation trigger: every exercise of 'kan' discretion generates a mandatory audit artifact. Caseworkers must comply with an obligation the primary normative instrument does not impose.

KILL LIST CLASSIFICATION: Category B — Status Change. The interest in documenting health activity time is understandable from a professional records perspective, but the mandatory character ('skal') lacks statutory basis when the underlying provision is permissive. Reformulation should convert the mandatory language to guidance: 'det anbefales å dokumentere...' or equivalent, making documentation a supported professional practice rather than a mandatory compliance trigger.

TRANSACTION COST CATEGORY: Documentation Inflation

REQUIREMENT ID: §30 — R12

PROVISION TEXT: I tillegg må det alltid vurderes om den enkeltes helsesituasjon utløser andre rettigheter til ytelser og oppfølging.

SOURCE INSTRUMENT: Circular R-35 §4.30.2.10 (PROC-REQ 30.12)

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: NO — §30 strictly governs program content and time allocation within the KVP framework. It provides no statutory basis for a new, absolute mandatory duty ('må alltid') to assess whether the participant has rights to benefits and follow-up services *outside* the KVP framework.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: YES — Anchor Document [K] + [C]: cross-system competence spanning health law, trygdelovgivning, and other benefits systems degrades with infrequent KVP caseload. Assessing rights across external legal domains requires current, active knowledge of adjacent systems that small generalist offices cannot sustain when KVP participants are few.

PURPOSE: MIXED — Primary: USER NEED (ensuring participant does not forfeit rights to other benefits). Secondary: INTERNAL CONTROL (the absolute mandatory character 'alltid' and implicit documentation expectation serve administrative oversight).

BURDEN DESCRIPTION: In every case with a participant with health needs, the caseworker must conduct and document a standalone multi-domain assessment of external rights (health services, disability benefits, housing support, etc.). This cross-domain assessment requires maintained competence across several adjacent legal systems. §30 provides no authority for this duty; it governs program content only. The burden falls outside any framework the §30 circular provides guidance for — caseworkers must assess external rights obligations that the primary normative instrument governing their work does not address.

KILL LIST CLASSIFICATION: Category A — Removal from §30. The user-serving purpose of this obligation is genuine and important. However, it has no statutory basis in §30 and belongs normatively to the general duty of advice and guidance under §17, the referral obligations under §13, and the holistic assessment framework under §29. Removing it from §30 does not eliminate it from the normative framework — it relocates it to its proper legal home. The §30 circular should be revised to remove this specific obligation; it should be addressed in the normative instruments governing §17 and §13.

TRANSACTION COST CATEGORY: Reporting Overhead + Combined Burden

---

REQUIREMENT ID: §30 — R13

PROVISION TEXT: Om en deltaker kan kombinere kvalifiseringsprogram med avtjening av samfunnsstraff, må vurderes individuelt i samarbeid med den det gjelder.

SOURCE INSTRUMENT: Circular R-35 §4.30.2.11 (PROC-REQ 30.13)

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: NO — §30 explicitly and exhaustively lists the permitted combination options for KVP as employment (inntil 50% stilling) and apprenticeship (læretid). Community service (samfunnsstraff) is legally distinct, governed by straffegjennomføringsloven, and entirely outside §30's regulatory scope.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: YES — Community service is governed by straffegjennomføringsloven and administered by kriminalomsorgen. It belongs to the criminal justice legal domain, not the Social Services Act. The circular imports a criminal justice domain obligation into the §30 social services framework without statutory authority in either domain for this specific intersection.

SCALE FLAG: YES — Anchor Document [S] + [K]: competence in criminal justice law and coordination with kriminalomsorgen cannot be maintained in a small generalist office handling KVP. The combination scenario is so rare in most municipalities that no routine or competence can form. Burden falls entirely outside §30 circular guidance.

PURPOSE: MIXED — Primary (from social services user perspective): INTERNAL CONTROL — boundary management between criminal justice and social services systems. Secondary: USER NEED — individual assessment protects the participant from conflicting institutional demands.

BURDEN DESCRIPTION: Caseworker must understand the scope and schedule of the community service requirement (governed by external criminal law), assess its interaction with KVP activities, potentially contact kriminalomsorgen, and document the assessment. This places social services caseworkers in the role of managing a criminal justice domain assessment without formal authority, training, or support from the §30 circular. The burden constitutes both a category error and a transaction cost.

KILL LIST CLASSIFICATION: Category A — Removal. This requirement belongs to a different legal domain (criminal justice) and has no basis in §30's enumerated combination options. If the practical scenario requires normative guidance, that guidance belongs in a dedicated instrument — or in the normative framework governing kriminalomsorgen's obligations toward persons who are simultaneously KVP participants, not in the §30 content provision.

TRANSACTION COST CATEGORY: Procedural Duplication + Structural Disproportionality + Combined Burden

---

REQUIREMENT ID: §30 — R14

PROVISION TEXT: Ved gjennomført eller avsluttet program skal det utstedes et deltakerbevis.

SOURCE INSTRUMENT: Circular R-35 §4.30.2.13 + Forskrift §1 (PROC-REQ 30.14 / DOC-REQ 30.3)

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — Legitimately derived from Forskrift §1 under the §30 statutory delegation.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: NO — Document issuance is a discrete act; does not presuppose elevated organizational capacity or volume.

PURPOSE: MIXED — Primary: USER NEED (deltakerbevis documents participant's competence acquisition; directly serves labor market entry). Secondary: INTERNAL CONTROL (issuance creates a program completion record).

BURDEN DESCRIPTION: Caseworker must draft, verify, issue, and file the certificate at program completion or termination. Burden is proportionate and legally anchored. No excess transaction cost beyond the intrinsic effort of the obligation.

KILL LIST CLASSIFICATION: No Kill List Action — Valid authority (Forskrift §1), primarily user-serving, burden proportionate.

TRANSACTION COST CATEGORY: Documentation Inflation (proportionate — no excess burden identified)

REQUIREMENT ID: §30 — R15

PROVISION TEXT: Deltakerbeviset skal utformes i samarbeid med deltaker.

SOURCE INSTRUMENT: Circular R-35 §4.30.2.13 (PROC-REQ 30.15)

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: NO — §30 contains no statutory or delegated provision directing the specific procedural form (joint co-creation) by which the certificate must be produced. The issuance obligation is established by Forskrift §1; the production method is not addressed.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: PARTIAL — [P]: The mandatory joint co-creation procedure adds a collaboration step to certificate production; at low KVP caseload, this procedural step may become hollow or routinely bypassed.

PURPOSE: INTERNAL CONTROL — The mandatory joint production form ('skal utformes i samarbeid') requires the caseworker to engage the participant in the certificate production process as a verifiable compliance act. The certificate content serves the user regardless of production method; the mandatory form serves audit verification of a participation principle.

BURDEN DESCRIPTION: Caseworker must schedule and conduct a collaborative certificate-production session with the participant, document that joint production occurred, and ensure the certificate reflects participant input. §30 and Forskrift §1 establish the issuance obligation but prescribe no production method. The user-serving outcome (a richer

certificate reflecting participant perspective) could be achieved through guidance rather than mandate. Caseworkers must comply with a procedural form obligation the primary normative instrument does not address.

KILL LIST CLASSIFICATION: Category B — Status Change. The principle of involving the participant in certificate production is professionally sound and user-serving. However, the mandatory 'shall' ('skal') language, without statutory basis, goes beyond what §30 or Forskrift §1 authorizes. Reformulation to 'bør' would preserve the normative expectation while restoring local professional discretion about the production process.

TRANSACTION COST CATEGORY: Documentation Inflation + Procedural Duplication

---

REQUIREMENT ID: §30 — R16

PROVISION TEXT: Hvis programdeltakeren er forelder, skal det ved utformingen av program tas hensyn til familiesituasjonen og eventuelt foretas tilpasninger i forhold til barnets behov.

SOURCE INSTRUMENT: Circular R-35 §4.30.2.16 (PROC-REQ 30.16)

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: PARTIAL — The barnets beste obligation rests on Grunnloven §104 and FNs barnekonvensjon, giving it strong constitutional and international authority. §30 itself does not specifically enumerate the family-adaptation obligation, but the broader statutory framework and its constitutional anchoring provide substantial normative support.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: NO — Constitutional and international obligations cannot be relieved on scale grounds. The obligation applies regardless of office capacity.

PURPOSE: USER NEED — Directly protects children's interests and the participant's family life in program design; substantive obligation derived from fundamental rights framework.

BURDEN DESCRIPTION: No transaction cost burden identified. The family-consideration obligation is inherent to holistic program design for participants with children. The authority concern is that the circular's mandatory enumeration of specific adaptations ('eventuelt foretas tilpasninger i forhold til barnets behov') may convert an open professional judgment into a prescribed checklist, potentially creating shadow binding on professional assessment. This affects the character of the standard rather than generating overhead.

KILL LIST CLASSIFICATION: Category C — Clarification. The substantive obligation has strong constitutional anchoring and must be retained. The concern is that the mandatory language ('skal tas hensyn til') combined with the specific enumeration of adaptations may be interpreted as requiring documented family assessments as an administrative protocol in

every case involving parents — even where the family situation creates no program design implications. Clarification should confirm that the obligation requires genuine consideration when relevant, not a mandatory documentation step in every parental case.

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: §30 — R17

PROVISION TEXT: Nav-kontoret bør aktivt undersøke om personer som er i målgruppen kan ha rett på kvalifiseringsprogram, og gi hjelp til å søke der det er nødvendig.

SOURCE INSTRUMENT: Kommunebrev 2025 (PROC-REQ 30.17) — linked to §30 in the normative reference framework

CIRCULAR AUTHORITY: ABSENT — This requirement has no textual presence in the §30 circular. It derives from a Kommunebrev, which is a sub-legal instrument below the circular hierarchy.

Consequence of absence: The requirement operates entirely outside the §30 circular framework. Caseworkers subject to §30 guidance receive no primary normative instruction on this obligation. Its operational status is determined by the Kommunebrev alone, without the interpretive and procedural scaffolding that the circular would provide.

LEGAL AUTHORITY: NO — §30 governs program content for already-enrolled participants. Pre-application eligibility investigation belongs to entirely different provisions (§§29 and 17), not to the §30 content provision.

DOUBLE AUTHORITY GAP: YES — Circular authority ABSENT + Statutory authority NO in §30. The requirement operates without circular authority and without statutory basis in §30.

CATEGORY ERROR: NO — The obligation belongs within the Social Services Act; the error is wrong-provision linkage (§29/§17, not §30), not a different legal domain.

SCALE FLAG: YES — Anchor Document [S]: "outreach work is inherently a higher-capacity function than reactive desk service"; the Anchor Document classifies pro-active eligibility investigation as a latent volume driver: "dedicated field roles cannot be sustained alongside mandatory desk-bound case processing in small offices." The burden falls outside §30 circular guidance entirely.

PURPOSE: USER NEED — From the social services user perspective, proactive eligibility investigation directly serves access to rights for persons who may not independently seek help.

BURDEN DESCRIPTION: No transaction cost burden identified for this requirement *as classified per purpose* (USER NEED). However: this requirement operates entirely outside the framework the §30 circular provides guidance for. NAV caseworkers governed by §30 have no circular instruction on how to fulfill this obligation, under what conditions, or with what resources. The structural concern is coherence and authority, not burden.

KILL LIST CLASSIFICATION: Category A — Removal from §30 normative framework. The obligation's proper normative home is §§29 and 17. Its presence in the §30 context (via Kommunebrev) creates a double authority gap: no circular authority and no statutory basis in §30. The obligation should be assessed for reinstatement within the normative instruments governing §§29 and 17, where its legal and procedural scaffolding exists.

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: §30 — R18

PROVISION TEXT: Tjenesten som tiltak [§17-rådgivning inkludert i KVP] skal fattes i et eget vedtak etter sotjl. §17, og ikke inngå i vedtaket om kvalifiseringsprogram etter sotjl. §29.

SOURCE INSTRUMENT: Veileder sotjl. §17 (PROC-REQ 30.18 / DOC-REQ 30.12) — linked to §30

CIRCULAR AUTHORITY: ABSENT — This requirement has no textual presence in the §30 circular. It is imported into the §30 operational context from a veileder governing a different statutory provision (§17).

Consequence of absence: Caseworkers operating under §30 guidance have no circular instruction on this dual-decision requirement. They must apply a decision-structuring rule — with significant administrative consequences — that the primary normative instrument governing their work does not address.

LEGAL AUTHORITY: PARTIAL — The procedural requirement to issue a distinct §17 decision derives from §17's own rules (and the general forvaltningslov decision requirements applicable to §17 services). The linkage to §30 is ambiguous and imported rather than native; §30 does not address the procedural format of advisory services included as measures.

DOUBLE AUTHORITY GAP: YES — Circular authority ABSENT + Statutory authority PARTIAL (§30 basis). The requirement derives its partial authority from a different provision (§17) and operates without any authority in the §30 framework.

CATEGORY ERROR: NO — Both §17 and §30 are provisions of the Social Services Act; this is a wrong-provision linkage, not a different legal domain.

SCALE FLAG: NO — Issuing a parallel §17 decision is a discrete administrative act; not volume-sensitive per se in the sense of requiring sustained throughput.

PURPOSE: INTERNAL CONTROL — The underlying §17 advisory service serves the user. The requirement to formalize it in a *separate §17 decision* (rather than including it within the §29 program decision) serves administrative document-system clarity and audit accountability; it has no direct bearing on the quality of the service received.

BURDEN DESCRIPTION: Caseworker must (1) identify when a planned KVP measure constitutes a §17 service requiring separate formalization; (2) produce a parallel §17

decision concurrent with program planning; (3) maintain administratively separate records for substantively linked decisions. This requires simultaneous active competence in both §17 and §30 decision frameworks. The §30 circular provides no guidance on this obligation; caseworkers must apply a complex dual-decision rule from a veileder for a different provision, without normative support in the instrument governing their work.

KILL LIST CLASSIFICATION: Category B — Status Change. The substantive underlying principle (that §17 services have their own decision rights and appeal pathways) is legitimate. However, the mandatory 'shall not be included in the §29 decision' ('ikke inngå') language, derived from a veileder without §30 circular authority, operates as a binding rule without appropriate normative anchoring. This should be incorporated into the §30 circular as guidance — either as a clarifying note or as a cross-reference to §17's procedural requirements — with permissive rather than mandatory framing until its authority in the §30 context is established.

TRANSACTION COST CATEGORY: Procedural Duplication + Structural Disproportionality

---

REQUIREMENT ID: §30 — R19

PROVISION TEXT: For personer som har rett til kvalifiseringsprogram kan tilrettelegging av programmet skje mens personen oppholder seg i fengselet, slik at det kan iverksettes ved løslatelse.

SOURCE INSTRUMENT: Kriminalomsorg veileder (PROC-REQ 30.19) — linked to §30

CIRCULAR AUTHORITY: ABSENT — This practice guidance has no textual presence in the §30 circular. It derives from a veileder issued by the correctional service.

Consequence of absence: NAV caseworkers operating under §30 guidance have no circular instruction on this practice. The permissive character of the requirement reduces operational risk, but the structural gap means caseworkers must self-navigate the boundary between KVP preparation and prison service coordination without normative support in their primary instrument.

LEGAL AUTHORITY: YES — Permissive language ('kan') is consistent with general statutory flexibility in §30 and does not escalate the statutory framework.

DOUBLE AUTHORITY GAP: NO — Statutory authority is present (YES); only circular authority is absent.

CATEGORY ERROR: NO — The requirement concerns KVP preparation for a specific population; while the source is from the correctional service, the obligation itself concerns NAV's role in pre-release program preparation.

SCALE FLAG: NO — Permissive provision; no compliance burden.

PURPOSE: USER NEED — Directly enables program access for a specific population by allowing preparation during imprisonment; removes a structural barrier to timely program start upon release.

BURDEN DESCRIPTION: No transaction cost burden identified. Permissive provision; no obligation triggered unless the caseworker exercises the option in service of the participant.

KILL LIST CLASSIFICATION: Category C — Clarification. The requirement is legally sound and user-serving. Its absence from the §30 circular creates a structural coherence gap: caseworkers have no circular guidance on a practice that may be important for a specific population. The clarification action recommended is incorporation into the §30 circular — as a permissive guidance note — so that caseworkers working under §30 have a primary normative reference for this practice. This is not removal but normative anchoring.

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: §30 — R20

PROVISION TEXT: Det skal fremgå av programmet på hvilke tidspunkt det skal foretas evalueringer.

SOURCE INSTRUMENT: Circular R-35 §4.30.2.7 + Forskrift §1 (DOC-REQ 30.1)

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — Appropriately drawn from Forskrift §1 under the §30 delegation: "Det skal fremgå av programmet på hvilke tidspunkt det skal foretas evalueringer."

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: PARTIAL — [D]: Evaluation schedule documentation is individually manageable; becomes significant cumulatively with R21 and R22 as part of the program documentation stack at low KVP throughput.

PURPOSE: MIXED — Primary: USER NEED (evaluation schedule gives participant predictability and participation rights; allows the participant to prepare for and engage with evaluation moments). Secondary: INTERNAL CONTROL (schedule documentation in the program document serves audit verification of compliance with the evaluation obligation).

BURDEN DESCRIPTION: Caseworker must document the evaluation schedule in the program document at a level of specificity that is both meaningful for the participant and auditable. Burden is modest in isolation; contributes to cumulative program documentation overhead (R20 + R21 + R22).

KILL LIST CLASSIFICATION: Category C — Clarification. The obligation is legally grounded in Forskrift §1 and is proportionate. The clarification concern is that the documentation requirement should be framed primarily as a tool for the participant's benefit (predictability, participation) rather than as an audit artifact. Clarification would reduce shadow binding effects from caseworkers treating the schedule documentation as primarily a compliance exercise.

TRANSACTION COST CATEGORY: Documentation Inflation (modest)

REQUIREMENT ID: §30 — R21

PROVISION TEXT: Varigheten av kvalifiseringsprogrammet skal framgå av innvilgelsesvedtaket, mens tidspunktet for oppstart skal framgå av programmet.

SOURCE INSTRUMENT: Circular R-35 §4.30.2.6 (DOC-REQ 30.5)

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: NO — §30 contains no provision dictating exactly where or in which specific documents different mandatory program elements must be recorded. The statute and Forskrift §1 establish what must be determined (duration, start time) but do not prescribe the document-distribution rule.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: YES — Anchor Document [D]: document-distribution requirements — knowing precisely which element belongs in which document — require habitual practice to execute correctly. At low KVP throughput, the specific split between innvilgelsesvedtak (duration) and program document (start time) is unlikely to become an automatic institutional routine.

PURPOSE: INTERNAL CONTROL — The user's interests are served by receiving both pieces of information; the specific document-distribution rule serves administrative standardization and audit traceability, not the quality of the case assessment.

BURDEN DESCRIPTION: Caseworker must maintain a split-document consistency obligation: duration in the innvilgelsesvedtak, start date in the program document. Alignment between the two documents must be maintained if circumstances change. Audit verifiability requires that each piece of information appear in the prescribed document, not merely exist somewhere in the case file. The document-distribution rule has no basis in §30. Caseworkers must comply with a document-formatting obligation the primary normative instrument does not recognize.

KILL LIST CLASSIFICATION: Category A — Removal. The document-distribution rule lacks statutory basis. The substantive obligation (that both duration and start date must be determined and communicated to the participant) is legitimate and should be retained as a

requirement. The specific prescription of which document holds which element imposes administrative overhead without legal authority and should be removed, leaving professional judgment about document management to the NAV office.

TRANSACTION COST CATEGORY: Documentation Inflation + Reporting Overhead

---

REQUIREMENT ID: §30 — R22

PROVISION TEXT: I tillegg skal Nav-veileder og deltaker avtale konkrete tidspunkt for evalueringer, som skal fremgå av programmet.

SOURCE INSTRUMENT: Circular R-35 §4.30.2.7 (DOC-REQ 30.6)

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: NO — §30 leaves evaluation structuring open under a general tailoring obligation. Forskrift §1 establishes that evaluation timing should appear in the program, but does not mandate a fixed two-part procedure combining joint scheduling agreements with specific dated documentation.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: YES — Anchor Document [D] + [P]: mandatory two-part agreement + dated documentation for evaluation is directly analogous to the debt counseling procedural continuity cluster described as a dominant compliance failure. At low KVP throughput, the combined procedure is triggered too rarely to become habitual.

PURPOSE: INTERNAL CONTROL — The evaluation obligation (R8, R9) and the presence of evaluation timing in the program (R20) are user-serving and legally grounded. R22 adds a mandatory *two-part protocol* (joint date-agreement + specific dated recording in the program document) that serves audit verification of compliance with the evaluation framework, not the participant's substantive case management.

BURDEN DESCRIPTION: Caseworker must jointly agree specific evaluation dates with the participant AND record those specific dates in the program document — a combined agreement-and-documentation procedure that must be documentably completed in that specific form. §30 leaves evaluation structure to professional judgment; the circular mandates this specific two-part protocol without statutory basis. Caseworkers must comply with an obligation — at a level of procedural specificity — the primary normative instrument governing their work does not address.

KILL LIST CLASSIFICATION: Category A — Removal. The combined mandatory agreement-and-dated-documentation procedure has no statutory basis in §30 or Forskrift §1. The substantive evaluation obligations (R8, R9, R20) are legally grounded and should be retained. The specific mandatory protocol element of R22 (joint date-agreement + specific

dated recording) should be removed, with the evaluation scheduling returned to professional judgment under the general tailoring obligation.

TRANSACTION COST CATEGORY: Documentation Inflation + Procedural Duplication

---

REQUIREMENT ID: §30 — R23

PROVISION TEXT: Beviset skal dokumentere hva slags arbeidsrettet kompetanse deltakeren har tilegnet seg i løpet av programmet, og synliggjøre vedkommendes ressurser og progresjon.

SOURCE INSTRUMENT: Circular R-35 §4.30.2.13 (DOC-REQ 30.8)

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: NO — §30 and its corresponding delegated regulations (Forskrift §1) contain no provision authorizing a mandatory enumeration of substantive content items for the deltakerbevis. Forskrift §1 establishes the issuance obligation; it does not prescribe mandatory content fields.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: YES — Anchor Document [D]: mandatory content enumeration for a closure document presupposes systematic mid-program documentation capacity; the Anchor Document confirms that small offices consistently fail to translate program management into formal records, making retrospective synthesis of three specific content fields disproportionately burdensome at case closure.

PURPOSE: MIXED — Primary: USER NEED (certificate content documenting competence, resources, and progression directly serves the participant's labor market position). Secondary: INTERNAL CONTROL (mandatory three-field content specification serves program-level accountability and administrative standardization).

BURDEN DESCRIPTION: At program completion, the caseworker must synthesize the full program record to substantiate three mandatory content fields: acquired work-related competence, resources, and progression. Where mid-program documentation has been maintained systematically, this is manageable. In small offices where program management has been conducted informally (a pattern confirmed across dozens of supervision reports in the Anchor Document), assembling all three fields at closure becomes time-intensive and error-prone. The mandatory content specification exceeds what Forskrift §1 authorizes; caseworkers must comply with a content-standardization obligation the primary normative instrument does not address.

KILL LIST CLASSIFICATION: Category A — Removal of the mandatory content enumeration. The underlying obligation to issue a meaningful deltakerbevis (R14) is legally grounded and should be retained. The specific three-field mandatory content framework has

no statutory basis and imposes administrative standardization without legal authority. Removal of the mandatory enumeration does not prevent caseworkers from including this content — it restores professional judgment about what a meaningful certificate should contain.

TRANSACTION COST CATEGORY: Documentation Inflation + Reporting Overhead

---

REQUIREMENT ID: §30 — R24

PROVISION TEXT: Deltakerbeviset bør omtale hvilke tiltak og aktiviteter programmet har bestått av, varighet, at programmet har vært på full tid og oppmøte.

SOURCE INSTRUMENT: Circular R-35 §4.30.2.13 (DOC-REQ 30.9)

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: PARTIAL — §30 provides no authorization for specifying guided certificate content. Practical severity is substantially reduced by 'bør' language, which creates a recommendation rather than a binding obligation.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: PARTIAL — [D]: 'Bør' language reduces binding force but the five-element checklist (measures, activities, duration, full-time status, attendance) functions as a de facto administrative minimum standard. Cumulative with R23 at case closure.

PURPOSE: MIXED — Primary: USER NEED (the recommended content enhances the practical utility of the certificate for the participant). Secondary: INTERNAL CONTROL (minor — 'bør' framing implies a quality floor for administrative consistency).

BURDEN DESCRIPTION: The caseworker will typically feel obligated to address all five recommended areas, creating a de facto checklist effect even without mandatory language. The burden is lighter than R23 but cumulative with it at case closure. The authority gap is significantly reduced by the 'bør' formulation.

KILL LIST CLASSIFICATION: Category C — Clarification. The recommended content guidance is helpful and largely user-serving. The clarification concern is that 'bør' should be explicitly confirmed as advisory — not as a minimum administrative standard — to prevent shadow binding through the de facto checklist effect. Caseworkers should understand that professional judgment determines which certificate content best serves the individual participant.

TRANSACTION COST CATEGORY: Documentation Inflation (mild, reduced by 'bør')

REQUIREMENT ID: §30 — R25

PROVISION TEXT: Hva deltakeren har oppnådd i forhold til målet, tiltak som har ført til endring og hva som eventuelt gjenstår for å komme i arbeid, kan også nevnes.

SOURCE INSTRUMENT: Circular R-35 §4.30.2.13 (DOC-REQ 30.10)

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: PARTIAL — §30 lacks authorization for specifying optional certificate content items. Practical severity is minimal due to permissive 'kan' language.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: NO — Permissive 'kan' language; the caseworker may choose to include this content when it serves the participant; no compliance obligation created.

PURPOSE: USER NEED — Optional documentation serving the participant's labor market narrative; 'kan' language makes this entirely permissive and user-serving when exercised.

BURDEN DESCRIPTION: No transaction cost burden identified. Permissive provision; no administrative overhead beyond the intrinsic effort when the caseworker chooses to include this content.

KILL LIST CLASSIFICATION: No Kill List Action — The permissive language already reflects the appropriate normative register. No excess burden, no mandatory character to reform.

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: §30 — R26

PROVISION TEXT: Aktiviteter som helsehjelp, opptrening og egenaktivitet kan omtales [i deltakerbeviset] hvis det anses hensiktsmessig.

SOURCE INSTRUMENT: Circular R-35 §4.30.2.13 (DOC-REQ 30.11)

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: PARTIAL — §30 authorizes health activity time allocation within the program but contains no provision regarding permissive retrospective documentation of those activities in the certificate. Practical severity is minimal due to 'kan' language.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: NO — Permissive 'kan' language with additional condition ('hvis det anses hensiktsmessig'); minimal compliance burden.

PURPOSE: USER NEED — Optional documentation of health activities in the certificate may serve the participant's holistic professional narrative; entirely permissive.

BURDEN DESCRIPTION: No transaction cost burden identified. Permissive provision with discretionary condition; no obligation created.

KILL LIST CLASSIFICATION: No Kill List Action — The permissive, conditional language already reflects the appropriate normative register.

TRANSACTION COST CATEGORY: No Transaction Cost Identified

CLOSING COMPARATIVE NOTE

This note synthesizes the findings from Steps 1–6 and constitutes the output feeding directly into the main report and Kill List deliverables.

Enumeration Comparison

Metric	Count
Total requirements identified from Process Inflation Findings	**26**
Requirements that would be visible starting from the §30 circular alone	**23**
Requirements invisible from the circular alone (circular-invisible)	**3** (R17, R18, R19)
Of the circular-invisible requirements: double authority gaps	**2** (R17, R18)
Of the circular-invisible requirements: valid statutory authority	**1** (R19)

The 3 circular-invisible requirements derive from: a Kommunebrev (R17), a veileder for a different provision (R18), and an external agency veileder (R19). Starting from the §30 circular alone, a caseworker conducting this analysis would miss 12% of operational requirements — including two that constitute double authority gaps.

Authority Gap Summary

Category	Count	Requirements
Full statutory authority (YES)	8	R3, R5, R6, R8, R9, R14, R19, R20
Partial statutory authority (PARTIAL)	8	R1, R2, R10, R11, R16, R24, R25, R26

No statutory authority (NO)	10	R4, R7, R12, R13, R15, R17, R18, R21, R22, R23
Double authority gaps	**2**	**R17, R18**
Category errors (different legal domain)	**1**	**R13**

Of the 26 requirements, **10 (38%)** have no statutory authority in §30. An additional **8 (31%)** have only partial statutory authority. Only **8 (31%)** can be confirmed as having full legal grounding. This is the core quantitative finding of the authority analysis.

Scale Burden Summary

Scale Flag	Count	Requirements
YES (confirmed scale concern)	9	R1, R4, R11, R12, R13, R17, R21, R22, R23
PARTIAL	7	R3, R8, R9, R10, R15, R20, R24
NO	10	R2, R5, R6, R7, R14, R16, R18, R19, R25, R26

Nine requirements (35%) impose burdens confirmed as presupposing organizational capacity or case volume that an average small municipality cannot sustain. Seven more create partial structural concerns. The strongest scale-confirmed requirements (R4, R11, R21, R22, R23) are precisely the documentation-heavy obligations that the Anchor Document identifies as the dominant compliance failure mechanism [D] across all social services domains.

Kill List Summary

Category	Count	Requirements
Category A — Removal	**7**	R7, R12, R13, R17, R21, R22, R23
Category B — Status Change	**5**	R1, R4, R11, R15, R18
Category C — Clarification	**6**	R2, R10, R16, R19, R20, R24
No Kill List Action	8	R3, R5, R6, R8, R9, R14, R25, R26

Category A — Removal (7 requirements): These requirements either have no statutory authority in §30 (R7, R12, R21, R22, R23), belong to a different legal domain (R13), or constitute double authority gaps with no basis in §30's normative framework at any level (R17). Their removal does not eliminate the underlying substantive obligations from the legal system — it removes the obligations from the §30 framework, where they have no authority,

and places them in their proper regulatory home (R12 → §17/§13; R13 → criminal justice instruments; R17 → §§29/17; R21, R22, R23 → professional guidance rather than mandatory rules).

Category B — Status Change (5 requirements): These requirements use mandatory ('skal', 'må') language to bind caseworkers to specific methods, procedures, or documentation acts that exceed the statutory authorization. Their underlying purpose is often valid; the problem is the prescriptive language eliminating local professional discretion without legal authority. Reformulation to permissive guidance ('bør', 'anbefales') restores the municipality's room for maneuver.

Category C — Clarification (6 requirements): These requirements are either legally grounded but expressed in ways that create shadow binding through ambiguity (R2, R10, R16, R20), or exist in circular-invisible form where explicit incorporation into the §30 circular would reduce structural incoherence (R19), or use recommendatory language that risks being treated as mandatory in practice (R24).

No Kill List Action (8 requirements): These requirements have adequate legal authority, are proportionate in burden, and are either fully user-serving or represent permissive provisions that already reflect the appropriate normative register.

Transaction Cost Summary

Transaction Cost Category	Frequency	Primary Requirements
Documentation Inflation	11	R1, R4, R11, R14, R15, R20, R21, R22, R23, R24, R18
Procedural Duplication	6	R1, R7, R13, R15, R18, R22
Reporting Overhead	3	R12, R21, R23
Structural Disproportionality	2	R13, R18
Combined Burden	2	R12, R13
No Transaction Cost Identified	13	R2, R3, R5, R6, R8, R9, R10, R16, R17, R19, R25, R26, (R14 proportionate)

Documentation Inflation is the dominant transaction cost category, appearing in 11 requirements — consistent with the Anchor Document's finding that [D] Documentation Apparatus is "the dominant empirical mechanism by a wide margin" across all social services domains. The §30 compliance stack generates documentation obligations at every major program lifecycle stage: program design (R1, R4), time allocation (R11), health activities (R11), program document content (R20, R21, R22), and certificate production (R23, R24). Many of these documentation obligations either lack statutory authority or convert permissive provisions into mandatory compliance triggers.

Structural observation for the main report: The §30 sludge profile is dominated by documentation requirements generated without statutory basis, concentrated at the program design and closure stages, and presupposing organizational documentation capacity that small municipalities — with 0–5 KVP participants — structurally cannot sustain. The clearest reduction opportunity lies in Category A removal of the 7 requirements lacking legal authority, combined with Category B status changes for the 5 mandatory-language requirements whose underlying purpose can be preserved through permissive reformulation.

End of Sludge Audit — §30 Kvalifiseringsprogrammets innhold.
All citations to Process Inflation Findings and Volume Driver Findings retain original reference designations.
Legal authority assessments are analytical flags derived from the referenced Process Inflation Findings; formal legal determination is reserved for the manual verification phase.

SLUDGE AUDIT — § 31 IVERKSETTING AV PROGRAMMET

PRELIMINARY METHODOLOGICAL NOTE

Visibility comparison: The Process Inflation Findings (REFERENCE DOCUMENT) identify **15 requirements** operative under §31. Starting from the circular paragraph alone (CONTEXT DOCUMENT, §31 / 4.31.1), only **10 requirements** are directly visible. Five requirements — Requirements 11 through 15 — have no textual presence in the circular whatsoever.

Requirements invisible from the circular paragraph alone:

Requirement	Source instrument	Instrument type
Req 11 — KVP eligibility must be assessed before activity conditions imposed	Kommunebrev 2025	(a) Kommunebrev
Req 12 — Active pre-application investigation of potential eligibility	Kommunebrev 2025	(a) Kommunebrev
Req 13 — Program preparation may occur while person is in prison	Veileder for samarbeid — Kriminalomsorg	(b) Veileder
Req 14 — Component services must be documented as separate §17 vedtak	Veileder til sotjl. §17	(b) Veileder
Req 15 — Formal vedtak on work-oriented follow-up before implementation	Veileder til sotjl. §17	(b) Veileder

Structural observation: This 33% gap between Process Inflation Findings (15 requirements) and circular visibility (10 requirements) demonstrates the core analytical value of using the Process Inflation Findings as the reference document. An analyst working solely from the circular would miss the two Kommunebrev obligations entirely, would not identify the prison-preparation allowance, and — most significantly — would not surface the two veileder-derived vedtak architecture requirements that introduce obligations from an adjacent statutory domain (§17 / Nav-loven §14a) into the §31 implementation framework without any anchoring in the §31 circular itself.

STEP 1 — IDENTIFICATION OF ALL REQUIREMENTS

Requirement 1

- Exact obligation: Kommunen skal tilrettelegge og iverksette kvalifiseringsprogram senest innen seks måneder etter at søknad om deltakelse har kommet inn.
- Source instrument: Circular R-35, §31 (statutory text, repeated in circular)
- Explicit/implicit: Explicit
- Circular presence: PRESENT

Requirement 2

- Exact obligation: Ved søknad om kvalifiseringsprogram skal det foretas en arbeidsevnevurdering, hvis det ikke allerede er gjort.
- Source instrument: Circular R-35, §31 (4.31.1, first paragraph)
- Explicit/implicit: Explicit
- Circular presence: PRESENT

Requirement 3

- Exact obligation: Det må videre vurderes om øvrige inngangsvilkår er oppfylt.
- Source instrument: Circular R-35, §31 (4.31.1, first paragraph)
- Explicit/implicit: Explicit
- Circular presence: PRESENT

Requirement 4

- Exact obligation: Hvis kvalifiseringsprogram blir innvilget, skal innholdet i programmet utformes.
- Source instrument: Circular R-35, §31 (4.31.1, first paragraph)
- Explicit/implicit: Explicit
- Circular presence: PRESENT

Requirement 5

- Exact obligation: Starttidspunktet skal fastsettes i samråd med deltaker og fremgå av programmet. From this point the programme period begins and the right to kvalifiseringsstønad is triggered.
- Source instrument: Circular R-35, §31 (4.31.1, midtre del) — dual designation PROC-REQ-31.5 / DOC-REQ-31.1
- Explicit/implicit: Explicit
- Circular presence: PRESENT

Requirement 6

- Exact obligation: Deltakeren skal ha et program på full tid med et forsvarlig, faglig innhold fra oppstart.
- Source instrument: Circular R-35, §31 (4.31.1, midtre del)
- Explicit/implicit: Explicit
- Circular presence: PRESENT

Requirement 7

- Exact obligation: Programmet kan utformes etter hvert, forutsatt at det ikke oppstår perioder uten tiltak og aktiviteter.
- Source instrument: Circular R-35, §31 (4.31.1, midtre del) — dual designation PROC-REQ-31.7 / DOC-REQ-31.2
- Explicit/implicit: Explicit (permissive/conditional)
- Circular presence: PRESENT

Requirement 8

- Exact obligation: Nav-kontoret skal bidra til gode overganger mellom ulike ordninger, ytelser og livssituasjoner for den enkelte.
- Source instrument: Circular R-35, §31 (4.31.1, avslutning)
- Explicit/implicit: Explicit
- Circular presence: PRESENT

Requirement 9

- Exact obligation: Perioden før iverksettelse bør brukes på en måte som gjør at programmet kan starte umiddelbart etter løslatelse fra fengsel eller utskriving fra institusjon, eller ved utløp av introduksjonsordning eller overgangsstønad.
- Source instrument: Circular R-35, §31 (4.31.1, avslutning)
- Explicit/implicit: Explicit (advisory register: bør)
- Circular presence: PRESENT

Requirement 10

- Exact obligation: Det kan i tillegg være nødvendig å sikre deltakeren stønad til livsopphold fram til iverksettelse og første utbetaling av kvalifiseringsstønad.
- Source instrument: Circular R-35, §31 (4.31.1, avslutning)
- Explicit/implicit: Explicit (conditional: kan)
- Circular presence: PRESENT

Requirement 11

- Exact obligation: Rett til kvalifiseringsprogram skal vurderes før det stilles vilkår om aktivitet.
- Source instrument: Kommunebrev 2025
- Explicit/implicit: Explicit (imperative: skal)
- Circular presence: ABSENT — INVISIBLE FROM CIRCULAR

Requirement 12

- Exact obligation: Nav-kontoret bør aktivt undersøke om personer som er i målgruppen kan ha rett på kvalifiseringsprogram, uten å vente på at de selv søker.
- Source instrument: Kommunebrev 2025
- Explicit/implicit: Explicit (advisory: bør)
- Circular presence: ABSENT — INVISIBLE FROM CIRCULAR

Requirement 13

- Exact obligation: For personer som har rett til kvalifiseringsprogram kan tilrettelegging av programmet skje mens personen oppholder seg i fengselet.
- Source instrument: Veileder for samarbeid — Kriminalomsorg
- Explicit/implicit: Explicit (permissive: kan)
- Circular presence: ABSENT — INVISIBLE FROM CIRCULAR

Requirement 14

- Exact obligation: Tjenesten som tiltak skal fattes i et eget vedtak etter sotjl. §17, og ikke inngå i vedtaket om kvalifiseringsprogram etter sotjl. §29.
- Source instrument: Veileder til sotjl. §17
- Explicit/implicit: Explicit (imperative: skal)
- Circular presence: ABSENT — INVISIBLE FROM CIRCULAR

Requirement 15

- Exact obligation: Det skal fattes vedtak om hvilken arbeidsrettet oppfølging vedkommende skal ha utfra behovet, og eventuelt utarbeides en aktivitetsplan, eller et kvalifiseringsprogram for deltakere i programmet.
- Source instrument: Veileder til sotjl. §17
- Explicit/implicit: Explicit (imperative: skal)
- Circular presence: ABSENT — INVISIBLE FROM CIRCULAR

STEP 2 — LEGAL AUTHORITY CHECK

Requirement 1

- Direction 1 (Circular authority): YES
- Direction 2 (Statutory authority): YES — directly enacted in sosialtjenesteloven §31. The six-month deadline is the statutory provision itself.
- Double authority gap: NO
- Category error: NO

Requirement 2

- Direction 1 (Circular authority): YES
- Direction 2 (Statutory authority): PARTIAL — §31 authorizes program implementation for eligible persons but does not prescribe the specific assessment instrument (arbeidsevnevurdering). The requirement to use this particular tool is a circular-level specification. Process Inflation Finding: PROC-REQ-31.2 classifies this as procedural/documentation with "ambiguous" statutory grounding, recommending human legal review.
- Double authority gap: NO (circular authority present)
- Category error: NO

Requirement 3

- Direction 1 (Circular authority): YES
- Direction 2 (Statutory authority): YES — the duty to verify eligibility conditions is implicit in §31's triggering clause. Process Inflation Finding: no legal gap identified for Req 3.
- Double authority gap: NO
- Category error: NO

Requirement 4

- Direction 1 (Circular authority): YES
- Direction 2 (Statutory authority): YES — organizing and forming program content falls directly within the statutory duty to "tilrettelegge og iverksette." Process Inflation Finding: no legal gap identified for Req 4.
- Double authority gap: NO
- Category error: NO

Requirement 5

- Direction 1 (Circular authority): YES
- Direction 2 (Statutory authority): PARTIAL — §31 supports the requirement to record the start date (the date triggers the stonad right), but the consultation procedure ("i samråd med deltaker") as a mandatory requirement has an ambiguous basis in §31 alone. The Process Inflation Finding notes this combined requirement's basis is ambiguous and flags it for human legal review. The consultation element may derive more securely from §42 (plikt til å rådføre seg med tjenestemottaker) than from §31 itself.
- Double authority gap: NO (circular authority present)
- Category error: NO

Requirement 6

- Direction 1 (Circular authority): YES
- Direction 2 (Statutory authority): YES — Process Inflation Findings classify this explicitly as a "SUBSTANTIVE LEGAL OBLIGATION" with the full-time and professional content mandates being "substantive programme content requirements, not merely implementation arrangements."
- Double authority gap: NO
- Category error: NO

Requirement 7

- Direction 1 (Circular authority): YES
- Direction 2 (Statutory authority): YES — graduated development falls within HOW-discretion; the attached "no gaps" condition reflects §30's full-time content requirement and introduces no novel authority. Process Inflation Finding: no legal gap identified.
- Double authority gap: NO
- Category error: NO

Requirement 8

- Direction 1 (Circular authority): YES
- Direction 2 (Statutory authority): PARTIAL — whether broad transition facilitation falls within "tilrettelegge" in §31 or requires separate legal basis (e.g., §17 or general service coordination duty) is arguable. Process Inflation Finding: legal gap flagged as ambiguous.
- Double authority gap: NO (circular authority present)
- Category error: NO

Requirement 9

- Direction 1 (Circular authority): YES
- Direction 2 (Statutory authority): YES — guidance on how to use the pre-implementation period falls squarely within HOW-discretion. Process Inflation Finding: no legal gap identified.
- Double authority gap: NO
- Category error: NO

Requirement 10

- Direction 1 (Circular authority): YES
- Direction 2 (Statutory authority): PARTIAL — §31 does not specifically authorize provision of income support; the more likely basis is §18 (financial assistance) applied contextually to the §31 pre-implementation phase. The Process Inflation Finding explicitly notes the basis may be §18 rather than §31, making the link to §31 ambiguous.
- Double authority gap: NO (circular authority present)
- Category error: NO — both candidate bases (§31 and §18) are within the same statutory framework.

Requirement 11

- Direction 1 (Circular authority): NO — requirement derives from Kommunebrev 2025, not from the §31 circular (R-35). This constitutes a first-order authority gap: the requirement operates outside the circular framework entirely.
- Direction 2 (Statutory authority): NO — §31 provides no basis for mandating a priority sequence between §31 eligibility assessment and other provisions' activity conditions. Process Inflation Finding: "§31 provides no basis for mandating a priority sequence of §31 processing relative to other provisions' activity conditions." No cross-provision sequencing rule of this nature is enacted in the statute.
- **DOUBLE AUTHORITY GAP: YES**
- Category error: NO — the subject matter (KVP eligibility) is within the §§29-31 framework, but the sequencing rule has no anchor there.

Requirement 12

- Direction 1 (Circular authority): NO — requirement derives from Kommunebrev 2025. First-order authority gap.

- Direction 2 (Statutory authority): PARTIAL — §31 is triggered strictly by an application. It contains no pre-application proactive investigation authority. The Process Inflation Finding explicitly states §31 "contains no authority for pre-application proactive investigation, making its basis ambiguous." A weaker statutory argument could be constructed from general service responsibility obligations, but this would be a significant stretch of §31's text.
- **DOUBLE AUTHORITY GAP: YES**
- Category error: NO

Requirement 13

- Direction 1 (Circular authority): NO — derives from Veileder for samarbeid — Kriminalomsorg. First-order authority gap from circular perspective.
- Direction 2 (Statutory authority): YES — conducting preparatory arrangements while in prison is a specific valid exercise of the open HOW-discretion under §31. Process Inflation Finding: "N/A — conducting preparatory arrangements while in prison is a specific valid exercise of the open HOW-discretion."
- Double authority gap: NO — statutory authority is secure even without circular presence.
- Category error: NO

Requirement 14

- Direction 1 (Circular authority): NO — derives from Veileder til sotjl. §17. First-order authority gap.
- Direction 2 (Statutory authority): PARTIAL — §31 authorizes program implementation but does not establish the internal vedtak architecture for component measures. The Process Inflation Finding states: "§31 authorises program implementation but not the internal 'vedtak architecture' for component measures, making the link to §31 ambiguous." The actual basis for the separate vedtak requirement is §17 of sosialtjenesteloven — a different provision than the one under analysis.
- **DOUBLE AUTHORITY GAP: YES**
- **CATEGORY ERROR: YES** — this requirement is anchored in §17 (economic counseling provision) and is being applied contextually to the §31 implementation process. Its home legal domain is the §17 service regime, not the §31 program implementation regime.

Requirement 15

- Direction 1 (Circular authority): NO — derives from Veileder til sotjl. §17. First-order authority gap.
- Direction 2 (Statutory authority): PARTIAL — §31 authorizes program implementation but does not establish a pre-implementation vedtak structure for work-oriented follow-up. The Process Inflation Finding explicitly states: "the actual basis is Nav-loven §14a, making the link to §31 ambiguous."
- **DOUBLE AUTHORITY GAP: YES**
- **CATEGORY ERROR: YES** — this requirement belongs to the Nav-loven §14a framework (individual follow-up and activity plan obligations under state employment law), not to the sosialtjenesteloven §31 implementation framework. Its importation

into the §31 normative context via a §17 veileder constitutes a cross-domain authority layering.

STEP 3 — SCALE AND PROPORTIONALITY CHECK

Requirement 1

- Scale flag: NO — a statutory deadline creates a procedural horizon but does not presuppose case volume or specialist capacity beyond what any municipality handling KVP applications is already obligated to provide.
- Anchor Document connection: Not flagged.

Requirement 2

- Scale flag: PARTIAL — the Anchor Document confirms that arbeidsevnevurdering-type assessments (Mechanism [K]) are volume-sensitive in the broader social services context. Competence in using the specific tool degrades where a municipality processes very few KVP applications per year. Anchor Document Part 2: competence sustainability ([K]) is the fifth most frequent mechanism and "competence failures... are consistently explained by a mechanism one step removed from the primary [S] finding: because the office cannot sustain a dedicated specialist, generalists encounter the specific procedural requirement too infrequently to maintain the operational knowledge needed to execute it correctly." The arbeidsevnevurdering requirement maps structurally onto this pattern.
- Note: This requirement lacks full statutory authority (PARTIAL from Step 2). The scale-related burden it imposes — requiring use of a specific assessment tool — is therefore supported only at circular level, not at statutory level.

Requirement 3

- Scale flag: NO — eligibility verification is scale-neutral; it requires basic legal knowledge that any NAV office is expected to have regardless of volume.

Requirement 4

- Scale flag: NO — program content formulation is a bounded professional task, scale-neutral.

Requirement 5

- Scale flag: PARTIAL — the documentation sub-requirement (start date must "fremgå av programmet") is structurally analogous to the [D] Documentation Apparatus mechanism that is the dominant volume driver across the Anchor Document. The Anchor Document characterizes the requirement to document start dates explicitly as a high-frequency sanction trigger, specifically in relation to formal decisions (Part 2, [D] mechanism and Part 3, Cluster 1). The parallel is direct: the §31 start-date documentation requirement follows the same logic as the §17 start-date justification

requirement that "is the single most frequently sanctioned element across the entire dataset" (Anchor Document, Uncertainty Flags).

Requirement 6

- Scale flag: NO — substantive legal obligation; scale-neutral by definition (a municipality of any size must provide full-time, professionally adequate programming once a program is granted).

Requirement 7

- Scale flag: PARTIAL — the "no periods without activities" condition implicitly presupposes access to a portfolio of activity measures. The Anchor Document confirms under §20a (Requirement 1, Mechanism [T]) that availability of a diverse portfolio of measures is itself volume-sensitive: "Running structured group activities, low-threshold programmes, and work-training measures requires a critical mass of participants." The condition attached to Req 7 — that gradual development must never produce gaps — may be structurally unachievable in small municipalities with limited local measure availability.
- Anchor Document connection: §20a analysis, Tier 4 Driver, Mechanism [T]. "Once the municipal programme closed, the office became dependent on state-level measures with long waitlists, structurally preventing timely condition-setting."

Requirement 8

- Scale flag: PARTIAL — coordination across schemes and services ([C] Coordination Infrastructure) is identified in the Anchor Document as the third most frequent volume driver. The Anchor Document specifically identifies that "formalized inter-agency coordination" obligations produce sanctions when small municipalities rely on informal case-by-case contact — the same structural problem that would affect transition facilitation under Req 8. Anchor Document Part 2 [C]: "formalized inter-agency coordination: Sør-Varanger, Hammerfest, Senja, and others were sanctioned for informal, case-by-case agency coordination rather than written, systematic cooperation agreements."
- Note: Req 8 has only partial statutory authority (Step 2). The scale-related coordination burden it imposes operates at circular level only.

Requirement 9

- Scale flag: YES — coordination with correctional institutions and other placements (fengsel, institusjon) to ensure immediate program start on release requires [C] Coordination Infrastructure. The Anchor Document confirms under Cluster 3 (Generalist-Specialist Interface Failure) that coordination infrastructure demands create structural failures in small offices: "formal requirement for a clearly defined grensesnitt then cannot be met because the organizational structure consists of two or three generalists and one specialist who is unavailable much of the time." Pre-prison-release coordination for KVP participants follows the same structural pattern — it requires dedicated relationship maintenance with external institutions that a small generalist office cannot routinely sustain. Anchor Document Part 2 [C].

Requirement 10

- Scale flag: NO — ensuring income support during pre-implementation period is a basic protective measure; scale-neutral.

Requirement 11

- Scale flag: YES — the Kommunebrev's mandatory sequencing rule (KVP eligibility must precede activity conditions) presupposes that the office has sufficient procedural infrastructure to conduct and document a parallel assessment sequence — i.e., complete the eligibility determination before activating a separate provision's condition-setting. In small offices, this sequencing requirement creates procedural duplication and documentation overhead that the Anchor Document associates with [P] Procedural Continuity and [C] Coordination Infrastructure mechanisms. Critically, this requirement has NO circular authority. The Anchor Document confirms that where scale-related burden operates without regulatory foundation, it constitutes disproportionate burden: the caseworker must comply with an obligation that the primary normative instrument governing their work (R-35 §31) does not address.

Requirement 12

- Scale flag: YES — proactive pre-application investigation is structurally identical to the "oppsøkende virksomhet" obligation identified in the Anchor Document as Latent Driver 1 ([S] mechanism). The Anchor Document explicitly notes: "outreach is inherently a higher-capacity function than reactive desk service, meaning the gap between normative expectation and operational reality may be larger here than anywhere else in the dataset." The Kommunebrev 2025 obligation to "aktivt undersøke" before applications are received mirrors this latent driver precisely. This requirement has NO circular authority, so any scale-related burden it imposes is entirely unsupported by the circular framework.

Requirement 13

- Scale flag: NO — this is a permissive allowance (kan) regarding the physical location of preparatory steps. It creates no additional organizational demands; it merely clarifies that existing obligations may be discharged in a prison setting.

Requirement 14

- Scale flag: PARTIAL — the separate vedtak requirement under §17 for component services is directly part of the §17 Documentation Apparatus cluster in the Anchor Document — the highest-confirmed volume driver in the entire dataset (Very strong, 40+ findings). The Anchor Document identifies the "requirement to issue formal decisions for level 1 (simple budget guidance)" as one of the most frequently sanctioned documentation requirements across all municipalities. The application of this architecture to KVP component services means that the same documentation inflation documented for standalone §17 services is imported into the §31 program context. This requirement has NO circular (§31) authority, compounding the burden.

Requirement 15

- Scale flag: PARTIAL — the pre-implementation vedtak under Nav-loven §14a is associated with [D] Documentation Apparatus and [P] Procedural Continuity mechanisms. The Anchor Document confirms these are among the most pervasive volume drivers (combined rank 1st and 2nd). Imposing a pre-implementation formal decision requirement before program start extends the documentation pipeline into the preparation phase. This requirement has NO circular (§31) authority and belongs to a different legal domain.

STEP 4 — PURPOSE CLASSIFICATION

Requirement 1: [USER NEED] — The six-month deadline directly and exclusively protects the user's right to timely access to the qualifying programme. The time limit prevents the municipality from prolonging administrative processes at the user's expense. No internal control dimension.

Requirement 2: [MIXED] — Primary: USER NEED — ensuring an appropriate eligibility assessment has been conducted protects the user from wrongful denial or wrongful grant. Secondary: INTERNAL CONTROL — the specification of the arbeidsevnevurdering as the required tool standardizes documentation for audit and reporting purposes beyond what user protection alone requires. The Process Inflation Finding's language ("converts the open discretion of how to arrange the program into a mandatory administrative obligation to use a specific procedural assessment tool") identifies the internal control dimension clearly.

Requirement 3: [USER NEED] — Verification of eligibility conditions serves the user's legal security directly. An incorrectly admitted participant or an incorrectly excluded one both represent failures of user protection, not administrative recording failures.

Requirement 4: [USER NEED] — Program content formulation serves the quality and substance of the user's participation. The Process Inflation Finding classifies this as the "administrative process of giving the program content and form prior to its legal implementation" — directly user-serving.

Requirement 5: [MIXED] — Primary: USER NEED — consultation with the participant ("i samråd med deltaker") serves the user's participation rights and reflects §42's co-determination principle. Secondary: INTERNAL CONTROL — the documentation sub-requirement ("fremgå av programmet") serves administrative verification that the start date was correctly established and is the point from which entitlement to stønad is calculated. The Process Inflation Finding identifies this as a dual-designation requirement (PROC-REQ-31.5 / DOC-REQ-31.1), with the documentation element serving audit and entitlement-verification functions beyond user need alone.

Requirement 6: [USER NEED] — Full-time programme with professionally adequate content from day one is a direct substantive quality guarantee for the user. The Process

Inflation Finding classifies this as a substantive legal obligation, "not merely implementation arrangements."

Requirement 7: [MIXED] — Primary: USER NEED — permitting gradual development provides operational flexibility that enables the programme to start on time even when full content is not yet planned, which serves the user's uninterrupted access. Secondary: INTERNAL CONTROL — the condition that "no periods without activities" arise operates as a monitoring standard requiring documentation that continuity has been maintained, serving audit purposes.

Requirement 8: [MIXED] — Primary: USER NEED — facilitating good transitions between schemes, benefits, and life situations directly serves the individual's continuity of welfare support. Secondary: INTERNAL CONTROL — the "shall contribute" formulation imposes a coordination obligation on the NAV office that requires tracking and documentation of cross-scheme handoffs, serving reporting and accountability functions.

Requirement 9: [USER NEED] — Structuring the pre-implementation period to enable immediate programme start after release from prison or institution directly serves the individual by preventing welfare gaps. This is entirely user-oriented; the Process Inflation Finding confirms "guidance on how to use the pre-implementation period falls squarely within the HOW-discretion and is not a new requirement."

Requirement 10: [USER NEED] — Ensuring financial continuity until programme start and first stønad payment serves the user's basic material security. No internal control dimension is identifiable in the source text; the language is conditional ("kan") and practical in orientation.

Requirement 11: [INTERNAL CONTROL] — The mandatory sequencing rule that KVP eligibility must be assessed before activity conditions are imposed does not serve the quality of any individual case outcome directly; a person may receive appropriate assistance with or without this ordering. The rule serves the administrative system's integrity — ensuring that the potentially more protective KVP framework is not bypassed by premature condition-setting under a different provision. This is a procedural safeguard for the system's own consistency, not a direct user service improvement. The Process Inflation Finding describes this as "a mandatory procedural sequencing rule dictating that the eligibility assessment must precede any imposition of activity conditions."

Requirement 12: [MIXED] — Primary: USER NEED — proactive identification of potential KVP-eligible persons serves those who might otherwise not learn of or access their rights. Secondary: INTERNAL CONTROL — the "bør aktivt undersøke" formulation imposes an investigatory obligation on the office that generates documentation burden and reporting overhead without guaranteeing any individual user outcome, since the investigation may yield no eligible persons.

Requirement 13: [USER NEED] — This is a permissive clarification (kan) that directly facilitates seamless transition planning for the individual user. It removes a procedural barrier that would otherwise delay preparation. No administrative reporting function is served.

Requirement 14: [INTERNAL CONTROL] — The requirement to separate component service decisions into standalone §17 vedtak, distinct from the §29 program decision, serves the administrative decision architecture for traceability, appeal rights structuring, and inter-provision accounting. It does not improve the user's access to the services themselves; those services are provided regardless of whether the formal decision architecture is correctly structured. The Process Inflation Finding characterizes this as prescribing "the internal 'vedtak architecture' for component measures."

Requirement 15: [INTERNAL CONTROL] — The pre-implementation formal vedtak on work-oriented follow-up under Nav-loven §14a serves the state employment services' documentation and accountability framework. From the perspective of the §31 program user, the same activity plan content can be established without a formally separate vedtak. The requirement reflects the administrative interface between municipal social services (§31) and state NAV employment services (§14a) — a system-integrity function, not a direct user service improvement.

STEP 5 — TRANSACTION COST CHARACTERIZATION

Requirements classified as [USER NEED] only: 1, 3, 4, 6, 9, 10, 13 — no transaction cost burden identified for these requirements. Each serves the user's case directly without imposing disproportionate administrative overhead on the caseworker beyond what the substantive service itself requires.

Requirement 2 — [MIXED] What must be documented, recorded, or demonstrated, and for whom: The caseworker must initiate, conduct, and formally document a full arbeidsevnevurdering using NAV's standard assessment tool, even where the participant has been in recent contact with the system and relevant information about work capacity already exists in the case file. The assessment record must be traceable and accessible for supervision review. This is produced primarily for internal quality assurance and audit purposes — the eligibility determination does not require the specific tool, only a sufficient assessment of work capacity. Note on circular guidance: circular authority is present, but statutory authority is only PARTIAL — the tool requirement exceeds what the statute mandates, meaning caseworkers are executing a documentation obligation calibrated to internal control rather than purely to user protection. Transaction cost category: Documentation Inflation

Requirement 5 — [MIXED] What must be documented, recorded, or demonstrated, and for whom: The caseworker must (a) conduct and evidence a formal consultation process with the participant to establish the start date, and (b) ensure this date appears explicitly in the program document — both as a substantive record and as the entitlement trigger for stønad calculation. The consultation documentation is produced for compliance audit; the start-date record serves both user entitlement (genuine user-serving function) and administrative verification. Circular guidance is present. The documentation sub-element (DOC-REQ-31.1)

adds overhead beyond the consultation itself. Transaction cost category: Documentation Inflation

Requirement 7 — [MIXED] What must be documented, recorded, or demonstrated, and for whom: The caseworker must maintain ongoing documentation demonstrating that no periods without activities have arisen during gradual program development. This requires periodic review and recording of content continuity — not merely planning the program, but actively evidencing that the monitoring condition has been met. This documentation is produced for supervision and audit, not for the participant's direct benefit. Circular guidance is present. Transaction cost category: Documentation Inflation; Procedural Duplication (the monitoring obligation parallels §30 requirements already operative)

Requirement 8 — [MIXED] What must be documented, recorded, or demonstrated, and for whom: The NAV leader and caseworker must coordinate with other service providers, maintain records of transition planning, and demonstrate that cross-scheme transitions have been actively facilitated for each individual. This requires documentation of coordination activity — contact logs, referral records, handoff notes — beyond what direct service provision requires. The coordination obligation has only partial statutory authority (ambiguous link to §31), meaning the documentation burden imposed by this requirement exceeds what the circular's statutory foundation clearly supports. Transaction cost category: Reporting Overhead

Requirement 11 — [INTERNAL CONTROL] What must be documented, recorded, or demonstrated, and for whom: The caseworker must demonstrate through a traceable procedural record that KVP eligibility was formally assessed and concluded before any activity conditions were imposed under another provision. This requires a sequenced documentation trail — a completed (or decisionally documented) eligibility assessment appearing in the case file chronologically prior to any activity condition record. This documentation serves the Kommunebrev's administrative sequencing standard, not the user's case outcome. **Circular guidance is entirely absent:** the caseworker must comply with an obligation that the primary normative instrument governing their §31 work (R-35) does not address. There is no framework in the circular for how to execute, document, or evidence this sequencing. The obligation falls outside the circular entirely and operates as an unguided additional procedural layer. Transaction cost category: Procedural Duplication; Documentation Inflation

Requirement 12 — [MIXED] What must be documented, recorded, or demonstrated, and for whom: The NAV office must develop and maintain a routine for identifying, contacting, and assessing potential KVP-eligible persons before they formally apply. This implies outreach infrastructure: identifying the target population, initiating contact, conducting pre-application assessments, and recording these activities for potential supervision review. In structural terms, this mirrors the §17 oppsøkende virksomhet obligation identified in the Anchor Document as a latent [S] mechanism that presupposes "higher-capacity function than reactive desk service." **Circular guidance is absent:** the caseworker must discharge a proactive investigatory obligation with no framework in the §31 circular for scope, methodology, or documentation standard. The burden is disproportionate and unguided. Transaction cost category: Structural Disproportionality; Documentation Inflation

Requirement 14 — [INTERNAL CONTROL] What must be documented, recorded, or demonstrated, and for whom: The caseworker must issue a separate, standalone administrative decision (enkeltvedtak) under §17 for each component service used as a measure in the KVP, documenting its legal basis under §17 distinctly from the §29 program decision. This requires maintaining a parallel decision architecture: one decision for the program (§29) and separate decisions for each component service (§17). For program participants with multiple component services, this multiplies the formal decision burden. This documentation serves internal administrative traceability and appeal rights structuring — not the user's actual access to the measures. **Circular (§31) guidance is entirely absent.** The caseworker must comply with a vedtak architecture obligation drawn from the §17 normative domain, imported via a §17-specific veileder, without any guidance from the §31 framework on how this architecture intersects with the KVP implementation process. Transaction cost category: Documentation Inflation; Procedural Duplication; Combined Burden (imported from §17 domain)

Requirement 15 — [INTERNAL CONTROL] What must be documented, recorded, or demonstrated, and for whom: Before the KVP can be implemented, a formal administrative decision on work-oriented follow-up must be issued under Nav-loven §14a, and potentially an activity plan (aktivitetsplan) must be prepared. This requires a distinct decision document — separate from the program decision — specifying the work-oriented follow-up measures, issued before the program start date. The requirement serves the interface between the municipal social services framework (§31) and the state employment follow-up framework (§14a). **Circular (§31) guidance is absent.** The caseworker must satisfy a pre-implementation decision obligation drawn from a different legal domain (Nav-loven §14a) with no guidance from the §31 circular on how to integrate this into the program implementation timeline. The cross-domain nature of the obligation creates structural confusion about responsibility, timing, and decision ownership. Transaction cost category: Documentation Inflation; Procedural Duplication; Combined Burden (cross-domain: labor law / Nav-loven framework)

STEP 6 — CATALOG ENTRIES

REQUIREMENT ID: §31-REQ-01 **PROVISION TEXT:** The municipality shall arrange and implement the qualifying programme no later than six months after the application for participation was received. **SOURCE INSTRUMENT:** Circular R-35, §31 (statutory text repeated in circular) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — directly enacted in sosialtjenesteloven §31 **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — the six-month deadline directly and exclusively protects the user's right to timely program access **BURDEN DESCRIPTION:** No transaction cost burden identified. The deadline imposes a statutory obligation but does not create administrative overhead beyond what substantive programme preparation requires. **KILL LIST CLASSIFICATION:** No Kill List Action — sufficient statutory and circular authority; directly user-serving **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: §31-REQ-02 **PROVISION TEXT:** Upon application for the qualifying programme, a work capacity assessment (arbeidsevnevurdering) must be conducted if this has not already been done. **SOURCE INSTRUMENT:** Circular R-35, §31 (4.31.1, first paragraph) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — sosialtjenesteloven §31 authorizes implementation for eligible persons but does not prescribe the specific assessment instrument. The arbeidsevnevurdering requirement is a circular-level specification. Process Inflation Finding PROC-REQ-31.2: "converts the open discretion of how to arrange the program into a mandatory administrative obligation to use a specific procedural assessment tool." **DOUBLE AUTHORITY GAP:** NO (circular authority present) **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — Anchor Document confirms [K] Competence Sustainability mechanism applies: competence in specific assessment tools degrades in offices with low KVP application volume, consistent with the broader documentation-competence spiral documented across §17 findings. **PURPOSE:** MIXED — primary: USER NEED (ensuring appropriate eligibility determination); secondary: INTERNAL CONTROL (standardizing documentation via a specific tool) **BURDEN DESCRIPTION:** Caseworker must initiate, conduct, and formally document a full arbeidsevnevurdering using the designated tool, even where recent equivalent information exists in the case file. The tool-specification element exceeds the statute's open eligibility determination requirement and serves internal standardization purposes beyond user protection. Circular guidance is present but statutory authority only PARTIAL — the additional documentation obligation derives from sub-legal instrument. **KILL LIST CLASSIFICATION:** Category B — Status Change: the "skal" formulation for the specific tool is imperative without full statutory authority. The obligation to assess work capacity is valid; the obligation to use a specific tool should be reformulated as permissive ("bør") to restore municipal discretion over how to conduct the assessment while maintaining the substantive obligation. **TRANSACTION COST CATEGORY:** Documentation Inflation

---

REQUIREMENT ID: §31-REQ-03 **PROVISION TEXT:** It must further be assessed whether the other eligibility conditions are met. **SOURCE INSTRUMENT:** Circular R-35, §31 (4.31.1, first paragraph) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — duty to verify eligibility conditions is implicit in §31's triggering clause; no authority gap. Process Inflation Finding: "N/A — the duty to verify the eligibility conditions is implicit in §31's triggering clause." **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO — basic eligibility verification is scale-neutral **PURPOSE:** USER NEED — verifying eligibility conditions serves the user's legal security directly; incorrect admission or exclusion both represent user protection failures **BURDEN DESCRIPTION:** No transaction cost burden identified. This is a necessary substantive step in the eligibility process, directly user-serving. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: §31-REQ-04 **PROVISION TEXT:** If the qualifying programme is granted, the content of the programme must be formulated. **SOURCE INSTRUMENT:**

Circular R-35, §31 (4.31.1, first paragraph) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — program content formulation falls directly within the statutory duty to "tilrettelegge og iverksette." Process Inflation Finding: "N/A — organising and forming the program's content is directly encompassed by the statutory duty." **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO — program content formulation is a bounded professional task; scale-neutral **PURPOSE:** USER NEED — program content formulation directly serves the quality and substance of the user's programme participation **BURDEN DESCRIPTION:** No transaction cost burden identified. Program content formulation is an inherent part of programme implementation, entirely user-serving. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: §31-REQ-05 **PROVISION TEXT:** The start date shall be established in consultation with the participant and shall be evident from the programme. From this point the programme period begins and the right to qualifying support (kvalifiseringsstønad) is triggered. **SOURCE INSTRUMENT:** Circular R-35, §31 (4.31.1, midtre del) — dual designation PROC-REQ-31.5 / DOC-REQ-31.1 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — §31 supports start-date documentation (the date triggers the stonad right and is legally significant). The consultation procedure ("i samråd med deltaker") as a mandatory element has ambiguous §31 authority; it may rest more securely on §42. Process Inflation Finding: "§31 supports the requirement to document the date but does not authorise the consultation procedure, making the combined requirement's basis ambiguous." **DOUBLE AUTHORITY GAP:** NO (circular authority present) **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — the documentation sub-element (DOC-REQ-31.1) maps structurally onto the [D] Documentation Apparatus mechanism identified in the Anchor Document as the dominant volume driver. The Anchor Document identifies explicit start-date justification requirements as "the single most frequently sanctioned element across the entire dataset" in the §17 context — the §31 start-date documentation requirement follows the same structural logic. **PURPOSE:** MIXED — primary: USER NEED (consultation serves participation rights; start date triggers stonad entitlement); secondary: INTERNAL CONTROL (documentation that start date is correctly recorded serves administrative verification and audit) **BURDEN DESCRIPTION:** Caseworker must (a) conduct and evidence a formal consultation process to establish the start date, and (b) ensure this date appears explicitly in the programme document. The documentation sub-requirement adds overhead beyond the substantive planning step. Produced primarily for entitlement verification and compliance audit. Circular authority is present. The ambiguous statutory basis for the consultation element means part of this requirement rests on sub-legal grounding. **KILL LIST CLASSIFICATION:** Category C — Clarification: the room for maneuver in how consultation is conducted and documented needs to be made explicit, to prevent the "i samråd med deltaker" element from being treated as a shadow-binding formal procedure rather than a substantive participation right with flexible form. **TRANSACTION COST CATEGORY:** Documentation Inflation

---

REQUIREMENT ID: §31-REQ-06 **PROVISION TEXT:** The participant shall have a full-time programme with sound, professionally adequate content from the start. **SOURCE INSTRUMENT:** Circular R-35, §31 (4.31.1, midtre del) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — Process Inflation Finding explicitly classifies this as "SUBSTANTIVE LEGAL OBLIGATION" with the full-time and professional content mandates being "substantive programme content requirements, not merely implementation arrangements." **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO — substantive legal obligation; scale-neutral **PURPOSE:** USER NEED — full-time programme with professionally adequate content directly and exclusively serves the quality of the user's programme experience **BURDEN DESCRIPTION:** No transaction cost burden identified. This is a substantive service quality standard, entirely user-serving. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: §31-REQ-07 **PROVISION TEXT:** The programme may be formulated gradually, provided that no periods without measures and activities arise. **SOURCE INSTRUMENT:** Circular R-35, §31 (4.31.1, midtre del) — dual designation PROC-REQ-31.7 / DOC-REQ-31.2 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — graduated development falls within HOW-discretion; the "no gaps" condition reflects §30's full-time content requirement. Process Inflation Finding: "N/A — graduated development falls within the HOW-discretion, and the condition attached reflects §30's full-time requirement without introducing novel authority." **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — the "no gaps" condition implicitly presupposes access to a portfolio of activity measures. Anchor Document §20a analysis confirms activity measure availability is volume-sensitive [T mechanism]: "once the municipal programme closed, the office became dependent on state-level measures with long waitlists, structurally preventing timely [programme activity]." The monitoring condition may be structurally unachievable in small municipalities with limited local measure availability. **PURPOSE:** MIXED — primary: USER NEED (flexibility permitting on-time start despite incomplete planning); secondary: INTERNAL CONTROL (the "no gaps" condition operates as a monitoring standard requiring documentation of continuity, serving audit purposes) **BURDEN DESCRIPTION:** Caseworker must periodically review and document that programme content continuity is being maintained across the gradual development period. This monitoring documentation is produced for compliance audit rather than for the user's direct benefit. Circular guidance is present. The monitoring condition parallels §30 requirements already operative, creating some procedural duplication. **KILL LIST CLASSIFICATION:** Category C — Clarification: the "no gaps" condition needs explicit clarification of what constitutes adequate documentation of continuity, to prevent the monitoring obligation from generating disproportionate recording overhead relative to its user-protection function. **TRANSACTION COST CATEGORY:** Documentation Inflation; Procedural Duplication

---

REQUIREMENT ID: §31-REQ-08 **PROVISION TEXT:** The NAV office shall contribute to good transitions between different schemes, benefits, and life situations for the individual. **SOURCE INSTRUMENT:** Circular R-35, §31 (4.31.1, avslutning) **CIRCULAR AUTHORITY:**

PRESENT **LEGAL AUTHORITY:** PARTIAL — whether broad transition facilitation falls within "tilrettelegge" in §31 or requires separate legal basis is arguable. Process Inflation Finding: "It is arguable whether broad transition facilitation falls within the scope of 'tilrettelegge' in §31 or requires a separate legal basis, making its basis ambiguous." **DOUBLE AUTHORITY GAP:** NO (circular authority present) **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — [C] Coordination Infrastructure is the third most frequent volume driver in the Anchor Document. Anchor Document Part 2 [C]: municipalities are sanctioned for informal coordination rather than formal cross-scheme cooperation; small offices coordinate naturally but cannot satisfy formalized coordination requirements. **PURPOSE:** MIXED — primary: USER NEED (transition facilitation directly serves the individual's continuity of welfare support); secondary: INTERNAL CONTROL (the coordination obligation requires tracking and documentation of cross-scheme handoffs, serving reporting functions) **BURDEN DESCRIPTION:** NAV leader and caseworker must coordinate with other service providers and demonstrate active transition facilitation for each individual. This requires contact logs, referral records, and handoff documentation beyond what direct service provision requires. The obligation has only partial statutory authority, meaning the coordination documentation imposed exceeds what the circular's statutory foundation clearly supports. **KILL LIST CLASSIFICATION:** Category C — Clarification: the scope of "gode overganger" and the specific coordination obligations it generates need to be made explicit. The current formulation functions as an open-ended "shall" that can shadow-bind municipalities into documenting coordination activity without any defined standard or limit. **TRANSACTION COST CATEGORY:** Reporting Overhead

---

REQUIREMENT ID: §31-REQ-09 **PROVISION TEXT:** The pre-implementation period should be used in a way that enables the programme to start immediately after release from prison or from an institution, or upon expiry of the introduction programme or transitional support. **SOURCE INSTRUMENT:** Circular R-35, §31 (4.31.1, avslutning) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — guidance on how to use the pre-implementation period falls within HOW-discretion. Process Inflation Finding: "N/A — guidance on how to use the pre-implementation period falls squarely within the HOW-discretion and is not a new requirement." **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** YES — pre-release coordination with prisons and institutions requires sustained [C] Coordination Infrastructure. Anchor Document confirms cross-institutional coordination is volume-sensitive and produces structural failures in small offices (Part 2 [C], Cluster 3). A small municipality may lack the dedicated relationship-maintenance capacity to consistently prepare for individual release dates. **PURPOSE:** USER NEED — structuring the pre-implementation period for seamless transition after release or institutional discharge directly serves the individual by preventing welfare gaps **BURDEN DESCRIPTION:** No transaction cost burden identified. This is a user-serving substantive guidance. However, scale flag noted: the practical capacity to reliably execute this coordination may be structurally limited in small municipalities with no dedicated coordination infrastructure. **KILL LIST CLASSIFICATION:** No Kill List Action — sufficient authority; the advisory register (bør) appropriately preserves municipal discretion while orienting toward user protection **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: §31-REQ-10 **PROVISION TEXT:** It may additionally be necessary to secure the participant's income support (stønad til livsopphold) until implementation and the first payment of qualifying support. **SOURCE INSTRUMENT:** Circular R-35, §31 (4.31.1, avslutning) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — §31 does not specifically authorize income support provision. The more likely statutory basis is §18 applied contextually to the pre-implementation phase. Process Inflation Finding: "ambiguous whether this derives from §31 or is a §18 requirement contextualised to the §31 phase." **DOUBLE AUTHORITY GAP:** NO (circular authority present) **CATEGORY ERROR:** NO — both candidate statutory bases (§31 and §18) are within the sosialtjenesteloven framework **SCALE FLAG:** NO — ensuring income support is a basic protective measure; scale-neutral **PURPOSE:** USER NEED — financial continuity until programme start and first payment directly serves the user's material security **BURDEN DESCRIPTION:** No transaction cost burden identified. This is user-serving practical guidance. The ambiguous statutory basis does not generate additional documentation overhead — it confirms a protective measure that social services would be expected to provide in any case under §18. **KILL LIST CLASSIFICATION:** Category C — Clarification: the statutory basis for this obligation should be made explicit in the circular (§18 rather than §31, or both) to ensure caseworkers understand the correct legal basis and can apply it with appropriate discretion. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: §31-REQ-11 **PROVISION TEXT:** The right to the qualifying programme shall be assessed before any conditions regarding activity are imposed. **SOURCE INSTRUMENT:** Kommunebrev 2025 **CIRCULAR AUTHORITY:** ABSENT — this requirement derives from Kommunebrev 2025, not from the §31 circular (R-35). It operates entirely outside the circular framework. Consequence: caseworkers must comply with a procedural sequencing obligation that the primary normative instrument governing their §31 work does not address. There is no circular guidance on how to execute, document, or evidence this sequencing. **LEGAL AUTHORITY:** NO — §31 provides no basis for mandating a priority sequence between §31 eligibility assessment and other provisions' activity conditions. Process Inflation Finding: "§31 provides no basis for mandating a priority sequence of §31 processing relative to other provisions' activity conditions." **DOUBLE AUTHORITY GAP:** YES — circular authority ABSENT and statutory authority NO **CATEGORY ERROR:** NO — subject matter is within the §§29–31 framework, but the cross-provision sequencing rule has no anchor there **SCALE FLAG:** YES — the sequencing rule requires parallel assessment infrastructure and traceable documentation of sequencing, consistent with [P] Procedural Continuity and [C] Coordination mechanisms identified in the Anchor Document as high-frequency volume drivers. The scale-related burden this imposes is entirely unsupported by the circular framework. **PURPOSE:** INTERNAL CONTROL — the sequencing rule protects the administrative system's procedural integrity, ensuring KVP eligibility is not bypassed by condition-setting under another provision. It does not serve the user's immediate case outcome quality; a person may receive appropriate assistance regardless of this ordering. **BURDEN DESCRIPTION:** Caseworker must demonstrate through a traceable procedural record that KVP eligibility was formally assessed and concluded before any activity conditions were imposed under a different provision. This requires a sequenced documentation trail appearing in the case file chronologically — completed eligibility assessment before any condition record. Produced for internal

procedural accountability, not for user benefit. **Circular guidance is entirely absent**: the caseworker must comply without any framework from the §31 circular on scope, methodology, documentation standard, or timing. The obligation falls fully outside the circular and constitutes unguided procedural overhead. **KILL LIST CLASSIFICATION:** Category A — Removal: requirement assessed as lacking both circular and statutory authority for §31. The policy objective (preventing bypass of KVP entitlement) may be legitimate but cannot be validly imposed through a Kommunebrev without statutory grounding. Candidate for either statutory anchoring or repeal from the §31 normative framework. **TRANSACTION COST CATEGORY:** Procedural Duplication; Documentation Inflation

---

REQUIREMENT ID: §31-REQ-12 **PROVISION TEXT:** The NAV office should actively investigate whether persons in the target group may have the right to the qualifying programme, without waiting for them to apply themselves. **SOURCE INSTRUMENT:** Kommunebrev 2025 **CIRCULAR AUTHORITY:** ABSENT — derives from Kommunebrev 2025. First-order authority gap: the proactive investigation obligation operates entirely outside the §31 circular framework. Consequence: caseworkers must discharge an outreach obligation with no guidance from the primary normative instrument governing their work. **LEGAL AUTHORITY:** PARTIAL — §31 is triggered strictly by application and contains no pre-application proactive investigation authority. A weaker argument could be constructed from general service responsibility, but would be a significant stretch of §31's text. Process Inflation Finding: "§31 is triggered strictly by an application and contains no authority for pre-application proactive investigation, making its basis ambiguous." **DOUBLE AUTHORITY GAP:** YES — circular authority ABSENT and statutory authority PARTIAL (at best ambiguous) **CATEGORY ERROR:** NO **SCALE FLAG:** YES — proactive investigation/outreach is structurally identical to the §17 oppsøkende virksomhet obligation, identified in the Anchor Document as Latent Driver 1 ([S] mechanism): "outreach is inherently a higher-capacity function than reactive desk service, meaning the gap between normative expectation and operational reality may be larger here than anywhere else in the dataset." The scale-related burden this imposes is entirely unsupported by the circular framework. **PURPOSE:** MIXED — primary: USER NEED (proactive identification reaches those who would otherwise not access their rights); secondary: INTERNAL CONTROL (the "bør aktivt undersøke" formulation creates a systemic investigatory obligation generating documentation overhead without guaranteed individual outcomes) **BURDEN DESCRIPTION:** NAV office must develop and maintain a routine for proactively identifying, contacting, and assessing potential KVP-eligible persons before formal application. This implies outreach infrastructure — identifying the target population, initiating contact, recording activities for potential supervision review. Mirrors the §17 oppsøkende virksomhet latent driver in the Anchor Document, which presupposes higher-capacity function than reactive desk service. **Circular guidance is absent**: caseworker must discharge this obligation without framework from R-35 on scope, documentation standard, or frequency. The obligation is structurally disproportionate for small municipalities and operates without regulatory foundation in the circular. **KILL LIST CLASSIFICATION:** Category A — Removal: requirement lacks circular authority and has only ambiguous statutory authority. The advisory register (bør) does not remedy the double authority gap at the formal instrument level. The obligation, if valid, should be grounded in the circular with appropriate scale-sensitive formulation and clear guidance, not introduced via Kommunebrev without a

normative framework. **TRANSACTION COST CATEGORY:** Structural Disproportionality; Documentation Inflation

---

REQUIREMENT ID: §31-REQ-13 **PROVISION TEXT:** For persons with the right to the qualifying programme, the arrangement of the programme may take place while the person is still in prison. **SOURCE INSTRUMENT:** Veileder for samarbeid — Kriminalomsorg **CIRCULAR AUTHORITY:** ABSENT — derives from Veileder for samarbeid — Kriminalomsorg. However, consequence of absence is limited here: this is a permissive allowance (kan), not an obligation. **LEGAL AUTHORITY:** YES — conducting preparatory arrangements while in prison is a specific valid exercise of HOW-discretion under §31. Process Inflation Finding: "N/A — conducting preparatory arrangements while in prison is a specific valid exercise of the open HOW-discretion." **DOUBLE AUTHORITY GAP:** NO — statutory authority is secure even without circular presence **CATEGORY ERROR:** NO **SCALE FLAG:** NO — this is a permissive clarification about physical location; it creates no additional organizational demands **PURPOSE:** USER NEED — this allowance directly facilitates seamless transition planning for the individual; it removes a procedural barrier and enables earlier programme preparation **BURDEN DESCRIPTION:** No transaction cost burden identified. This is a permissive provision that expands operational flexibility without imposing new obligations. Caseworkers who choose to use this allowance do so in service of the user's interests. **KILL LIST CLASSIFICATION:** No Kill List Action — statutory authority is secure; the permissive register (kan) appropriately preserves discretion. Absence from the circular is a gap in guidance coherence, not an authority problem. Consideration should be given to incorporating this allowance into the circular for completeness. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: §31-REQ-14 **PROVISION TEXT:** The service as a measure shall be formalized in a separate administrative decision (vedtak) pursuant to sosialtjenesteloven §17, and shall not be included in the decision on the qualifying programme pursuant to sosialtjenesteloven §29. **SOURCE INSTRUMENT:** Veileder til sotjl. §17 **CIRCULAR AUTHORITY:** ABSENT — derives from a §17 veileder, not from the §31 circular. Consequence: caseworkers must comply with a vedtak architecture obligation imported from the §17 normative domain, with no guidance from the §31 circular on how this separate decision structure integrates with the KVP implementation process, timeline, or decision ownership. **LEGAL AUTHORITY:** PARTIAL — §31 authorizes programme implementation but does not establish the internal vedtak architecture for component measures. The actual basis for the separate vedtak requirement is §17 sosialtjenesteloven — a provision governing economic counseling services, not programme implementation. Process Inflation Finding: "§31 authorises program implementation but not the internal 'vedtak architecture' for component measures, making the link to §31 ambiguous." **DOUBLE AUTHORITY GAP:** YES — circular authority (§31) ABSENT and statutory authority relative to §31 PARTIAL **CATEGORY ERROR:** YES — this requirement is anchored in the §17 service regime (economic counseling/advisory services) and is being applied to the KVP implementation context via a §17-specific veileder. Its home legal domain is §17, not §31. Importation into the §31 normative context without circular grounding constitutes a cross-domain authority

layering. **SCALE FLAG:** PARTIAL — the §17 vedtak architecture requirements are directly part of the Documentation Apparatus cluster in the Anchor Document: identified as the dominant volume driver with "very strong" confirmation across 40+ supervision findings. Applying this architecture to KVP component services imports the same documentation inflation documented for standalone §17 services, compounded by the absence of circular guidance. **PURPOSE:** INTERNAL CONTROL — the separate vedtak architecture serves administrative traceability, appeal rights structuring, and inter-provision accounting. It does not improve the user's actual access to the component service; the service is delivered regardless of whether the formal decision architecture is correctly separated. **BURDEN DESCRIPTION:** Caseworker must issue a separate, standalone enkeltvedtak under §17 for each component service used as a KVP measure, distinct from the §29 programme decision. For participants with multiple component services, this multiplies the formal decision burden. Produced for administrative traceability, not user benefit. **Circular (§31) guidance is entirely absent**: caseworker must comply with a vedtak architecture obligation drawn from the §17 domain without any §31 framework guidance on scope, timing, or integration with the programme decision. The cross-domain nature creates structural confusion about decision ownership and timing. **KILL LIST CLASSIFICATION:** Category A — Removal: requirement lacks both §31 circular authority and clear §31 statutory authority; constitutes a category error by importing §17 vedtak architecture into the §31 normative context via a sub-legal instrument. If the obligation is valid as a §17 matter for standalone economic counseling services, its application to KVP component services should be addressed within the §17 normative framework, not imposed on the §31 implementation process through a veileder cross-reference. **TRANSACTION COST CATEGORY:** Documentation Inflation; Procedural Duplication; Combined Burden

---

REQUIREMENT ID: §31-REQ-15 **PROVISION TEXT:** A formal administrative decision (vedtak) shall be made regarding which work-oriented follow-up the person shall receive based on their needs, and possibly an activity plan (aktivitetsplan) or a qualifying programme shall be prepared for participants in the programme. **SOURCE INSTRUMENT:** Veileder til sotjl. §17 **CIRCULAR AUTHORITY:** ABSENT — derives from a §17 veileder. Consequence: caseworkers must satisfy a pre-implementation decision obligation drawn from a different legal domain (Nav-loven §14a) with no guidance from the §31 circular on how to integrate this into the programme implementation timeline. **LEGAL AUTHORITY:** PARTIAL — §31 authorizes programme implementation but does not establish a pre-implementation vedtak structure for work-oriented follow-up. The Process Inflation Finding explicitly states "the actual basis is Nav-loven §14a, making the link to §31 ambiguous." **DOUBLE AUTHORITY GAP:** YES — circular authority (§31) ABSENT and statutory authority relative to §31 PARTIAL **CATEGORY ERROR:** YES — this requirement belongs to the Nav-loven §14a framework (individual follow-up and activity plan obligations under state employment law), not to the sosialtjenesteloven §31 implementation framework. Its importation into the §31 normative context via a §17 veileder constitutes a cross-domain authority layering combining labor law / Nav-loven obligations with social services law implementation obligations. **SCALE FLAG:** PARTIAL — pre-implementation formal decision requirements are associated with [D] Documentation Apparatus and [P] Procedural Continuity mechanisms, the first and second most frequent volume drivers in the Anchor Document (combined rank 1st and 2nd). Extending the documentation pipeline into the programme preparation phase

with a separate Nav-loven §14a decision compounds existing documentation burden without circular grounding. **PURPOSE:** INTERNAL CONTROL — the pre-implementation vedtak on work-oriented follow-up serves the administrative interface between municipal social services and state NAV employment services. From the §31 programme user's perspective, the same follow-up content can be established without a formally separate decision. The requirement reflects a system-integrity function for the §14a framework, not a direct improvement to the user's programme experience. **BURDEN DESCRIPTION:** Before the KVP can be implemented, a formal administrative decision on work-oriented follow-up under Nav-loven §14a must be issued, and possibly an aktivitetsplan prepared. This requires a distinct decision document appearing before the programme start date. **Circular (§31) guidance is entirely absent**: caseworker must satisfy a pre-implementation decision obligation drawn from a separate legal framework (Nav-loven §14a) without any §31 guidance on integration, timing, or ownership. The cross-domain nature creates structural confusion — is this a state NAV obligation or a municipal social services obligation? — that the absence of circular guidance leaves unresolved. **KILL LIST CLASSIFICATION:** Category A — Removal from §31 normative framework: requirement lacks both §31 circular authority and §31 statutory authority; constitutes a category error by importing Nav-loven §14a obligations into the sosialtjenesteloven §31 implementation context through a §17-specific veileder. If the pre-implementation §14a decision obligation is valid, it should be addressed within the Nav-loven §14a normative framework with its own guidance, not as an annex to the §31 implementation process. **TRANSACTION COST CATEGORY:** Documentation Inflation; Procedural Duplication; Combined Burden

---

CLOSING COMPARATIVE NOTE

Total requirements identified starting from the Process Inflation Findings: 15

Requirements that would have been visible starting from the circular alone: 10 (Requirements 1–10)

Requirements invisible from the circular alone: 5 (Requirements 11–15), representing 33% of the operative normative load

Double authority gaps: 4 (Requirements 11, 12, 14, 15)

Category errors (requirements belonging to a different legal domain): 2 (Requirements 14 and 15 — both import frameworks from outside sosialtjenesteloven §31: §17 vedtak architecture and Nav-loven §14a respectively)

Kill List breakdown:

Category	Count	Requirements

Category A — Removal	4	REQ-11, REQ-12, REQ-14, REQ-15
Category B — Status Change	1	REQ-02
Category C — Clarification	4	REQ-05, REQ-07, REQ-08, REQ-10
No Kill List Action	6	REQ-01, REQ-03, REQ-04, REQ-06, REQ-09, REQ-13

Transaction cost categories by frequency:

Category	Requirements
Documentation Inflation	REQ-02, REQ-05, REQ-07, REQ-11, REQ-12, REQ-14, REQ-15 (7 requirements)
Procedural Duplication	REQ-07, REQ-11, REQ-14, REQ-15 (4 requirements)
Combined Burden	REQ-14, REQ-15 (2 requirements)
Structural Disproportionality	REQ-12 (1 requirement)
Reporting Overhead	REQ-08 (1 requirement)
No Transaction Cost Identified	REQ-01, REQ-03, REQ-04, REQ-06, REQ-09, REQ-10, REQ-13 (7 requirements)

Synthesis observation for the main report:

The §31 audit reveals a structural pattern consistent with findings across the broader Volume Driver dataset. The six requirements carrying Kill List classifications all derive from sub-legal instruments (Kommunebrev and veiledere) rather than from the primary circular itself. The two most analytically significant findings are the category errors in Requirements 14 and 15: both import decision architecture obligations from adjacent statutory frameworks (§17 and Nav-loven §14a respectively) into the §31 implementation process via a §17-specific veileder, without any §31 circular guidance on integration. This creates precisely the cross-domain authority layering that the Anchor Document identifies as a high-priority Track A concern: caseworkers are required to satisfy pre-implementation and component-service decision obligations whose legal basis lies outside the primary provision they are implementing, with no normative guidance from the governing circular.

The dominant transaction cost is Documentation Inflation, appearing in seven of the fifteen requirements — consistent with the Anchor Document's finding that [D] Documentation Apparatus is the single most pervasive volume driver across the entire social services supervision dataset. The three requirements with no Kill List action and no transaction cost (Requirements 3, 4, 6) are all substantive legal obligations directly user-serving with clear

statutory grounding — confirming that the audit correctly distinguishes between legitimate service obligations and administrative overhead.

SLUDGE AUDIT — § 32 KVALIFISERINGSPROGRAMMETS VARIGHET

PRELIMINARY METHODOLOGICAL NOTE

Requirement count differential:

From the Process Inflation Findings (Reference Document): **16 requirements** are enumerated. From the § 32 circular paragraph (Context Document) read in isolation: **13 requirements** are visible. Requirements with **no textual presence** in the § 32 circular: **3 requirements** (R14, R15, R16).

Requirements invisible from the circular alone — source mapping:

Requirement	Substance	Source Instrument	Instrument Category
R14 (PROC-REQ 32.11)	KVP eligibility must be assessed before activity conditions are set	Kommunebrev 2025	(a) Kommunebrev
R15 (PROC-REQ 32.12)	Nav office must proactively investigate and discover KVP-eligible persons	Kommunebrev 2025	(a) Kommunebrev
R16 (DOC-REQ 32.7 = PROC-REQ 32.13)	§ 17 service measure must be in a separate decision, not in the KVP decision	Veileder sotjl. § 17	(b) Veileder

Structural observation:

All three invisible requirements derive from instruments operating entirely outside the § 32 normative framework: two Kommunebrev and one veileder for a different statutory provision (§ 17). A caseworker relying solely on the § 32 circular would have no normative anchor for any of these obligations. Their operative presence is detectable only through the Process Inflation Findings. This structural invisibility is analytically significant: sub-legal instruments are imposing procedural and organizational obligations on § 32 administration without being integrated into the circular that governs that administration. The differential — 16 vs. 13 requirements — confirms the value of using the Process Inflation Findings as the primary enumeration document. Three requirements constituting the most serious authority concerns are structurally concealed from the governing circular.

STEP 1 — IDENTIFICATION OF ALL REQUIREMENTS

R1 | DOC-REQ 32.1 *Obligation:* The duration of the qualification program must be explicitly stated in the administrative decision. *Source instrument:* Regulation § 2 (FOR-2011-12-21-1471), confirmed in Circular R-35 § 4.32.2.1 *Explicit/Implicit:* Explicit *Textual presence in § 32 circular:* YES

R2 | DOC-REQ 32.2 *Obligation:* At the end of each decision period, the authority must issue a formal administrative decision either to extend or terminate the program. *Source instrument:* Regulation § 2 (FOR-2011-12-21-1471) *Explicit/Implicit:* Explicit *Textual presence in § 32 circular:* YES

R3 | DOC-REQ 32.3 = PROC-REQ 32.1 *Obligation:* The chosen duration must be individually justified within the reasoning of the grant or extension decision. *Source instrument:* Circular R-35 § 4.32.1.1 *Explicit/Implicit:* Explicit *Textual presence in § 32 circular:* YES

R4 | DOC-REQ 32.4 *Obligation:* Evaluative reasoning regarding duration must document its basis in the participant's individual circumstances. *Source instrument:* Circular R-35 § 4.32.1.1 *Explicit/Implicit:* Explicit *Textual presence in § 32 circular:* YES

R5 | DOC-REQ 32.5 = PROC-REQ 32.2 *Obligation:* Decisions on re-admission to the program after a break must be formalized as appealable administrative decisions with reasons. *Source instrument:* Circular R-35 § 4.32.1.1 *Explicit/Implicit:* Explicit *Textual presence in § 32 circular:* YES — but note: § 32 statute is entirely silent on re-admission; the requirement appears in the circular guidance under § 32 without a statutory anchor in that provision.

R6 | DOC-REQ 32.6 = PROC-REQ 32.5 *Obligation:* If the program is not extended, a formal termination decision must be issued under § 34. *Source instrument:* Circular R-35 § 4.32.2.2 *Explicit/Implicit:* Explicit *Textual presence in § 32 circular:* YES

R7 | PROC-REQ 32.3 *Obligation:* Duration must be individually assessed using the specific "arbeidsevnevurdering" (work capacity assessment document) as the mandatory evidentiary

basis. *Source instrument:* Circular R-35 § 4.32.2.1 *Explicit/Implicit:* Explicit *Textual presence in § 32 circular:* YES

R8 | PROC-REQ 32.4 *Obligation:* A new "arbeidsevnevurdering" is not required when assessing a program extension; it suffices to verify that the participant still meets the entry conditions. *Source instrument:* Circular R-35 § 4.32.2.2 *Explicit/Implicit:* Explicit *Textual presence in § 32 circular:* YES

R9 | PROC-REQ 32.6 *Obligation:* The extension evaluation must be conducted collaboratively with the participant, and must occur at the latest before the current decision period expires. *Source instrument:* Circular R-35 § 4.32.2.2 *Explicit/Implicit:* Explicit *Textual presence in § 32 circular:* YES

R10 | PROC-REQ 32.7 *Obligation:* The extension evaluation must specifically weight four factors: the participant's prerequisites (*forutsetninger*), follow-up needs (*oppfølgingsbehov*), program progression (*progresjon*), and motivation for continued participation. *Source instrument:* Circular R-35 § 4.32.2.2 (applied to regular extension); Regulation § 2 para 2 (applies these criteria to special extension only) *Explicit/Implicit:* Explicit *Textual presence in § 32 circular:* YES *Note: Classified as SUBSTANTIVE LEGAL OBLIGATION in Process Inflation Findings Step 2.*

R11 | PROC-REQ 32.8 *Obligation:* Extension must be assessed as likely to result in the participant transitioning to work upon program completion — a forward probability threshold assessment of work outcome. *Source instrument:* Circular R-35 § 4.32.2.2 (for regular extension); Regulation § 2 para 2 (for special extension) *Explicit/Implicit:* Explicit *Textual presence in § 32 circular:* YES *Note: Classified as SUBSTANTIVE LEGAL OBLIGATION in Process Inflation Findings Step 2.*

R12 | PROC-REQ 32.9 *Obligation:* The assessment for special extension beyond two years must be conducted collaboratively with the participant specifically at the end of the decision period. *Source instrument:* Circular R-35 § 4.32.2.3 *Explicit/Implicit:* Explicit *Textual presence in § 32 circular:* YES

R13 | PROC-REQ 32.10 *Obligation:* The labor market situation must be weighted as a factor in the special extension evaluation. *Source instrument:* Circular R-35 § 4.32.2.3; Regulation § 2 para 2 *Explicit/Implicit:* Explicit *Textual presence in § 32 circular:* YES *Note: Classified as SUBSTANTIVE LEGAL OBLIGATION in Process Inflation Findings Step 2.*

R14 | PROC-REQ 32.11 *Obligation:* The right to a qualification program must be procedurally assessed before activity conditions are set under social services law. *Source instrument:* Kommunebrev 2025 *Explicit/Implicit:* Explicit *Textual presence in § 32 circular:* NO

R15 | PROC-REQ 32.12 *Obligation:* The Nav office must actively investigate whether persons in the target group may have a right to the qualification program, and must assist with applications where necessary. *Source instrument:* Kommunebrev 2025 *Explicit/Implicit:* Explicit *Textual presence in § 32 circular:* NO

R16 | DOC-REQ 32.7 = PROC-REQ 32.13 *Obligation:* A service measure under § 17 must be placed in a structurally separate administrative decision and cannot be incorporated into the qualification program decision under § 29. *Source instrument:* Veileder sotjl. § 17 *Explicit/Implicit:* Explicit *Textual presence in § 32 circular:* NO

STEP 2 — LEGAL AUTHORITY CHECK

R1 Direction 1 (Circular authority): YES — stated explicitly in Regulation § 2 and confirmed in Circular R-35 § 4.32.2.1. Direction 2 (Statutory authority): YES — follows from § 32 read with Regulation § 2 and fvl. § 25. Double authority gap: NO. Category error: NO.

R2 Direction 1: YES — Regulation § 2 requires a decision at end of period. Direction 2: YES — follows from §§ 32/34 and general administrative law. Double authority gap: NO. Category error: NO.

R3 Direction 1: YES — Circular R-35 § 4.32.1.1 states this explicitly. Direction 2: YES — specification of the mandatory reasons requirement under fvl. § 25. Standard administrative law foundation. Double authority gap: NO. Category error: NO.

R4 Direction 1: YES — Circular R-35 § 4.32.1.1. Direction 2: YES — reiteration of the individualized assessment principle inherent in § 32 and general administrative law. Double authority gap: NO. Category error: NO.

R5 Direction 1: PARTIAL — The requirement appears in Circular R-35 § 4.32.1.1, so circular authority formally exists. However, § 32 is structurally misplaced as the governing provision: § 32 is entirely silent on re-admission after breaks. The re-admission decision derives properly from § 29 (entry conditions) and § 34 (interruption), not § 32 (duration). The circular's placement of this requirement under § 32 creates normative confusion without locating the statutory anchor. Direction 2: PARTIAL — Process Inflation Finding: KRAV 5 av 16 — "Statute § 32 is completely silent on re-admission to the program after a break; this procedural requirement is structurally misplaced under § 32." Double authority gap: NO (circular authority formally present, though misplaced). Category error: NO — but structural misplacement noted.

R6 Direction 1: YES — Circular R-35 § 4.32.2.2 states this directly. Direction 2: YES — direct procedural consequence of § 34. Solid statutory basis. Double authority gap: NO. Category error: NO.

R7 Direction 1: YES — Circular R-35 § 4.32.2.1 contains this requirement. Direction 2: PARTIAL — Process Inflation Finding: KRAV 7 av 16 — SHADOW_BINDING / TVETYDIG: "The circular eliminates the authority's open 'how-discretion' over duration-setting by mandating a fixed criteria framework permanently anchored to one specific administrative document, lacking clear authorization in § 32." Section 32 requires individualized assessment of duration but specifies no evidentiary vehicle. The mandate to use the named "arbeidsevnevurdering" document converts an open assessment standard to a document-specific requirement without statutory authorization. Double authority gap: NO (circular authority present). Shadow binding: YES.

R8 Direction 1: YES — Circular R-35 § 4.32.2.2. Direction 2: PARTIAL — Process Inflation Finding: KRAV 8 av 16 — TVETYDIG: "The statutory provision contains no language regarding whether a new assessment tool is formally required or waived, creating ambiguity over the statutory anchor for this procedural simplification." The waiver is burden-reducing, but its authorization basis is unclear. Double authority gap: NO. Category error: NO.

R9 Direction 1: YES — Circular R-35 § 4.32.2.2. Direction 2: PARTIAL — Process Inflation Finding: KRAV 9 av 16 — SHADOW_BINDING / TVETYDIG: "The law's open evaluation discretion is superseded by three mandatory procedural constraints specifying collaboration modality, process vehicle, and a strict timing deadline." Section 32 and Regulation § 2 specify criteria for extension assessment but say nothing about method, vehicle, or deadline timing. Double authority gap: NO (circular authority present). Shadow binding: YES.

R10 Direction 1: PARTIAL — The circular contains this requirement for regular extension (§ 4.32.2.2). However, the four-factor mandatory weighting framework is located in Regulation § 2 para 2 **only in the context of special extension beyond two years**. The circular applies these same criteria to ordinary extension without a corresponding provision in Regulation § 2. The circular is expanding a regulatory-level mandatory criteria set beyond its designated scope — applying criteria from the extraordinary provision to the ordinary provision. This constitutes a partial authority overstep within the circular framework itself. Direction 2: PARTIAL — For special extension: YES (Regulation § 2 is explicit). For regular extension: the application of these criteria lacks a regulatory basis. Process Inflation Finding: KRAV 10 (SUBSTANTIVE LEGAL OBLIGATION) — "eliminates standard-discretion by mandating four specific substantive weighting criteria." The critical finding is that the circular borrows from the regulation's special extension criteria and applies them mandatorily to ordinary extension without authorization. Double authority gap: NO for special extension. PARTIAL double gap for regular extension application. Category error: NO.

R11 Direction 1: PARTIAL — same structural issue as R10. The probability threshold appears in the circular for regular extension (§ 4.32.2.2) but in Regulation § 2 only for special extension. Direction 2: YES for special extension (Regulation § 2). PARTIAL for regular extension — circular expansion without regulatory foundation. Process Inflation Finding: KRAV 11 (SUBSTANTIVE LEGAL OBLIGATION). Double authority gap: NO for special extension. PARTIAL for regular extension context.

R12 Direction 1: YES — Circular R-35 § 4.32.2.3. Direction 2: PARTIAL — Process Inflation Finding: KRAV 12 av 16 — SHADOW_BINDING / TVETYDIG: "The law leaves the evaluation procedure entirely open, but the circular imposes mandatory procedural constraints governing timing and collaborative methods." Regulation § 2 para 2 specifies substantive criteria for special extension assessment; neither the statute nor the regulation specifies the method or timing of that assessment. Double authority gap: NO. Shadow binding: YES.

R13 Direction 1: YES — Circular R-35 § 4.32.2.3 and Regulation § 2 para 2 both contain this requirement for special extension. Direction 2: YES — Regulation § 2 para 2 explicitly states: "Situasjonen på arbeidsmarkedet vil ha betydning i denne sammenhengen." This has a clear regulatory anchor for special extension. If applied to regular extension, authority would be partial, but in its stated context (special extension) the basis is sound. Double authority gap: NO. Category error: NO.

R14 Direction 1: NO — ABSENT. No textual presence in the § 32 circular. **First-order authority gap.** The § 32 circular addresses program duration exclusively; it contains no provisions on sequencing in relation to activity conditions. Consequence: caseworkers administering § 32 under the circular framework have no normative anchor for this obligation

in their primary governing document. Direction 2: NO — Process Inflation Finding: KRAV 14 av 16 — "MANGLER_HJEMMEL. This step-by-step sequencing requirement has no statutory basis in § 32, which strictly addresses program duration; it is functionally misplaced." **DOUBLE AUTHORITY GAP: YES — circular authority ABSENT and statutory authority NO.** Category error: NO (social services domain; procedurally misplaced but not from a foreign legal domain).

R15 Direction 1: NO — ABSENT. First-order authority gap. The § 32 circular addresses program duration only. No normative anchor in the primary governing document. Direction 2: NO — Process Inflation Finding: KRAV 15 av 16 — "MANGLER_HJEMMEL. Proactive pre-program identification duties fall outside the legal scope of § 32 entirely, which only regulates the timeframe of an ongoing program." **DOUBLE AUTHORITY GAP: YES — circular authority ABSENT and statutory authority NO.** Category error: NO (social services domain; functionally misplaced).

R16 Direction 1: NO — ABSENT. First-order authority gap. The § 32 circular contains no provisions on decision structure for combined § 17/§ 29 situations. No normative anchor in the primary governing document. Direction 2: PARTIAL — Process Inflation Finding: KRAV 16 av 16 — "TVETYDIG. This requirement concerning structural separation of administrative decisions is outside the discretionary scope and text of § 32." The structural separation rule derives from a veileder for § 17; it has partial authority within the § 17 framework, but zero authority in the § 32 context. **DOUBLE AUTHORITY GAP: YES — circular authority ABSENT and statutory authority PARTIAL (and domain-mislocated). CATEGORY ERROR: YES** — this requirement belongs to the § 17/§ 29 decision architecture domain and is being imposed on § 32 administration by a veileder for § 17, which has no jurisdictional reach over § 32.

STEP 3 — SCALE AND PROPORTIONALITY CHECK

Preliminary note on Anchor Document scope: The Volume Driver Findings address §§ 17–20a rather than § 32 directly. KVP (§ 32) is not explicitly mapped in those findings. However, the structural mechanisms identified — particularly [D] Documentation Apparatus, [K] Competence Sustainability, [P] Procedural Continuity, [C] Coordination Infrastructure, and Latent Driver 1 (outreach/proactive discovery) — are analytically transferable to § 32 administration because the organizational dynamics are structurally equivalent: small generalist offices handling few KVP participants face the same volume-driven competence decay, documentation overhead, and procedural unfamiliarity identified across §§ 17–18.

R1: NO scale flag. Duration-in-decision is a minimal, discrete documentation element. No finding in the Anchor Document suggests this generates disproportionate burden at any scale.

R2: NO scale flag. Decision at period end is triggered, discrete, and occurs at most once annually per participant. No scale issue identified.

R3: NO scale flag. Individual justification is standard administrative practice under fvl. § 25. No adverse scale effect.

R4: NO scale flag. Reiteration of individualization principle; no operational overhead beyond what law already requires.

R5: PARTIAL scale flag. Re-admission scenarios are rare even within an active KVP portfolio. Anchor Document [K] mechanism: "competence in specific procedural requirements degrades when encounter frequency is low" — confirmed across §§ 17-18 contexts for infrequently triggered procedures (Midtre Gauldal, Verdal, Nes). Procedural unfamiliarity with the re-admission decision form is a plausible risk in low-volume offices. Burden falls partially outside clear circular guidance given the statutory misplacement.

R6: NO scale flag. Termination decision is a triggered, discrete obligation. No scale issue identified.

R7: PARTIAL scale flag. The mandatory anchoring to a specific named document creates [D] Documentation Apparatus overhead analogous to the dominant mechanism in the Anchor Document. Anchor Document: "[D] Documentation Apparatus is the dominant empirical mechanism by a wide margin" — roughly 42% of all Set B findings. In offices with few KVP participants, the arbeidsevnevurdering may be outdated by the time of duration review, requiring caseworkers to either rely on stale data or conduct a de facto new assessment, without circular guidance on how to proceed. The document-management obligation cannot become habitual at low encounter frequencies ([P] mechanism).

R8: NO adverse scale flag. This requirement reduces burden rather than imposing it. No scale issue from a burden perspective.

R9: PARTIAL scale flag. The mandatory timing constraint ("senest før vedtaksperioden utløper") and collaboration requirement impose calendar management overhead. Anchor Document [C] Coordination Infrastructure: timing-constrained coordination requirements are identified as volume-sensitive — "coordination demands impose disproportionate structural burdens in small offices." For offices handling few annual KVP evaluations, maintaining a formalized deadline-driven collaborative evaluation pipeline presupposes administrative infrastructure disproportionate to the volume. Since circular authority for the timing element is disputed (shadow binding), any scale burden it imposes is unsupported by clear circular foundation.

R10: PARTIAL scale flag. The four-factor mandatory weighting obligation requires separate documented addressing of each criterion. Anchor Document [D] mechanism, and specifically [P] Procedural Continuity: "a pipeline cannot become habitual when triggered fewer than 10-15 times per year." In offices processing one or two extension decisions annually, the

four-factor documentation standard will not be internalized, producing inconsistent application. Since the circular authority for applying these criteria to regular extension is disputed (expansion beyond Regulation § 2), any scale burden is further unsupported.

R11: PARTIAL scale flag. The forward probability determination requires a reasoned predictive assessment that caseworkers must formulate on extremely low encounter frequency. Anchor Document [K] mechanism: competence in procedurally specific determinations degrades at low volume. The probability statement for regular extension, lacking clear regulatory foundation, functions primarily as a formulaic notation in low-volume contexts, imposing documentation overhead without meaningful substantive content.

R12: PARTIAL scale flag. Special extension cases are rare even within an active KVP portfolio — potentially encountered once or twice in an office's entire history with the program. Anchor Document [P] mechanism: procedures triggered too rarely to become routine generate structural procedural failure regardless of individual caseworker quality. Since circular authority for the timing element is disputed (shadow binding), the scale burden is unsupported.

R13: PARTIAL scale flag. In small municipalities with thin local labor markets, the labor market assessment may be both more burdensome (less accessible data) and less meaningful (highly constrained market offers little variation to assess). This is a contextual rather than structural scale concern. The finding is analytically noted but does not alter the classification, as the requirement has solid regulatory authorization.

R14: YES scale flag. The proactive sequencing assessment before condition-setting maps directly onto the outreach function identified in the Anchor Document. Latent Driver 1: "outreach is inherently a higher-capacity function than reactive desk service, meaning the gap between normative expectation and operational reality may be larger here than anywhere else in the dataset." Pre-condition eligibility screening requires proactive administrative capacity that small generalist offices cannot sustain alongside reactive casework. Anchor Document process inflation finding: PROC-REQ 32.11 context. **Since circular authority is ABSENT and statutory authority is NO, the scale burden imposed by R14 is entirely unsupported by the circular framework — caseworkers must comply with an obligation their primary normative instrument does not address.**

R15: YES scale flag. Proactive discovery obligation maps precisely onto Latent Driver 1 in the Anchor Document: "proactive pre-program identification duties... outreach is inherently a higher-capacity function... dedicated field roles cannot coexist with mandatory desk-bound case processing in small offices." The Kommunebrev creates a positive organizational management duty requiring systematic scanning capacity, outreach functions, and application assistance — all of which presuppose dedicated capacity that small generalist offices cannot sustain. **Since circular authority is ABSENT and statutory authority is NO, the scale burden imposed by R15 is entirely unsupported by the circular framework.**

R16: PARTIAL scale flag. The cross-provision decision structure requirement demands that caseworkers maintain awareness of an architectural rule from a § 17 veileder while administering § 32. Anchor Document [P] mechanism: cross-provision procedural rules that are triggered infrequently fail to become internalized. In small offices where combined §

17/KVP situations are rare, the boundary rule will be applied inconsistently. **Since circular authority is ABSENT and legal authority is PARTIAL (domain-misplaced), the scale burden is unsupported by the circular framework and constitutes disproportionate burden without regulatory foundation.**

STEP 4 — PURPOSE CLASSIFICATION

R1: [USER NEED] The requirement that duration be explicitly stated in the decision directly serves the participant's legal security and ability to understand and challenge the decision. Justification: Regulation § 2 — "varigheten fastsettes ut fra deltakerens forutsetninger og behov og skal fremgå av vedtaket" — places duration-stating squarely in the participant's interest framework.

R2: [USER NEED] Formal decision at period end provides the participant with legal certainty about their status, activates appeal rights, and prevents administrative limbo. Justification: general administrative law purpose of rights-affecting decisions.

R3: [USER NEED] Individual justification serves the participant's right to understand the basis of duration decisions affecting them and to mount an effective appeal. Justification: fvl. § 25 — mandatory reasons requirement exists to enable meaningful legal challenge.

R4: [USER NEED] Individual circumstances requirement prevents arbitrary or standardized duration-setting and directly protects the user's right to individualized assessment proportionate to their actual situation. Justification: § 32's individualization framework — "deltakerens ressurser, hindringer og behov."

R5: [USER NEED] (primary) Re-admission decision with appeal rights serves the participant's procedural rights — the ability to challenge re-admission refusals or terms. This directly protects user legal security. A secondary [INTERNAL CONTROL] dimension exists insofar as formalized re-admission documentation creates an administrative audit trail, but this is subordinate to the user protection function. Primary classification: USER NEED.

R6: [USER NEED] Formal termination decision activates appeal rights and provides legal clarity. No INTERNAL CONTROL dimension identified — this is a pure user-protective procedural requirement.

R7: [MIXED] *Primary: INTERNAL CONTROL.* The mandatory anchoring of duration assessment to the named "arbeidsevnevurdering" document primarily ensures an auditable evidentiary trail in the administrative record — it specifies the document type rather than the quality of assessment. *Secondary: USER NEED* — a structured evidentiary base serves assessment quality. However, the specific mandate to use a named document rather than any individualized assessment method primarily serves administrative review and supervision functions. Justification: Circular R-35 § 4.32.2.1 — "slik de fremgår av arbeidsevnevurderingen" specifies the document, not the substance of assessment; this is audit-trail framing.

R8: [USER NEED] The waiver of a new arbeidsevnevurdering directly protects participants from unnecessary repetition of intrusive assessment processes. The administrative effect is burden-reducing and participant-protective. No INTERNAL CONTROL dimension identified.

R9: [MIXED] *Primary: USER NEED* — the collaboration element ("i samarbeid med deltakeren") directly serves the participant's participatory rights and ensures the assessment reflects their actual situation. *Secondary: INTERNAL CONTROL* — the specific timing mandate ("senest") and mandatory process vehicle primarily serve administrative process compliance documentation and audit traceability rather than user quality. The "senest" element converts an open standard to a deadline compliance obligation primarily useful for supervision review. The USER NEED element (collaboration) and the INTERNAL CONTROL element (timing deadline) are conceptually separable within the same provision.

R10: [MIXED] *Primary: USER NEED* — mandatory criteria prevent arbitrary extension decisions; structured weighting protects the participant's right to non-arbitrary outcomes. *Secondary: INTERNAL CONTROL* — mandatory documentation of four specific factors creates a supervisory audit checklist. The extension of these criteria from special extension (where Regulation § 2 requires them) to regular extension through the circular suggests an administrative standardization objective beyond user protection — the regulatory basis for applying this rigor to ordinary extension is absent. Justification: the circular at § 4.32.2.2 applies the language "skal det legges vekt på" to ordinary extension without the regulatory foundation that justifies this mandatory language in § 2 para 2.

R11: [MIXED] *Primary: USER NEED* — a probability standard prevents arbitrary extension granting and ensures the program serves its purpose for the participant. *Secondary: INTERNAL CONTROL* — documented probability determination provides the audit basis for supervisory review. Applied to regular extension without regulatory authorization, the probability notation primarily serves as an administrative documentation standard. Justification: the probability threshold for ordinary extension is a circular elaboration that functions as an INTERNAL CONTROL requirement in the absence of regulatory foundation.

R12: [MIXED] *Primary: USER NEED* — collaboration with the participant at the special extension stage protects participatory rights for a critical decision. *Secondary: INTERNAL CONTROL* — the timing specification "på slutten av vedtaksperioden" converts an open procedural standard to a compliance deadline primarily serving audit documentation. Same structural analysis as R9.

R13: [USER NEED] Labor market assessment directly serves the participant's substantive interest in an accurate, realistic evaluation of whether special extension can lead to actual employment in their context. Justification: Regulation § 2 para 2 — this factor is genuinely substantive and user-protective; it prevents program extension disconnected from employment reality.

R14: [INTERNAL CONTROL] The sequencing obligation (KVP before activity conditions) primarily serves systematic administrative process management — ensuring eligibility screening occurs in a defined order. While arguable as user-protective in principle, its framing as a procedural pre-condition rather than a substantive assessment standard, and its misplacement under § 32, indicate that its primary function is process compliance documentation within the administrative system. The requirement specifies ordering, not substance. Justification: Kommunebrev 2025 framing — procedural sequencing rule, not a quality-of-assessment standard.

R15: [INTERNAL CONTROL] The proactive discovery obligation is an organizational management function directed at program uptake and systematic identification. Its operative effects are institutional, not individual-case-quality-driven. While future participants benefit in the aggregate, the obligation creates no direct quality enhancement for any individual's ongoing KVP administration — it applies pre-application. The burden falls entirely on the office as an institutional compliance obligation. Justification: Kommunebrev 2025 framing — "Nav-kontoret bør aktivt undersøke" — organizational management duty framing.

R16: [INTERNAL CONTROL] The decision structure separation requirement serves administrative architectural consistency and audit taxonomy — ensuring decision types are correctly categorized in the system. The participant receives identical substantive services regardless of how the decisions are structured. There is no user case-outcome impact. Justification: Veileder sotjl. § 17 framing — structural separation of decision types is an administrative housekeeping rule.

STEP 5 — TRANSACTION COST CHARACTERIZATION

Requirements classified [USER NEED] — R1, R2, R3, R4, R5 (primary), R6, R8, R13: No transaction cost burden identified. These requirements serve the participant's interests without imposing overhead beyond what general administrative and social services law already requires. R8 actively reduces burden.

R7 [MIXED — primary INTERNAL CONTROL]: Caseworkers must: (a) locate and retrieve the current arbeidsevnevurdering document; (b) document explicitly in the decision that duration-setting is grounded in that specific document; (c) ensure the decision language creates an auditable link between the named assessment document and the chosen duration. In offices with few KVP participants, the arbeidsevnevurdering may be dated by the time of duration review. The caseworker faces a choice between relying on stale data (legally risky), conducting a de facto new assessment without formal authorization, or having no guidance on how to proceed — because the circular mandates the document but provides no protocol for its unavailability. Transaction cost: document-management obligation and audit-trail language requirement that cannot become habitual at low encounter frequency. This burden is imposed by circular language without statutory authorization, meaning the caseworker complies with an obligation the governing statute does not require.

R9 [MIXED — INTERNAL CONTROL timing element]: Caseworkers must: (a) schedule a formal collaborative evaluation with the participant within the current decision period; (b) document that the evaluation occurred in collaboration; (c) track and meet the "at the latest" deadline before period expiry. The scheduling and deadline-tracking overhead is disproportionate in offices handling few annual KVP evaluations, where the process cannot become habitual and calendar management requires infrastructure beyond what a small office maintains for a handful of cases. The circular provides the obligation but no guidance on cases where the participant is unavailable before period expiry, leaving an unaddressed compliance gap. The timing element of this transaction cost falls outside what the statute authorizes — caseworkers are bound by a circular-imposed deadline without statutory foundation.

R10 [MIXED — secondary INTERNAL CONTROL]: Caseworkers must: (a) separately address all four factors in the decision reasoning; (b) document the weighting given to each; (c) produce reasoning that satisfies supervisory review on all four criteria independently. In offices processing one or two extension decisions per year, this creates a documentation checklist that cannot become habitual — criteria will be forgotten between cycles, producing either mechanical factor-listing (standardized rather than individualized reasoning) or omissions creating appeal risk. The circular applies these criteria to regular extension by borrowing from the regulation's special extension provision, creating mandatory four-factor documentation without providing a template or worked example for ordinary extension contexts. Transaction cost: four-criterion checklist applied to ordinary extension decisions where the regulatory basis for this rigor does not exist, generating disproportionate documentation burden relative to the decision's legal significance.

R11 [MIXED — secondary INTERNAL CONTROL for regular extension]: Caseworkers must formulate a documented probability determination regarding work transition likelihood in each extension decision. For regular extension, where Regulation § 2 does not mandate this threshold, the requirement functions primarily as an administrative notation. No framework or evidence standard is provided by the circular for how probability is methodologically determined — caseworkers must generate a reasoned predictive statement for which there is no methodological anchor. Transaction cost: generating and documenting a probabilistic determination on extremely low encounter frequency, for which no circular guidance on evidence or method exists, and for which the regulatory authorization (for regular extension) is absent.

R12 [MIXED — INTERNAL CONTROL timing element]: Same structural analysis as R9, amplified by rarity: special extension cases are among the least frequently encountered procedural situations in KVP administration. Caseworkers must maintain awareness of timing and collaboration mandates for a procedure they may have encountered once or never previously. The calendar management and collaboration documentation requirements for a procedure triggered at this frequency cannot be habitual. As with R9, the timing specification falls outside statutory authorization, and no circular guidance addresses the situation where participant unavailability makes the timing deadline impossible to meet.

R14 [INTERNAL CONTROL]: Caseworkers must: (a) add a documented pre-assessment step in the administrative process before setting any activity conditions — checking KVP eligibility first; (b) maintain a decision trail showing the sequencing was followed; (c) maintain awareness of this obligation from a Kommunebrev that has no presence in the § 32 circular. The compliance risk is compounded by invisibility: caseworkers following only the § 32 circular will be unknowingly non-compliant with an obligation their primary normative document does not acknowledge. Transaction cost: additional documented decision point in the administrative sequence, calendar pressure on the sequencing of eligibility screening relative to condition-setting, and the organizational overhead of systematic pre-condition eligibility review. **The entire burden falls outside any framework the § 32 circular provides guidance for — caseworkers must comply with an obligation their primary normative instrument does not address.**

R15 [INTERNAL CONTROL]: Caseworkers and Nav leaders must: (a) conduct periodic proactive scanning of the office's client base to identify KVP-eligible persons; (b) proactively approach or flag identified individuals; (c) assist with application preparation where needed; (d) maintain documentation of this investigative and outreach activity. Transaction costs: ongoing organizational management overhead requiring dedicated scanning capacity, outreach time, and application assistance — all competing directly with reactive casework obligations. For small offices already at functional capacity, this positive organizational duty cannot be effectively discharged without resource reallocation or service degradation

elsewhere. **The entire burden falls outside the § 32 circular framework. The Kommunebrev creates an active organizational management duty with no guidance, template, or resource allocation from the principal normative instrument governing KVP administration.**

R16 [INTERNAL CONTROL]: Caseworkers must: (a) maintain awareness of a structural decision architecture rule from a veileder for § 17 while administering § 32; (b) identify every instance where a § 17 service accompanies KVP administration; (c) produce separate, distinct administrative decisions for the § 17 component and the § 29/§ 32 component rather than integrated documentation. Transaction costs: cross-provision knowledge overhead; additional decision-drafting work for each combined situation; significant compliance risk from ignorance — since the rule has no presence in the § 32 circular, caseworkers following only § 32 normative instruments will unknowingly fail compliance whenever they handle combined § 17/KVP situations. **The entire burden falls outside the § 32 circular framework and derives from a veileder operating outside the § 32 legal domain entirely.**

STEP 6 — CATALOG ENTRIES

REQUIREMENT ID: § 32 / R1 **PROVISION TEXT:** Duration of the qualification program must be explicitly stated in the administrative decision. **SOURCE INSTRUMENT:** Regulation § 2 (FOR-2011-12-21-1471); confirmed in Circular R-35 § 4.32.2.1 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — Regulation § 2 + fvl. § 25; clear statutory delegation chain. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED **BURDEN DESCRIPTION:** No transaction cost identified. Duration statement is a minimal, discrete documentation element directly serving the participant's right to understand and challenge the decision. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: § 32 / R2 **PROVISION TEXT:** At end of each decision period, a formal administrative decision must be issued to either extend or terminate the program. **SOURCE INSTRUMENT:** Regulation § 2 (FOR-2011-12-21-1471) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — Regulation § 2 + §§ 32/34 + general administrative law **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED **BURDEN DESCRIPTION:** No transaction cost identified. This is a triggered, discrete obligation that is a direct consequence of a rights-affecting determination. It imposes no overhead beyond what administrative law already requires. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: § 32 / R3 **PROVISION TEXT:** The chosen duration must be individually justified within the reasoning of the grant or extension decision. **SOURCE INSTRUMENT:** Circular R-35 § 4.32.1.1 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — specification of fvl. § 25 mandatory reasons requirement; no gap from standard administrative law. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED **BURDEN DESCRIPTION:** No transaction cost identified. Individual justification of duration is a standard specification of what mandatory reasons already require. No overhead beyond existing administrative law obligations. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: § 32 / R4 **PROVISION TEXT:** Evaluative reasoning about duration must document its basis in the participant's individual circumstances. **SOURCE INSTRUMENT:** Circular R-35 § 4.32.1.1 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — reiteration of individualized assessment principle; no gap from § 32 + fvl. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED **BURDEN DESCRIPTION:** No transaction cost identified. This reiterates the individualization principle without converting it to a fixed documentation formula or introducing overhead beyond legal requirements. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: § 32 / R5 **PROVISION TEXT:** Decisions on re-admission to the program after a break must be formalized as appealable administrative decisions with reasons. **SOURCE INSTRUMENT:** Circular R-35 § 4.32.1.1 **CIRCULAR AUTHORITY:** PRESENT — but structurally misplaced. The requirement appears under § 32, which is entirely silent on re-admission. The statutory basis for re-admission decisions properly derives from § 29 (entry conditions) and § 34 (interruption), not § 32 (duration). **LEGAL AUTHORITY:** PARTIAL — Process Inflation Finding: KRAV 5 av 16 — "Statute § 32 is completely silent on re-admission to the program after a break; this procedural requirement is structurally misplaced under § 32." **DOUBLE AUTHORITY GAP:** NO (circular authority formally present) **CATEGORY ERROR:** NO — but structural misplacement under wrong provision noted. **SCALE FLAG:** PARTIAL — re-admission scenarios are infrequent even within an active KVP portfolio. Anchor Document [K] mechanism: competence in rarely triggered procedures decays. The structural misplacement leaves caseworkers without clear guidance on which provision and which circular section governs the re-admission decision form. **PURPOSE:** USER NEED (primary) — re-admission decision with appeal rights directly serves participant procedural rights. **BURDEN DESCRIPTION:** No transaction cost identified for primary USER NEED classification. Secondary note: the structural misplacement of this requirement under § 32 rather than §§ 29/34 creates caseworker uncertainty about which provision governs — an indirect clarity burden not attributable to the requirement's substance but to its incorrect normative housing. **KILL LIST CLASSIFICATION:** Category C — Clarification. The requirement is substantively sound and legally justified as a user protection, but is

procedurally misplaced under § 32. The normative location of this requirement needs to be made explicit: it should be cross-referenced to §§ 29/34 where the statutory basis exists, or repositioned in the circular framework accordingly. The room for maneuver — which provision and which circular section governs — needs clarification to prevent caseworker confusion. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified (primary classification). Documentation Inflation (secondary, from structural misplacement confusion).

REQUIREMENT ID: § 32 / R6 **PROVISION TEXT:** If the program is not extended, a formal termination decision must be issued under § 34. **SOURCE INSTRUMENT:** Circular R-35 § 4.32.2.2 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — direct procedural consequence of § 34; solid statutory basis. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED **BURDEN DESCRIPTION:** No transaction cost identified. This is a triggered, discrete obligation that activates appeal rights — a pure user protection requirement. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: § 32 / R7 **PROVISION TEXT:** Duration must be individually assessed based on the participant's resources, obstacles, and needs as documented in the "arbeidsevnevurdering" (work capacity assessment document). **SOURCE INSTRUMENT:** Circular R-35 § 4.32.2.1 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — Process Inflation Finding: KRAV 7 av 16 — SHADOW_BINDING / TVETYDIG: "The circular eliminates the authority's open 'how-discretion' over duration-setting by mandating a fixed criteria framework permanently anchored to one specific administrative document, lacking clear authorization in § 32." Section 32 requires individualized assessment but specifies no evidentiary vehicle. The named-document mandate converts an open assessment standard to a specific documentary requirement without statutory authorization. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — Anchor Document [D] Documentation Apparatus is the dominant mechanism (42% of all Set B findings). Mandating a specific named document creates management overhead in offices where the arbeidsevnevurdering may be outdated, requiring caseworkers to either rely on stale data or conduct a de facto new assessment without circular guidance. **PURPOSE:** MIXED — Primary: INTERNAL CONTROL (documentary audit trail anchored to a specific named instrument). Secondary: USER NEED (structured evidentiary base serves assessment quality). **BURDEN DESCRIPTION:** Caseworkers must locate and retrieve the arbeidsevnevurdering, document the decision's explicit basis in that specific document, and maintain an auditable link between the named instrument and the chosen duration. In low-volume KVP offices, the document may be outdated with no circular guidance on how to proceed. The mandatory document-specific language operates as an audit trail requirement imposed without statutory authorization — caseworkers must comply with an obligation the governing statute does not require. **KILL LIST CLASSIFICATION:** Category B — Status Change. The circular uses mandatory language ("slik de fremgår av arbeidsevnevurderingen") to specify a named document type without statutory authorization in § 32. The language should be reformulated as permissive guidance — "bør baseres på" rather than "slik de fremgår av" — to restore caseworker discretion over how individualized

assessment is evidenced and documented, while preserving the substance of individualized duration-setting. This restores the open standard the statute itself maintains.
TRANSACTION COST CATEGORY: Documentation Inflation

REQUIREMENT ID: § 32 / R8 **PROVISION TEXT:** A new "arbeidsevnevurdering" is not required when assessing a program extension; it suffices to verify that the participant still meets the entry conditions. **SOURCE INSTRUMENT:** Circular R-35 § 4.32.2.2 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — Process Inflation Finding: KRAV 8 av 16 — TVETYDIG: "The statutory provision contains no language regarding whether a new assessment tool is formally required or waived." The simplification is burden-reducing and user-protective in effect, but the statutory authorization for the waiver is absent, creating an indirect risk that a supervisory challenge could undo the simplification. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO adverse scale flag — this requirement reduces burden. **PURPOSE:** USER NEED — the waiver protects participants from repeated intrusive assessment processes and reduces procedural overhead on both caseworkers and participants. **BURDEN DESCRIPTION:** No transaction cost identified. This requirement actively reduces administrative burden. Note: the absence of a clear statutory authorization for the waiver creates an indirect legal risk cost — the simplification could be contested in supervisory review, leaving caseworkers who relied on it exposed. **KILL LIST CLASSIFICATION:** Category C — Clarification. The requirement has sound administrative effect (burden-reducing, user-protective) but the statutory or regulatory authorization for the waiver is unclear. The circular should explicitly state the legal basis for this simplification — whether grounded in the regulation's silence or in a specific administrative law principle — to provide caseworkers with legal certainty and prevent the simplification from being contested. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: § 32 / R9 **PROVISION TEXT:** The extension evaluation must be conducted collaboratively with the participant, and must occur at the latest before the current decision period expires. **SOURCE INSTRUMENT:** Circular R-35 § 4.32.2.2 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — Process Inflation Finding: KRAV 9 av 16 — SHADOW_BINDING / TVETYDIG: "The law's open evaluation discretion is superseded by three mandatory procedural constraints specifying collaboration modality, process vehicle, and a strict timing deadline." Section 32 and Regulation § 2 specify extension criteria but leave procedure entirely open. The "senest" (at the latest) timing element has no statutory or regulatory basis. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — Anchor Document [C] Coordination Infrastructure: timing-constrained coordination requirements impose disproportionate burdens in small offices. Calendar management for a deadline-driven collaborative evaluation pipeline presupposes infrastructure calibrated for higher-volume environments. Since circular authority for the timing element is disputed (shadow binding), the scale burden is unsupported. **PURPOSE:** MIXED — Primary: USER NEED (collaboration element). Secondary: INTERNAL CONTROL (timing deadline element). These elements are conceptually separable within the provision. **BURDEN DESCRIPTION:** Caseworkers must

schedule and document a collaborative evaluation before period expiry, track the timing deadline, and produce documentation of the collaboration. The timing mandate ("senest") functions as a process compliance obligation without statutory foundation. No circular guidance addresses the situation where participant unavailability makes the deadline impossible to meet, leaving caseworkers exposed to compliance risk. **KILL LIST CLASSIFICATION:** Category B — Status Change. The collaboration element (USER NEED) is substantively sound and should be retained. The mandatory timing specification ("senest") should be reformulated as guidance language — "bør gjennomføres senest før vedtaksperioden utløper" — to preserve the practice recommendation while restoring local discretion over process management. This removes the compliance-deadline burden without eliminating the user protection function. **TRANSACTION COST CATEGORY:** Procedural Duplication, Documentation Inflation

---

REQUIREMENT ID: § 32 / R10 **PROVISION TEXT:** The extension evaluation must specifically weight four factors: the participant's prerequisites (*forutsetninger*), follow-up needs (*oppfølgingsbehov*), program progression (*progresjon*), and motivation for continued participation. **SOURCE INSTRUMENT:** Circular R-35 § 4.32.2.2 (applied to regular extension); Regulation § 2 para 2 (for special extension only) **CIRCULAR AUTHORITY:** PARTIAL — The circular applies these criteria to regular extension. However, Regulation § 2 para 2 mandates these specific criteria only in the context of special extension beyond two years. The circular's application of regulation-level mandatory criteria to ordinary extension is an expansion beyond the regulatory authorization — an intra-framework authority overstep. **LEGAL AUTHORITY:** PARTIAL — YES for special extension (Regulation § 2 explicit). PARTIAL for regular extension — the circular's mandatory application lacks a regulatory foundation. Process Inflation Finding: KRAV 10 (SUBSTANTIVE LEGAL OBLIGATION) — "eliminates standard-discretion by mandating four specific substantive weighting criteria." **DOUBLE AUTHORITY GAP:** NO for special extension. PARTIAL for regular extension application. **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — Anchor Document [D] mechanism dominant. Four-criterion checklist documentation cannot become habitual at one to two annual decisions. Anchor Document [P] mechanism: procedural pipelines triggered fewer than 10-15 times annually fail to become institutionalized. **PURPOSE:** MIXED — Primary: USER NEED (structured criteria protect participant from arbitrary decisions). Secondary: INTERNAL CONTROL (mandatory documentation of four factors creates supervisory audit checklist; extension to regular extension decisions without regulatory basis suggests administrative standardization objective). **BURDEN DESCRIPTION:** Caseworkers must separately address and document all four factors, visibly weighting each in the decision reasoning. In offices with one to two annual extension decisions, this generates a checklist standard that cannot be internalized, producing either mechanical factor-listing (defeating individualization) or omissions creating appeal risk. The circular applies regulatory-level rigor to ordinary extension without template or worked example, imposing documentation overhead without regulatory foundation. **KILL LIST CLASSIFICATION:** Category B — Status Change. The four-factor framework should retain mandatory language ("skal") only for special extension where Regulation § 2 provides authorization. For regular extension, the language should be reformulated as guidance ("bør legges vekt på") to restore caseworker discretion over weighting, while preserving structured assessment as recommended practice. This removes the regulatory overstep and restores the open standard appropriate

for ordinary extension decisions. **TRANSACTION COST CATEGORY:** Documentation Inflation, Structural Disproportionality

---

REQUIREMENT ID: § 32 / R11 **PROVISION TEXT:** Program extension must be assessed as likely to result in the participant transitioning to work upon program completion — a forward probability threshold must be met. **SOURCE INSTRUMENT:** Circular R-35 § 4.32.2.2 (regular extension); Regulation § 2 para 2 (special extension) **CIRCULAR AUTHORITY:** PARTIAL — Same structural issue as R10. Probability threshold stated mandatorily in the circular for regular extension but located in Regulation § 2 only for special extension. Circular exceeds its regulatory base for ordinary extension context. **LEGAL AUTHORITY:** YES for special extension. PARTIAL for regular extension. **DOUBLE AUTHORITY GAP:** NO for special extension. PARTIAL for regular extension context. **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — Anchor Document [K] mechanism: competence in procedurally specific determinations degrades at low encounter frequency. Probability determination on one to two annual cases cannot maintain meaningful methodological quality. **PURPOSE:** MIXED — Primary: USER NEED (probability standard prevents purposeless extension). Secondary: INTERNAL CONTROL (documented probability determination serves supervisory review; applied to regular extension without regulatory authorization, it primarily functions as documentation notation). **BURDEN DESCRIPTION:** Caseworkers must generate a reasoned forward probability statement in each extension decision. For regular extension, this is a circular elaboration without regulatory foundation. No framework or evidence standard is provided for methodological basis, creating caseworker uncertainty about evidentiary requirements and depth of analysis needed. Transaction cost: predictive documentation obligation for which no methodological anchor exists, on extremely low encounter frequency. **KILL LIST CLASSIFICATION:** Category B — Status Change. Same analysis as R10 — mandatory probability language ("må det vurderes som sannsynlig") for regular extension should be reformulated as guidance ("bør vurderes"), retaining mandatory language only for special extension where Regulation § 2 provides authorization. **TRANSACTION COST CATEGORY:** Documentation Inflation

---

REQUIREMENT ID: § 32 / R12 **PROVISION TEXT:** The assessment for special extension beyond two years must be conducted collaboratively with the participant specifically at the end of the decision period. **SOURCE INSTRUMENT:** Circular R-35 § 4.32.2.3 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — Process Inflation Finding: KRAV 12 av 16 — SHADOW_BINDING / TVETYDIG: "The law leaves the evaluation procedure entirely open, but the circular imposes mandatory procedural constraints governing timing and collaborative methods." Same structural analysis as R9 applied to special extension. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — Special extension is among the rarest procedural situations in KVP administration. Anchor Document [P] mechanism: procedural rules that cannot become habitual through repetition generate structural compliance failure. Procedures triggered once or twice per office career cannot be routinized regardless of training. Since circular authority for the timing element is disputed, scale burden is unsupported. **PURPOSE:** MIXED — Primary: USER NEED (collaboration). Secondary: INTERNAL CONTROL (timing

specification). Same analysis as R9. **BURDEN DESCRIPTION:** Caseworkers must schedule and document a collaborative evaluation at the end of the decision period for a procedure triggered with extreme rarity. Calendar management and collaboration documentation requirements for a procedure encountered once or never cannot become institutionalized. The timing specification ("på slutten av vedtaksperioden") lacks statutory foundation; no circular guidance addresses participant unavailability at the required timing point. **KILL LIST CLASSIFICATION:** Category B — Status Change. The collaboration element is sound (USER NEED) and should be retained. The mandatory timing specification ("på slutten av") should be reformulated as guidance language — "bør gjennomføres på slutten av vedtaksperioden" — restoring local discretion over process management while preserving collaborative evaluation as best practice. **TRANSACTION COST CATEGORY:** Procedural Duplication, Documentation Inflation

---

REQUIREMENT ID: § 32 / R13 **PROVISION TEXT:** The labor market situation must be weighted as a factor in the special extension evaluation. **SOURCE INSTRUMENT:** Circular R-35 § 4.32.2.3; Regulation § 2 para 2 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — Regulation § 2 para 2 explicitly states this requirement for special extension: "Situasjonen på arbeidsmarkedet vil ha betydning i denne sammenhengen." Solid regulatory foundation. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — contextual note only: in small municipalities with thin labor markets, the assessment may require more effort with less available data. This is structural context, not a burden generated by the requirement itself. **PURPOSE:** USER NEED — labor market assessment serves the participant's substantive interest in a realistic evaluation of whether special extension can lead to actual employment. This factor is genuinely user-protective and substantively significant. **BURDEN DESCRIPTION:** No transaction cost identified for USER NEED classification. Contextual note: caseworkers in thin labor market environments may face data accessibility challenges, but this is an environmental constraint rather than a transaction cost created by the requirement. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: § 32 / R14 **PROVISION TEXT:** The right to a qualification program must be procedurally assessed before activity conditions are set under social services law. **SOURCE INSTRUMENT:** Kommunebrev 2025 **CIRCULAR AUTHORITY:** ABSENT — No textual presence in the § 32 circular. First-order authority gap. The § 32 circular addresses program duration exclusively; it contains no provisions on sequencing relative to activity conditions. Consequence: caseworkers administering § 32 under the circular framework have no normative anchor for this obligation in their primary governing document. **LEGAL AUTHORITY:** NO — Process Inflation Finding: KRAV 14 av 16 — "MANGLER_HJEMMEL. This step-by-step sequencing requirement has no statutory basis in § 32, which strictly addresses program duration; it is functionally misplaced." **DOUBLE AUTHORITY GAP:** YES — circular authority ABSENT and statutory authority NO. **CATEGORY ERROR:** NO — social services domain; procedurally misplaced but not from a foreign legal domain. **SCALE FLAG:** YES — Anchor Document Latent Driver 1: "outreach is inherently a higher-capacity function than reactive desk service, meaning the gap between normative expectation and

operational reality may be larger here than anywhere else in the dataset." Pre-condition eligibility screening requires proactive administrative capacity that small generalist offices cannot sustain. **Since circular authority is ABSENT and statutory authority is NO, the scale burden imposed by R14 is entirely unsupported by the circular framework — caseworkers must comply with an obligation their primary normative instrument does not address. PURPOSE:** INTERNAL CONTROL — procedural sequencing rule serving process compliance management; specifies ordering not substance. **BURDEN DESCRIPTION:** Caseworkers must: add a documented pre-assessment step before setting activity conditions; maintain a decision trail showing sequencing compliance; maintain awareness of this obligation from a Kommunebrev with no presence in the § 32 circular. Compliance risk is compounded by invisibility: caseworkers following only the § 32 circular will be unknowingly non-compliant. **The entire transaction cost burden falls outside any framework the § 32 circular provides guidance for — caseworkers must comply with an organizational obligation that their primary normative instrument does not acknowledge. KILL LIST CLASSIFICATION:** Category A — Removal (from § 32 normative framework). The requirement lacks both circular authority and statutory basis under § 32. If a sequencing obligation between KVP eligibility and activity conditions is substantively warranted, it must be incorporated into an instrument with appropriate authority over both (§§ 20a/29 circular sections) with proper regulatory authorization from those provisions. Its current status as an unbounded Kommunebrev obligation invisible from the § 32 circular constitutes a double authority gap imposing organizational overhead without regulatory foundation. **TRANSACTION COST CATEGORY:** Documentation Inflation, Procedural Duplication, Combined Burden

---

REQUIREMENT ID: § 32 / R15 **PROVISION TEXT:** The Nav office must actively investigate whether persons in the target group may have a right to the qualification program, and must assist with applications where necessary. **SOURCE INSTRUMENT:** Kommunebrev 2025 **CIRCULAR AUTHORITY:** ABSENT — No textual presence in the § 32 circular. First-order authority gap. Consequence: no normative anchor in the primary governing document. **LEGAL AUTHORITY:** NO — Process Inflation Finding: KRAV 15 av 16 — "MANGLER_HJEMMEL. Proactive pre-program identification duties fall outside the legal scope of § 32 entirely, which only regulates the timeframe of an ongoing program." **DOUBLE AUTHORITY GAP:** YES — circular authority ABSENT and statutory authority NO. **CATEGORY ERROR:** NO — social services domain; functionally misplaced. **SCALE FLAG:** YES — Anchor Document Latent Driver 1: "dedicated field roles cannot coexist with mandatory desk-bound case processing in small offices... the gap between normative expectation and operational reality may be larger here than anywhere else in the dataset." The Kommunebrev creates a positive organizational management duty requiring systematic scanning capacity and proactive outreach that small generalist offices cannot sustain. **Since circular authority is ABSENT and statutory authority is NO, the scale burden imposed by R15 is entirely unsupported by the circular framework. PURPOSE:** INTERNAL CONTROL — organizational management function directed at program uptake; operative effects are institutional, not individual case-quality-driven. **BURDEN DESCRIPTION:** Caseworkers and Nav leaders must: conduct periodic proactive scanning of the client base to identify KVP-eligible persons; proactively approach identified individuals; assist with application preparation; document investigative activity. Transaction costs: ongoing

organizational management overhead — scanning capacity, outreach time, application assistance — competing with reactive casework obligations. For small offices at functional capacity, this positive duty cannot be discharged without resource reallocation. **The entire burden falls outside the § 32 circular framework. The Kommunebrev creates an active organizational management duty with no guidance, template, or resource allocation from the principal normative instrument. KILL LIST CLASSIFICATION:** Category A — Removal (from § 32 normative framework). The requirement lacks both circular authority and statutory basis under § 32. Proactive identification of program-eligible persons belongs to the pre-program intake function under §§ 17/29, not to the duration management provision of § 32. If a proactive identification duty is substantively warranted, it must be formally housed in an instrument governing program access with statutory authorization from those provisions. Its current placement as a Kommunebrev obligation invisible from the § 32 circular constitutes an unbounded sub-legal mandate imposing organizational overhead without regulatory foundation. **TRANSACTION COST CATEGORY:** Documentation Inflation, Structural Disproportionality, Combined Burden

---

REQUIREMENT ID: § 32 / R16 **PROVISION TEXT:** A service measure under § 17 must be placed in a structurally separate administrative decision and cannot be incorporated into the qualification program decision under § 29. **SOURCE INSTRUMENT:** Veileder sotjl. § 17 **CIRCULAR AUTHORITY:** ABSENT — No textual presence in the § 32 circular. First-order authority gap. The § 32 circular contains no provisions on decision architecture for combined § 17/§ 29 situations. Consequence: caseworkers administering § 32 have no normative anchor for this obligation in their primary governing document. **LEGAL AUTHORITY:** PARTIAL — Process Inflation Finding: KRAV 16 av 16 — "TVETYDIG. This requirement concerning structural separation of administrative decisions is outside the discretionary scope and text of § 32." The requirement derives from a veileder for § 17; it has partial authority within the § 17 framework but zero authority in the § 32 context. **DOUBLE AUTHORITY GAP:** YES — circular authority ABSENT and statutory authority PARTIAL (domain-mislocated). **CATEGORY ERROR:** YES — this requirement belongs to the § 17/§ 29 decision architecture domain. It is being imposed on § 32 administration by a veileder for § 17, which has no jurisdictional reach over § 32. **SCALE FLAG:** PARTIAL — Anchor Document [P] Procedural Continuity: cross-provision procedural rules triggered infrequently fail to become internalized. In small offices where combined § 17/KVP situations are rare, this boundary rule will be applied inconsistently. **Since circular authority is ABSENT and legal authority is PARTIAL (domain-misplaced), the scale burden is unsupported by the circular framework and constitutes disproportionate burden without regulatory foundation. PURPOSE:** INTERNAL CONTROL — administrative architectural consistency and audit taxonomy; no direct bearing on participant's case outcome. **BURDEN DESCRIPTION:** Caseworkers must: maintain awareness of a structural rule from a § 17 veileder while administering § 32; identify combined § 17/KVP situations; produce separate administrative decisions rather than consolidated documentation. Transaction costs: cross-provision knowledge overhead; additional decision-drafting per combined situation; significant compliance risk from ignorance — the rule has no presence in the § 32 circular, so caseworkers following only § 32 instruments will unknowingly fail compliance. **The entire burden falls outside the § 32 circular framework and derives from a veileder operating outside the § 32 legal domain. KILL LIST CLASSIFICATION:** Category A — Removal

(from § 32 normative framework). This requirement derives from a § 17 veileder and has no basis under § 32. If the structural separation is substantively warranted, it must be formally incorporated into the § 17 circular with appropriate cross-referencing — not left as an invisible veileder obligation applying to § 32 by inference. Its current status constitutes both a double authority gap and a category error: a sub-legal instrument for a different provision imposing architectural requirements on § 32 administration without any circular authority.
TRANSACTION COST CATEGORY: Documentation Inflation, Procedural Duplication, Combined Burden

---

CLOSING COMPARATIVE NOTE

Enumeration differential:

Measure	Count
Requirements identified from Process Inflation Findings	16
Requirements visible from § 32 circular alone	13
Requirements invisible from circular (no textual presence)	3
Double authority gaps	3
Category errors	1

Double authority gaps identified: R14 (Kommunebrev — no circular authority, no statutory authority under § 32); R15 (Kommunebrev — no circular authority, no statutory authority under § 32); R16 (Veileder § 17 — no circular authority, partial statutory authority in § 32 context). All three double authority gaps correspond precisely to the three requirements invisible from the circular alone. This is not coincidental — it reflects the structural pattern in which the most authoritydeficient requirements are the ones that have no presence in the primary normative instrument.

Category error: R16 — derived from a veileder for § 17; imposes decision architecture rules on § 32 administration without legal domain authority.

Kill List breakdown:

Category	Requirements	Count
Category A — Removal	R14, R15, R16	3
Category B — Status Change	R7, R9, R10, R11, R12	5
Category C — Clarification	R5, R8	2

No Kill List Action	R1, R2, R3, R4, R6, R13	6

Transaction cost categories by frequency:

Category	Requirements	Count
Documentation Inflation	R7, R9, R10, R11, R12, R14, R15, R16	8
Combined Burden	R14, R15, R16	3
Procedural Duplication	R9, R12, R16	3
Structural Disproportionality	R10, R15	2
No Transaction Cost Identified	R1, R2, R3, R4, R5, R6, R8, R13	8

Synthesis:

The § 32 circular is — compared to §§ 17–19 — relatively well-bounded in its primary framework. Requirements R1 through R6 are grounded in Regulation § 2, fvl., and §§ 32/34, and generate no sludge. The core sludge problem in § 32 is distributed across three structurally distinct layers.

The first layer is **shadow binding through procedural elaboration** (R7, R9, R12). The circular converts open assessment standards to mandatory compliance obligations by specifying a named document (R7), imposing a timing deadline (R9, R12), and mandating a procedural method — without statutory or regulatory authorization for any of these specifications. Five Kill List Category B entries indicate a circular that systematically overstates its own authority through imperative language in procedural contexts where the statute and regulation are silent.

The second layer is **regulatory-level expansion** (R10, R11). The circular borrows mandatory criteria from Regulation § 2's special extension provision and applies them to ordinary extension decisions without regulatory authorization. This expansion is invisible from the circular alone — it is detectable only by cross-referencing the circular text against the regulation. A caseworker following the circular would apply special-extension rigor to every routine extension without knowing this rigor exceeds the regulation's own requirements.

The third layer — and the most structurally serious — is **sub-legal mandate without circular integration** (R14, R15, R16). Three requirements derived from Kommunebrev 2025 and a Veileder for § 17 impose procedural and organizational obligations on § 32 administration without any presence in the § 32 circular. These are the three Category A Kill List entries. Caseworkers following the § 32 circular exclusively will be unknowingly non-compliant with all three. One of these (R16) constitutes a category error: a veileder for § 17 is operating as a de facto normative instrument for § 32 administration by inference, without jurisdictional authority.

The Anchor Document's most directly applicable findings are: the dominant [D] Documentation Inflation mechanism (directly implicated in 8 of 16 requirements); Latent Driver 1 — outreach/proactive discovery (maps precisely onto R15); and [P] Procedural Continuity failures at low encounter frequency (directly applicable to R9, R10, R11, R12, given the limited KVP caseload in small municipalities). The structural patterns confirmed across §§ 17–19 administration are analytically transferable to § 32, where small municipalities with few program participants face equivalent volume-driven competence decay, documentation apparatus overhead, and procedural requirements that cannot become habitual below minimum frequency thresholds.

The synthesis output confirms three primary Kill List priorities for § 32: (1) removal of R14, R15, R16 from the § 32 normative framework, with rehousing in instruments with appropriate statutory authority; (2) reformulation of R7, R9, R10, R11, R12 from imperative to permissive language, restoring the local discretion the statute itself preserves; and (3) clarification of the statutory anchoring of R5 (re-admission, structurally misplaced) and R8 (assessment waiver, authorization unclear).

SLUDGE AUDIT — § 33 INDIVIDUELL PLAN FOR DELTAKERE I KVALIFISERINGSPROGRAM

PRELIMINARY METHODOLOGICAL NOTE

Visibility comparison:

The circular paragraph for § 33 (Context Document) contains textual material supporting **4 discrete requirements**: collaborative formulation of the plan with the participant (Req 1); the rule of one plan and one coordinator (Req 2); the mandatory contact with an existing coordinator upon program entry (Req 3); and the obligation to ensure NAV is registered as an actor with the program aligned to the plan's other measures (Req 4).

The Process Inflation Findings (Reference Document) enumerate **15 requirements** for § 33.

This means **11 of the 15 requirements are invisible from the circular text alone** — they derive entirely from sub-legal instruments operating beneath and around the circular framework. Starting from the circular would cause an analyst to miss 73% of the operative requirement burden for this paragraph.

Requirements with no textual presence in the circular, with source instrument classification:

Req	Source Instrument	Classification
5	Veileder til sosialtjenesteloven § 17	(b) veileder
6	Veileder til sosialtjenesteloven § 17	(b) veileder
7	Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav	(b) veileder
8	Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav	(b) veileder
9	Retningslinjer for samarbeid mellom barnevernstjenesten og Nav-kontoret	(e) national cooperation guidelines (retningslinjer) — another sub-legal instrument
10	Retningslinjer for samarbeid mellom barnevernstjenesten og Nav-kontoret	(e) as above
11	Kommunebrev 2025	(a) Kommunebrev

12	Retningslinjer for samarbeid mellom barnevernstjenesten og Nav-kontoret	(e) as above
13	Retningslinjer for samarbeid mellom barnevernstjenesten og Nav-kontoret	(e) as above
14	Veileder til sosialtjenesteloven § 17	(b) veileder
15	Veiviser for midlertidig botilbud	(d) guidance document (veiviser)

This source distribution is analytically significant: the 11 invisible requirements derive from **three separate veilederes, one set of inter-agency cooperation guidelines, and one Kommunebrev** — none of which constitutes a circular provision under Rundskriv 35. Every burden they impose on caseworkers and NAV leaders operates entirely outside the normative framework the circular provides.

STEP 1 — IDENTIFICATION OF ALL REQUIREMENTS

Requirement 1

- *Exact obligation:* The plan shall be formulated in collaboration with the participant, cf. § 42.
- *Source instrument:* Rundskriv 35 § 33 (circular)
- *Explicit or implicit:* Explicit
- *Textual presence in circular:* YES

Requirement 2

- *Exact obligation:* A person shall have only one individual plan and one coordinator for the plan.
- *Source instrument:* Rundskriv 35 § 33 (circular), restating Forskrift om individuell plan
- *Explicit or implicit:* Explicit
- *Textual presence in circular:* YES

Requirement 3

- *Exact obligation:* If the participant already has an individual plan upon program entry, the NAV caseworker must contact the existing coordinator.
- *Source instrument:* Rundskriv 35 § 33 (circular)
- *Explicit or implicit:* Explicit
- *Textual presence in circular:* YES

Requirement 4

- *Exact obligation:* NAV must ensure it is registered as an actor in the plan and that the qualification program is aligned with the plan's other measures and services.
- *Source instrument:* Rundskriv 35 § 33 (circular)

- *Explicit or implicit:* Explicit
- *Textual presence in circular:* YES

Requirement 5

- *Exact obligation:* Users who need long-term and coordinated services have the right to an individual plan, and both approvals and rejections must be formalized as vedtak.
- *Source instrument:* Veileder til sosialtjenesteloven § 17 (veileder)
- *Explicit or implicit:* Explicit
- *Textual presence in circular:* NO

Requirement 6

- *Exact obligation:* An individual plan shall summarize assessments of needs and means, and indicate a holistic and reasoned service offering across all participating public agencies.
- *Source instrument:* Veileder til sosialtjenesteloven § 17 (veileder)
- *Explicit or implicit:* Explicit
- *Textual presence in circular:* NO

Requirement 7

- *Exact obligation:* The individual plan must document who is responsible for preparing the plan and who is responsible for ensuring coordination and progress in the planning work, pursuant to Forskrift om individuell plan.
- *Source instrument:* Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav (veileder)
- *Explicit or implicit:* Explicit
- *Textual presence in circular:* NO

Requirement 8

- *Exact obligation:* The correctional service's planning work should be aligned with the individual plan, and the POP (progress and implementation plan) can be incorporated as a sub-plan under the individual plan.
- *Source instrument:* Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav (veileder)
- *Explicit or implicit:* Explicit
- *Textual presence in circular:* NO

Requirement 9

- *Exact obligation:* Both the child welfare service and the NAV office have a duty to prepare an individual plan for persons who need long-term and coordinated services, pursuant to barnevernsloven § 15-9, Nav-loven § 15, and sosialtjenesteloven § 28.
- *Source instrument:* Retningslinjer for samarbeid mellom barnevernstjenesten og Nav-kontoret (national cooperation guidelines)
- *Explicit or implicit:* Explicit

- *Textual presence in circular:* NO

Requirement 10

- *Exact obligation:* An individual plan shall not be prepared without the existence of consent.
- *Source instrument:* Retningslinjer for samarbeid mellom barnevernstjenesten og Nav-kontoret (national cooperation guidelines)
- *Explicit or implicit:* Explicit
- *Textual presence in circular:* NO

Requirement 11

- *Exact obligation:* The municipality should be aware that inmates often need coordinated and coordinated services during and after the execution of a sentence, and that the individual plan may be used to a greater extent for this group.
- *Source instrument:* Kommunebrev 2025 (Kommunebrev)
- *Explicit or implicit:* Explicit
- *Textual presence in circular:* NO

Requirement 12

- *Exact obligation:* Both the child welfare service and the NAV office must investigate whether an individual plan already exists and potentially contribute to it.
- *Source instrument:* Retningslinjer for samarbeid mellom barnevernstjenesten og Nav-kontoret (national cooperation guidelines)
- *Explicit or implicit:* Explicit
- *Textual presence in circular:* NO

Requirement 13

- *Exact obligation:* The municipality has a duty to decide which municipal service provider shall handle coordination if this is unclear.
- *Source instrument:* Retningslinjer for samarbeid mellom barnevernstjenesten og Nav-kontoret (national cooperation guidelines)
- *Explicit or implicit:* Explicit
- *Textual presence in circular:* NO

Requirement 14

- *Exact obligation:* The service as a measure must be adopted in a separate decision under sosialtjenesteloven § 17, and must not be included in the qualification program decision under § 29.
- *Source instrument:* Veileder til sosialtjenesteloven § 17 (veileder)
- *Explicit or implicit:* Explicit
- *Textual presence in circular:* NO

Requirement 15

- *Exact obligation:* If the user needs long-term and coordinated services, housing and necessary services to ensure a safe and good housing situation should form part of the individual plan.
- *Source instrument:* Veiviser for midlertidig botilbud (guidance document / veiviser)
- *Explicit or implicit:* Explicit
- *Textual presence in circular:* NO

STEP 2 — LEGAL AUTHORITY CHECK

Requirement 1

- *Direction 1 — Circular authority:* YES
- *Direction 2 — Statutory authority:* YES. The circular text is word-for-word identical to the statutory text (sosialtjenesteloven § 33 and § 42). No gap exists.
- *Double authority gap:* NO
- *Category error:* NO

Requirement 2

- *Direction 1 — Circular authority:* YES
- *Direction 2 — Statutory authority:* YES. The requirement restates a binding rule from Forskrift om individuell plan, issued under explicit statutory delegation. Lawful and grounded.
- *Double authority gap:* NO
- *Category error:* NO

Requirement 3

- *Direction 1 — Circular authority:* YES
- *Direction 2 — Statutory authority:* PARTIAL. The statute grants open discretion on how to cooperate (§ 28, second and third paragraph, applied by analogy). The circular forecloses this discretion by imposing a specific, mandatory action — contacting a specific actor — triggered by a specific condition and designating a specific role (NAV caseworker). The PIF finding for PROC-REQ-33.2 establishes the gap explicitly: "the law grants open discretion on how to cooperate, but the circular closes off this freedom."
- *Double authority gap:* NO (circular authority is present)
- *Category error:* NO

Requirement 4

- *Direction 1 — Circular authority:* YES
- *Direction 2 — Statutory authority:* PARTIAL. The open normative standard for a "helhetlig tilbud" is replaced with fixed, mandatory content outcomes — NAV registered as actor; program aligned. The PIF finding for PROC-REQ-33.3 notes that "the authority's freedom to interpret what holistic coordination concretely entails" is

eliminated. The statutory text does not mandate these specific administrative outcomes.
- *Double authority gap:* NO (circular authority present)
- *Category error:* NO

Requirement 5

- *Direction 1 — Circular authority:* NO. This requirement derives from Veileder til sosialtjenesteloven § 17 and has no textual presence in the § 33 circular. First-order authority gap confirmed.
- *Direction 2 — Statutory authority:* PARTIAL. The vedtak obligation for individual plan decisions is authorized by general forvaltningsloven provisions. However, the conditioning of the § 33 right on a prior needs assessment for "long-term and coordinated services" potentially imports a restriction that sosialtjenesteloven § 33 does not contain — the statute grants all KVP participants the right unconditionally. The PIF finding for DOC-REQ-33.4 identifies this tension: "conditioning the § 33 plan right on a needs assessment creates a gap by potentially importing a condition that the law expressly excludes."
- *Double authority gap:* YES — no circular authority AND partial statutory authority.
- *Category error:* NO in itself, but note: this requirement is drawn from a § 17 instrument and applied to the § 33 context, constituting a cross-provision importation without authority anchor in § 33.

Requirement 6

- *Direction 1 — Circular authority:* NO. This requirement derives from Veileder til sosialtjenesteloven § 17. First-order authority gap confirmed.
- *Direction 2 — Statutory authority:* PARTIAL. The open normative term "helhetlig tilbud" has statutory basis. However, the replacement of that open term with fixed, enumerated documentation mandates (summarizing needs and means; indicating service offerings across agencies) goes beyond the statutory text without citing the authorizing regulation. The PIF finding for DOC-REQ-33.5 confirms: "fixed, enumerated documentation mandates without citing the authorizing regulation, eliminating case-by-case interpretive freedom."
- *Double authority gap:* YES — no circular authority AND partial statutory authority.
- *Category error:* NO in the strict domain sense, but the requirement is drawn from a § 17 veileder and applied to § 33 without textual basis.

Requirement 7

- *Direction 1 — Circular authority:* NO. This requirement derives from the kriminalomsorgen veileder. First-order authority gap confirmed.
- *Direction 2 — Statutory authority:* YES. The PIF finding for DOC-REQ-33.6 confirms this restates a rule from Forskrift om individuell plan, issued under explicit statutory delegation. Legal basis is sound at the statutory level.
- *Double authority gap:* NO (statutory authority is YES)
- *Category error:* PARTIAL. The source instrument is a veileder governing the relationship between NAV and the criminal justice system (kriminalomsorgen). Importing this into a general § 33 analysis introduces a domain — the penal and

correctional law domain — that operates under a different normative framework (straffegjennomføringsloven, kriminalomsorgsregelverk) than sosialtjenesteloven. The specific plan-content obligations it articulates may be valid under Forskrift om individuell plan, but the source instrument's framing is oriented toward correctional rehabilitation logic rather than social services user rights.

Requirement 8

- *Direction 1 — Circular authority:* NO. This requirement derives from the kriminalomsorgen veileder. First-order authority gap confirmed.
- *Direction 2 — Statutory authority:* PARTIAL. The statute does not explicitly address the correctional service's planning instruments (POP). The veileder uses permissive language (bør/kan), so there is no escalation beyond what the statute permits. However, positive statutory authority for the specific alignment obligation is not identified.
- *Double authority gap:* PARTIAL — no circular authority, partial statutory authority. Not a clean double gap because the permissive language prevents a mandatory obligation from forming.
- *Category error:* YES. The POP (progresjonsplan og opplæringsplan) is a correctional services instrument rooted in straffegjennomføringsloven and kriminalomsorgens regulatory framework, not in sosialtjenesteloven. Importing it as a formal sub-plan element within the individuell plan framework under § 33 merges two distinct legal domains without statutory authority in the social services act. This constitutes a category error: the requirement belongs to the criminal justice legal domain, not the social services domain.

Requirement 9

- *Direction 1 — Circular authority:* NO. This requirement derives from the barnevern-NAV cooperation guidelines. First-order authority gap confirmed.
- *Direction 2 — Statutory authority:* YES. Multiple statutory anchors are cited: barnevernsloven § 15-9, Nav-loven § 15, sosialtjenesteloven § 28. The PIF classifies this as a SUBSTANTIVE LEGAL OBLIGATION with sound legal basis.
- *Double authority gap:* NO (statutory authority is YES)
- *Category error:* PARTIAL. The duty imposed on barnevernstjenesten derives from barnevernsloven, which is a different legal domain (child welfare law) from sosialtjenesteloven. Applying barnevernsloven § 15-9 obligations through a § 33 analysis instrument merges two legally distinct duty-holders and statutory frameworks. The NAV-side obligation has statutory basis; the barnevern-side obligation is being evaluated in the wrong normative home.

Requirement 10

- *Direction 1 — Circular authority:* NO. This requirement derives from the barnevern-NAV cooperation guidelines. First-order authority gap confirmed.
- *Direction 2 — Statutory authority:* PARTIAL. Consent is a well-established precondition for individuell plan in Norwegian welfare law (rooted in personvernloven and the general rights architecture). However, the conversion of an open cooperation norm into an absolute prohibition that functions as a fixed procedural barrier — with

no mechanism for derogation even in cases where the user's best interests might counsel otherwise — goes beyond what a plain statutory reading requires. The PIF finding for PROC-REQ-33.5 confirms: "the law mandates open collaboration, but the circular converts this into an absolute prohibition and fixed barrier."
- *Double authority gap:* YES — no circular authority AND partial statutory authority.
- *Category error:* NO. Consent requirements are part of the social services domain.

Requirement 11

- *Direction 1 — Circular authority:* NO. This requirement derives from Kommunebrev 2025. First-order authority gap confirmed.
- *Direction 2 — Statutory authority:* YES effectively. The Kommunebrev operates as a non-binding awareness recommendation using permissive language (bør), falling within the general cooperation duty without escalating it. The PIF finding for PROC-REQ-33.4 notes: "non-binding awareness recommendation using permissive language." The requirement does not impose a mandatory obligation.
- *Double authority gap:* NO (the requirement is advisory, not binding; no mandatory obligation to assess)
- *Category error:* NO. The inmates' need for coordinated services is properly within the social services domain, even if prison context is mentioned.

Requirement 12

- *Direction 1 — Circular authority:* NO. This requirement derives from the barnevern-NAV cooperation guidelines. First-order authority gap confirmed.
- *Direction 2 — Statutory authority:* PARTIAL. The law's general cooperation duty (§ 28, second and third paragraph by analogy from § 33) provides a general anchor. However, the conversion of that duty into a mandatory, preliminary investigative sequence — both agencies must investigate existence of an IP before proceeding — closes off the open cooperation norm with a fixed procedural step not found in the statute. The PIF finding for PROC-REQ-33.7 confirms: "the law's open discretion on how to execute cooperation is closed off by imposing a specific, mandatory initial investigative step."
- *Double authority gap:* YES — no circular authority AND partial statutory authority.
- *Category error:* PARTIAL. Applies to both barnevernstjenesten and NAV, cross-importing child welfare law coordination obligations into the § 33 social services framework.

Requirement 13

- *Direction 1 — Circular authority:* NO. This requirement derives from the barnevern-NAV cooperation guidelines. First-order authority gap confirmed.
- *Direction 2 — Statutory authority:* PARTIAL. The general coordination duty under § 28 provides a background norm. The conversion of this into a specific, mandatory decision-making obligation — triggered by the defined condition of unclear responsibility — imposes a positive duty not found in the statutory text. The PIF finding for PROC-REQ-33.8 confirms: "the open cooperation norm is converted into a specific, mandatory decision-making obligation triggered by a defined condition."
- *Double authority gap:* YES — no circular authority AND partial statutory authority.

- *Category error:* PARTIAL. Source instrument operates in the child welfare coordination domain.

Requirement 14

- *Direction 1 — Circular authority:* NO. This requirement derives from Veileder til sosialtjenesteloven § 17. First-order authority gap confirmed.
- *Direction 2 — Statutory authority:* NO. The PIF finding for PROC-REQ-33.10 is unambiguous: "The requirement entirely lacks legal basis (hjemmel) under § 33, because § 33 strictly governs individual plan formulation and contains no provision concerning the formalization of these specific service decisions." The provision under which this is imposed (§ 17) is a different statutory provision from § 33, and there is no basis for importing its procedural requirements into the § 33 framework.
- *Double authority gap:* YES — no circular authority AND no statutory authority.
- *Category error:* YES. This requirement derives from and belongs to the § 17 normative framework (sosialtjenesteloven § 17 and its associated veileder), which governs advisory services. Applying it within the § 33 individual plan framework constitutes a cross-provision importation without legal anchor in § 33. It belongs to the § 17 legal domain, not the § 33 domain.

Requirement 15

- *Direction 1 — Circular authority:* NO. This requirement derives from the Veiviser for midlertidig botilbud. First-order authority gap confirmed.
- *Direction 2 — Statutory authority:* PARTIAL. The PIF classifies this as a SUBSTANTIVE LEGAL OBLIGATION, suggesting the content itself is substantively within the scope of what individuell plan may address. However, the specific directive that housing and housing security services *should be part of* the IP when need exists is permissive (bør), and the statutory basis for this specific content directive is not identified in the PIF beyond the general right to a holistic plan.
- *Double authority gap:* PARTIAL — no circular authority, partial/advisory statutory grounding.
- *Category error:* PARTIAL. The Veiviser for midlertidig botilbud is a housing services guidance document, operating in the housing and temporary accommodation domain (husbanken/housing policy domain), not a social services instrument. Its application to § 33 individual plan content represents a domain importation.

STEP 3 — SCALE AND PROPORTIONALITY CHECK

Anchor Document connections are noted: The Anchor Document covers § 17, § 18, and § 20a empirically. Housing/KVP is explicitly noted as "not represented in Set B as provided." However, the structural mechanisms ([C] Coordination Infrastructure, [D] Documentation Apparatus, [S] Specialization) are directly applicable to the § 33 requirements by structural analogy, and the Anchor Document explicitly confirms these mechanisms generate volume-driven failures across social services domains.

Requirement 1

- Scale flag: NO. The collaborative formulation requirement imposes no organizational capacity demand beyond basic casework.

Requirement 2

- Scale flag: NO. The one-plan-one-coordinator rule is a case management constraint, not a capacity-dependent obligation.

Requirement 3

- Scale flag: PARTIAL. The obligation to contact an existing coordinator presupposes that the NAV office has the inter-agency coordination infrastructure to identify and initiate contact with a coordinator from a different municipal service. The Anchor Document confirms under Cluster 2 (Role-Separation Impossibility) and the [C] Coordination Infrastructure mechanism that small offices routinely lack formalized inter-agency coordination capacity, relying instead on informal contact. The finding that "the requirement for systematic, written inter-agency cooperation... produces sanctions when small municipalities rely on informal case-by-case contact" is structurally applicable here. Scale connection: PARTIAL.

Requirement 4

- Scale flag: PARTIAL. Ensuring NAV is formally registered as an actor in an existing multi-agency IP and that the KVP is administratively aligned with the plan's other measures requires coordination infrastructure — inter-system access, formal agreements, case alignment meetings — that the Anchor Document confirms small offices cannot routinely sustain. [C] Coordination Infrastructure mechanism applies. Connection: Anchor Document Cluster 4 (Inter-Agency Coordination Expectation) and the finding that small offices coordinate naturally through personal contact but fail the formal documentation standard.

Requirement 5

- Scale flag: PARTIAL. The vedtak requirement for IP approvals and rejections maps to the [D] Documentation Apparatus mechanism, the dominant volume driver across the entire Anchor Document dataset (~42-55% of all Set B findings). The Anchor Document confirms that small generalist offices systematically deliver services without translating delivery into formal administrative decisions. The IP-as-vedtak obligation imposes the same pipeline burden as the § 17 vedtak stack: caseworkers must identify the trigger threshold, structure a legally compliant administrative decision with the appropriate legal basis, and maintain records — for a case type they encounter rarely. This requirement has no circular guidance (Step 2), meaning the documentation burden falls entirely outside the normative framework that governs caseworkers' work.

Requirement 6

- Scale flag: YES. The obligation to produce a plan that summarizes needs and means assessments across all participating agencies and indicates a holistic, reasoned service offering maps directly to the [D] Documentation Apparatus and [C] Coordination Infrastructure mechanisms. The Anchor Document confirms under Cluster 1 (Documentation-Competence-Specialization Trap) that documentation requirements which presuppose cross-agency coordination architecture consistently fail in small offices. The specific demand to summarize multi-agency assessments presupposes a coordination infrastructure that, as the Anchor Document notes, "structurally cannot exist in a micro-office without manufacturing it artificially." Source: Anchor Document Part 2, [C] Coordination Infrastructure third driver; Part 3 Cluster 3. This requirement has no circular authority (Step 2), meaning its scale burden is unsupported by the circular framework.

Requirement 7

- Scale flag: PARTIAL. The documentation of plan coordinator responsibility is an individual case management obligation. However, in small municipalities where a single caseworker may be simultaneously the plan contact, the coordinator, and the approving authority, the formal role-separation requirement (document who prepares, who coordinates) encounters the same impossibility noted in the Anchor Document's Cluster 2 (Role-Separation Impossibility): "in a municipality with two or three social services caseworkers — the empirical norm for municipalities under 5,000 — these tiers collapse onto one or two individuals."

Requirement 8

- Scale flag: PARTIAL. The structural alignment of the correctional service's POP with the individual plan requires inter-agency coordination between NAV and kriminalomsorgen. The Anchor Document confirms under [C] Coordination Infrastructure that "the requirement for written inter-agency agreements with child welfare, substance abuse services, etc. — produces sanctions when small municipalities rely on informal case-by-case contact." The same dynamic applies here. This requirement has no circular authority (Step 2), meaning its coordination burden is unsupported by the circular framework.

Requirement 9

- Scale flag: PARTIAL. The joint obligation on barnevernstjenesten and NAV to prepare IP is a cross-institutional obligation. The Anchor Document confirms under Cluster 4 that formal inter-agency obligations penalize small offices for failing to document what they do informally. A scale connection exists through the [C] mechanism. The requirement operates outside the circular framework.

Requirement 10

- Scale flag: NO in direct volume terms. The consent requirement does not presuppose organizational capacity; it is a procedural precondition applicable at any scale. However, as an absolute barrier without mechanism for derogation, it may

generate administrative friction in cases where coordination is needed immediately. No Anchor Document flag triggered.

Requirement 11

- Scale flag: NO. This is a non-binding awareness recommendation. No operational demand triggers scale-sensitivity.

Requirement 12

- Scale flag: YES. The mandatory preliminary investigation — both agencies must check whether an IP already exists — presupposes inter-institutional system access and coordination protocols. The Anchor Document confirms under [C] Coordination Infrastructure that small offices consistently fail on mandatory pre-action investigative steps because they lack the coordination architecture. Specifically, Anchor Document Part 3 Cluster 4 (Inter-Agency Coordination Expectation) applies: municipalities do collaborate and would informally check for an existing plan, but the formal, mandated investigative sequence imposes overhead they cannot routinely sustain. This requirement has no circular authority (Step 2), making the scale burden unsupported by the circular framework.

Requirement 13

- Scale flag: YES. The obligation to designate a specific coordinator in cases of unclear responsibility presupposes the municipality has a functioning internal governance mechanism to make and document that designation across service units. The Anchor Document confirms under the [C] mechanism (role-separation requirement; inter-agency coordination): "requires structured inter-agency agreements and designation mechanisms that small municipalities routinely lack." The two-tier organizational assumption (enough service units to create ambiguity requiring formal resolution) is not available in micro-municipalities where one or two people cover all social services. This requirement has no circular authority (Step 2), meaning the coordination burden is unsupported by the circular framework.

Requirement 14

- Scale flag: YES. The obligation to issue a separate vedtak under § 17 for each service included as a measure in the IP maps directly to the [D] Documentation Apparatus mechanism, the most confirmed volume driver in the dataset. The Anchor Document's Cluster 1 (Documentation-Competence-Specialization Trap, § 17 vedtak stack) is directly applicable: requiring a separate § 17 vedtak for every service measure adds a documentation pipeline that small offices encounter too rarely to make habitual. The Anchor Document finds that even municipalities that deliver the substantive service correctly are systematically sanctioned for failing the formal pipeline. This requirement has no circular authority AND no statutory authority (Step 2 — double authority gap), meaning its entire documentation burden is imposed without any regulatory foundation whatsoever.

Requirement 15

- Scale flag: PARTIAL. Ensuring that housing and housing security services are formally incorporated into the individual plan requires housing service coordination capacity that small municipalities may lack. The Anchor Document does not specifically address § 33/housing plan content, but the general [C] coordination infrastructure finding applies. Housing/KVP is noted as unrepresented in Set B, so the structural connection is analogical rather than empirically confirmed.

STEP 4 — PURPOSE CLASSIFICATION

Requirement 1

- Classification: **[USER NEED]**
- Justification: The requirement that the plan be formulated *in collaboration with the participant* is the core relational and rights-protective norm of the individual plan system. It directly serves the participant's legal security, self-determination, and the quality of the plan as a reflection of their actual needs. The language mirrors the statutory text, confirming user-centeredness as the legislative intent.

Requirement 2

- Classification: **[USER NEED]**
- Justification: The one-plan-one-coordinator rule prevents the fragmentation of a participant's case across competing administrative structures, directly serving the coherence and quality of the user's total service offering. The rule is designed to prevent coordination failures that harm users.

Requirement 3

- Classification: **[MIXED]** — Primary: user need (ensuring continuity of coordination upon KVP entry); secondary: internal control (designating which specific actor must act, and recording that action).
- Justification: The obligation to contact the existing coordinator ensures the participant does not experience a coordination discontinuity at program entry — a user protection function. However, the fixing of a specific mandatory step (contact by the NAV caseworker) and the administrative recording of that contact serves internal accountability purposes. The primary purpose is user-oriented; the procedural specification adds internal control overhead.

Requirement 4

- Classification: **[MIXED]** — Primary: user need (ensuring KVP is integrated with the participant's broader plan); secondary: internal control (mandating specific administrative registration outcomes).
- Justification: Aligning the KVP with the IP's other measures is substantively user-protective, ensuring coherence between the participant's short-term program and longer-term plan. The requirement that NAV be "registered as an actor" in the

formal plan document is primarily a documentation and audit function — it serves administrative traceability rather than the participant's direct experience.

Requirement 5

- Classification: **[MIXED]** — Primary: internal control (vedtak formalization); secondary: user need (procedural legal protection via appeal rights).
- Justification: The vedtak requirement for IP approvals and rejections derives from a § 17 veileder and imposes a documentation and administrative decision pipeline. While formal administrative decisions do confer appeal rights on users (a user-protection element), the primary operative demand — producing a legally structured administrative decision that satisfies audit requirements — is an internal documentation function. The conditioning of the § 33 plan right on a separate needs assessment serves system-level gatekeeping more than user outcomes. The PIF notes this may import an eligibility condition "the law expressly excludes," which points to the internal gatekeeping purpose dominating the user-protection purpose.

Requirement 6

- Classification: **[MIXED]** — Primary: internal control (structured documentation of multi-agency assessment); secondary: user need (coherent plan content).
- Justification: A well-structured individual plan with documented needs assessments and a reasoned service offering can serve user interests. However, the specific requirement to formally *summarize assessments* and *indicate a holistic offering across participating agencies* in writing is primarily a documentation standard serving audit and reporting functions. The Anchor Document confirms this pattern: "caseworkers knew more about the users' situations than the journals reflected" — meaning the substantive user need is met without the formal documentation, which serves internal control purposes. The enumerated documentation mandate without citation of the authorizing regulation (PIF finding DOC-REQ-33.5) reinforces the internal control classification as primary.

Requirement 7

- Classification: **[USER NEED]**
- Justification: Documenting who is responsible for plan preparation and coordination directly serves the participant's interests: without clear documented responsibility, the plan becomes an unowned document that no one advances. The Forskrift om individuell plan — the source instrument — is explicitly designed to ensure that participants do not fall between service providers. This is a user-protective coordination requirement.

Requirement 8

- Classification: **[MIXED]** — Primary: coordination service quality for a specific user group (inmates); secondary: administrative plan structure (POP as sub-plan documentation).
- Justification: Structurally aligning kriminalomsorgens POP with the individual plan serves the participant's service continuity through and after incarceration. However,

the specific documentary requirement — POP formally incorporated as a sub-plan — is primarily an administrative alignment obligation for internal inter-agency accounting. In the social services domain (as opposed to the correctional domain), this requirement's primary function is inter-institutional documentation rather than direct user benefit. Classified as MIXED with user benefit as primary for the coordination element and internal control as primary for the sub-plan formalization element.

Requirement 9

- Classification: **[USER NEED]**
- Justification: The statutory duty on both barnevernstjenesten and NAV to prepare individual plans for those needing long-term coordinated services is a fundamental user rights protection rooted in multiple statutes (barnevernsloven § 15-9, Nav-loven § 15, sosialtjenesteloven § 28). The requirement serves the user's right to receive a plan that integrates across institutional boundaries. This is a substantive legal obligation, not a documentation or reporting function.

Requirement 10

- Classification: **[USER NEED]** with a secondary internal control dimension.
- Justification: The consent requirement is primarily a user rights protection — it ensures participants retain autonomy and self-determination over the planning process. It reflects the fundamental rights principle that social services may not be organized around a participant without their knowledge and agreement. The absolute procedural barrier it creates has an internal compliance dimension (caseworkers must document that consent was obtained), but the primary purpose is user protection.

Requirement 11

- Classification: **[USER NEED]** (advisory)
- Justification: The Kommunebrev recommendation that municipalities consider using individual plans more for inmates is oriented toward improving service outcomes for a vulnerable user group. As a non-binding recommendation (bør), it imposes no operational documentation or procedural obligation.

Requirement 12

- Classification: **[INTERNAL CONTROL]**
- Justification: The mandatory preliminary investigation — checking whether an IP already exists — is primarily a procedural compliance step that ensures administrative deduplication and system consistency. The user benefit (not being assigned duplicate plans) is served by Req 2 (one plan rule). The investigative obligation itself is a mandatory procedural sequence imposed for administrative coordination and accountability purposes, operating as an internal control mechanism within the multi-agency service architecture. It generates casework overhead without adding to the user's direct experience of the plan.

Requirement 13

- Classification: **[MIXED]** — Primary: internal control (administrative designation obligation); secondary: user need (ensures the participant has a functional coordinator).
- Justification: Designating who coordinates serves the participant by preventing coordination vacuums. However, the specific obligation — the municipality must formally *decide* and *document* this designation — is an administrative governance requirement that serves internal accountability rather than the user directly. The user benefit is incidental to the administrative clarity sought. The dominant function, as expressed in the source instrument, is the resolution of inter-institutional ambiguity through a formal decision process.

Requirement 14

- Classification: **[INTERNAL CONTROL]**
- Justification: The requirement that services included in an IP as measures must be separately formalized as vedtak under § 17 (not included in the § 29 KVP decision) is entirely an administrative document-separation rule. It serves the internal audit requirement that different statutory provisions produce separate administrative decisions traceable in the case system. It has no bearing on the participant's actual receipt of services. The PIF finding for PROC-REQ-33.10 is unambiguous: this requirement "entirely lacks legal basis (hjemmel) under § 33." No user need is served by the administrative fragmentation of decisions the participant experiences as a single coordinated plan.

Requirement 15

- Classification: **[USER NEED]**
- Justification: The PIF classifies this as a SUBSTANTIVE LEGAL OBLIGATION. The requirement that housing and housing security services be incorporated into the IP when a participant needs long-term coordinated services reflects the substantive content of what an individuell plan is meant to deliver — a holistic, coordinated service offering that addresses the participant's actual living conditions. This is user-protective guidance, not a documentation or reporting function.

STEP 5 — TRANSACTION COST CHARACTERIZATION

Requirements classified as [USER NEED] are stated as having no transaction cost burden identified.

Requirement 1 — [USER NEED] No transaction cost burden identified. Collaborative plan formulation is the core substantive activity of the individual plan process; it imposes no overhead distinct from the service delivery itself.

Requirement 2 — [USER NEED] No transaction cost burden identified. The one-plan-one-coordinator rule is a case management framework that simplifies rather than complicates the caseworker's task by prohibiting duplication.

Requirement 3 — [MIXED] Caseworkers must: (1) identify at program intake whether the participant already has an individual plan; (2) locate the existing plan's coordinator (requiring inter-system or inter-agency query); (3) initiate and document contact with that coordinator; (4) record the contact in the case file in a manner traceable for audit purposes. The contact must be initiated by the NAV caseworker specifically (designated actor), creating a role-specific compliance burden that cannot be delegated freely. This is a sequential administrative compliance step distinct from the actual coordination work, generating documentation overhead for the record of initiation rather than for the quality of coordination. Since this obligation has circular authority, the caseworker has normative guidance for this step.

Requirement 4 — [MIXED] Caseworkers must: (1) formally register NAV as an actor in an existing individual plan (requiring access to the plan document and the plan's IT or administrative system); (2) review the plan's existing measures and services; (3) identify and document the specific alignment between the KVP and the plan's other elements; (4) ensure this alignment is recorded both in the KVP administrative file and in the individual plan. In small municipalities where the caseworker does not have direct access to the plan's hosting system (which may be in a different municipal IT environment), this alignment step creates structural access and coordination overhead. Circular authority is present, so caseworkers have normative guidance.

Requirement 5 — [MIXED], Double Authority Gap Caseworkers must: (1) assess whether the participant meets the eligibility threshold for an individual plan under the long-term-and-coordinated-services condition (a gatekeeping assessment not required under § 33 as written); (2) structure and issue a formal enkeltvedtak for both approvals and rejections of IP; (3) apply the correct legal basis in the decision; (4) ensure the decision satisfies forvaltningsloven requirements for administrative decisions; (5) archive the decision in the case system. This documentation pipeline is imposed by a § 17 veileder in the context of § 33 — meaning the caseworker must comply with an obligation that the primary normative instrument governing their work (Rundskriv 35 § 33) does not address at all. There is no circular guidance for this pipeline; caseworkers operate without the normative framework normally available for such steps.

Requirement 6 — [MIXED], Double Authority Gap Caseworkers (and/or NAV leaders) must: (1) conduct and document formal needs and means assessments for the participant; (2) compile these into a structured written plan summary; (3) solicit and record contributions from all participating agencies; (4) synthesize these into a documented holistic service offering with reasoning; (5) maintain the plan document in a form that reflects this multi-agency synthesis. This imposes a documentation apparatus on top of the substantive plan preparation work — the caseworker must not only coordinate across agencies but produce a formally structured written account of that coordination for audit purposes. The demand is calibrated for offices with back-office administrative support. In small municipalities processing few IP cases per year, the documentation template is encountered

too rarely to become habitual. This obligation derives from a § 17 veileder applied in the § 33 context; the circular provides no guidance for this specific documentation requirement.

Requirement 7 — [USER NEED] No transaction cost burden identified in isolation. Documenting plan responsibility and coordination accountability is substantively necessary for a functioning individual plan and is authorized under Forskrift om individuell plan.

Requirement 8 — [MIXED] Caseworkers (and/or NAV leaders working with correctional service contacts) must: (1) identify and contact the participant's correctional service case worker; (2) review the participant's POP; (3) assess alignment between the POP and the individual plan; (4) document the structural alignment in both plan documents; (5) coordinate the formal incorporation of the POP as a sub-plan (or document the decision not to do so). This inter-institutional coordination burden is generated entirely by a kriminalomsorgen-domain veileder that has no circular authority in the § 33 framework. Caseworkers must perform coordination work with a different state institution under a different normative framework — without any guidance in the circular governing their own work. The transaction cost falls entirely outside the normative framework the circular provides.

Requirement 9 — [USER NEED] No transaction cost burden identified as a sludge element. This is a substantive statutory obligation. The casework it requires serves the participant directly.

Requirement 10 — [USER NEED] No transaction cost burden identified beyond the standard administrative step of recording consent. The consent requirement is user-protective. However, note: the conversion of this requirement into an absolute prohibition with no documented exception mechanism generates a compliance risk that caseworkers must manage carefully — if consent is informally present but not formally documented, the absolute formulation exposes the case. This is a secondary procedural risk rather than a primary transaction cost.

Requirement 11 — [USER NEED] No transaction cost burden identified. Non-binding recommendation; no mandatory documentation step.

Requirement 12 — [INTERNAL CONTROL], Double Authority Gap Caseworkers must: (1) actively query whether a participant already has an existing individual plan, typically by consulting inter-agency databases or contacting the child welfare service; (2) document that this inquiry was conducted and its outcome; (3) if a plan exists, initiate contact and document their role as a contributor. This mandatory preliminary investigative sequence is imposed by an inter-agency cooperation guideline with no circular authority. Caseworkers must comply with a mandatory sequential step for which the primary normative instrument governing their work provides no guidance. In small municipalities where staff manually track inter-agency cases, this creates overhead for each new KVP entry without a formalized inter-system query tool to reduce the burden. The scale burden is confirmed as disproportionate by the Anchor Document.

Requirement 13 — [MIXED], Double Authority Gap NAV leaders (and/or municipal management) must: (1) identify cases where coordination responsibility is formally unclear among municipal service providers; (2) initiate an internal municipal decision process to

assign coordination responsibility; (3) formalize and document that assignment in a way that is traceable across service units; (4) potentially record this in the individual plan itself. This is an internal governance obligation that falls on municipal management, not frontline caseworkers. In small municipalities where one person covers multiple roles, the ambiguity trigger (unclear responsibility) and the resolution process (formal designation) collapse into a self-referential obligation. The caseworker is expected both to identify the coordination gap and to resolve it through a formal administrative channel. This obligation derives from an inter-agency cooperation guideline; the circular provides no guidance for the designation process.

Requirement 14 — [INTERNAL CONTROL], Double Authority Gap, No Statutory Authority Caseworkers must: (1) identify every service measure included in an individual plan; (2) for each such service, issue a separate formal enkeltvedtak under § 17; (3) ensure this vedtak is not merged with or incorporated into the § 29 KVP decision; (4) structure the § 17 vedtak with the correct legal basis, start date, and appeal rights; (5) archive this vedtak separately in the case system. This is a pure administrative document-separation obligation. It imposes a complete parallel administrative decision pipeline for each service component of the IP, generated entirely by a § 17 veileder with no basis in § 33. The caseworker must comply with a § 17 procedural standard for documents that do not arise from § 17 at all — with no circular guidance, no statutory authority, and no user benefit that is not already secured by the underlying service provision. This is the most clearly identified transaction cost burden in the § 33 analysis: an obligation without any regulatory foundation that imposes a full vedtak pipeline on a process the circular framework does not address.

Requirement 15 — [USER NEED] No transaction cost burden identified as a sludge element. The substantive guidance that housing should be included in the IP for users with housing needs is user-protective content guidance.

STEP 6 — CATALOG ENTRIES

REQUIREMENT ID: § 33 — REQ-001 **PROVISION TEXT:** The individual plan shall be formulated in collaboration with the participant, cf. § 42. **SOURCE INSTRUMENT:** Circular — Rundskriv 35 § 33 (PROC-REQ-33.1 / DOC-REQ-33.1) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — circular text mirrors statutory text; no gap. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED **BURDEN DESCRIPTION:** No transaction cost burden identified. Collaborative formulation is the substantive core of the plan process. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: § 33 — REQ-002 **PROVISION TEXT:** A person shall have only one individual plan and one coordinator for the plan. **SOURCE INSTRUMENT:** Circular — Rundskriv 35 § 33 (DOC-REQ-33.2), restating Forskrift om individuell plan **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — restates binding regulation issued

under explicit statutory delegation. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED **BURDEN DESCRIPTION:** No transaction cost burden identified. The rule simplifies case management by prohibiting duplication. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: § 33 — REQ-003 **PROVISION TEXT:** If the participant already has an individual plan upon program entry, the NAV caseworker must contact the existing coordinator. **SOURCE INSTRUMENT:** Circular — Rundskriv 35 § 33 (PROC-REQ-33.2) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — the circular closes off the law's open discretion on how to cooperate by imposing a specific, mandatory action with a designated actor. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — inter-agency coordinator identification presupposes coordination infrastructure that small offices may lack. Connection: Anchor Document [C] Coordination Infrastructure mechanism; Cluster 4. **PURPOSE:** MIXED — primary: user need (coordination continuity); secondary: internal control (mandatory initiation and documentation of contact). **BURDEN DESCRIPTION:** Caseworker must identify existing IP, locate coordinator, initiate and document contact, record initiation in case file. Sequential compliance step generating documentation overhead beyond the substantive coordination work. Circular guidance is present for this step. **KILL LIST CLASSIFICATION:** Category C — Clarification: The room for maneuver in how coordination is initiated (method of contact, documentation format) should be made explicit to reduce shadow binding of caseworkers into a single prescribed channel. **TRANSACTION COST CATEGORY:** Documentation Inflation (secondary); No Transaction Cost Identified (primary user-need element)

REQUIREMENT ID: § 33 — REQ-004 **PROVISION TEXT:** NAV must ensure it is registered as an actor in the plan and that the qualification program is aligned with the plan's other measures and services. **SOURCE INSTRUMENT:** Circular — Rundskriv 35 § 33 (PROC-REQ-33.3) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — replaces the open "helhetlig tilbud" standard with fixed, mandatory content outcomes not specified in the statute. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — formal actor-registration and documented program alignment requires inter-system access and coordination infrastructure. Connection: Anchor Document [C] mechanism; Cluster 4 (Inter-Agency Coordination). **PURPOSE:** MIXED — primary: user need (KVP integrated with broader plan); secondary: internal control (mandatory administrative registration and documented alignment). **BURDEN DESCRIPTION:** Caseworker must access IP document, register NAV formally, review plan measures, document KVP alignment in both administrative systems. May encounter IT access barriers in small municipalities (split state-municipal systems). Circular guidance is present. **KILL LIST CLASSIFICATION:** Category C — Clarification: The specific administrative steps for actor-registration and alignment documentation should be clarified to distinguish mandatory outcomes from discretionary methods. **TRANSACTION COST CATEGORY:** Procedural Duplication; Documentation Inflation (secondary)

REQUIREMENT ID: § 33 — REQ-005 **PROVISION TEXT:** Users needing long-term and coordinated services have the right to an individual plan; both approvals and rejections must be formalized as vedtak. **SOURCE INSTRUMENT:** Veileder — Veileder til sosialtjenesteloven § 17 (DOC-REQ-33.4) **CIRCULAR AUTHORITY:** ABSENT — derives from a § 17 veileder with no textual presence in the § 33 circular. Caseworkers must comply with an obligation that the primary normative instrument governing their work does not address. **LEGAL AUTHORITY:** PARTIAL — vedtak for administrative decisions is authorized by forvaltningsloven; but conditioning the § 33 plan right on a needs-assessment threshold may import a condition sosialtjenesteloven § 33 does not contain (the right belongs to all KVP participants). **DOUBLE AUTHORITY GAP:** YES — no circular authority AND partial statutory authority. **CATEGORY ERROR:** NO in strict domain sense; note cross-provision importation from § 17 instrument into § 33 context. **SCALE FLAG:** PARTIAL — vedtak pipeline for IP decisions maps to [D] Documentation Apparatus, dominant mechanism in Anchor Document (~42-55% of all findings). Small offices encounter this trigger rarely, preventing habitual pipeline formation. Anchor Document Cluster 1; Part 2 [D] documentation apparatus. **PURPOSE:** MIXED — primary: internal control (vedtak formalization, eligibility gatekeeping); secondary: user need (appeal rights protection). **BURDEN DESCRIPTION:** Caseworker must: assess eligibility against needs-assessment threshold (not required by § 33); structure and issue formal enkeltvedtak for approvals and rejections; ensure forvaltningsloven compliance; archive decision. No circular guidance exists for this pipeline in the § 33 context — caseworkers operate without normative support from their primary governing instrument. **KILL LIST CLASSIFICATION:** Category A — Removal: The eligibility-conditioning element lacks authority under § 33 and should be removed from application in the § 33 context. The vedtak obligation can survive if the circular is amended to provide explicit guidance for this step; the conditioning element cannot. **TRANSACTION COST CATEGORY:** Documentation Inflation; Structural Disproportionality

---

REQUIREMENT ID: § 33 — REQ-006 **PROVISION TEXT:** The individual plan shall summarize assessments of needs and means, and indicate a holistic and reasoned service offering across all participating agencies. **SOURCE INSTRUMENT:** Veileder — Veileder til sosialtjenesteloven § 17 (DOC-REQ-33.5 / PROC-REQ-33.9) **CIRCULAR AUTHORITY:** ABSENT — derives from a § 17 veileder with no textual presence in the § 33 circular. Caseworkers must comply with an obligation the circular does not address. **LEGAL AUTHORITY:** PARTIAL — the general "helhetlig tilbud" standard has statutory basis; but the conversion into specific enumerated documentation mandates (summarized needs, summarized means, written holistic offering across agencies) eliminates interpretive freedom without statutory authorization. **DOUBLE AUTHORITY GAP:** YES — no circular authority AND partial statutory authority. **CATEGORY ERROR:** NO in strict domain sense; note cross-provision importation from § 17 instrument. **SCALE FLAG:** YES — the multi-agency documentation synthesis demand maps to [D] Documentation Apparatus and [C] Coordination Infrastructure. Anchor Document confirms this combination ("cannot exist in micro-office without manufacturing it artificially") produces consistent failures in small offices. Cluster 1 (Documentation-Competence-Specialization Trap) and Cluster 4 are applicable. Because this requirement lacks circular authority, its scale burden is entirely unsupported by

any circular framework guidance. **PURPOSE:** MIXED — primary: internal control (structured documentation for audit and reporting); secondary: user need (coherent plan content). **BURDEN DESCRIPTION:** Caseworker must: conduct and document formal needs assessment; document means assessment; solicit written contributions from all participating agencies; synthesize into a formally structured plan document with a holistic service offering and explicit reasoning. Requires back-office support and inter-agency query capacity. No circular guidance exists; the caseworker bears the full documentation burden without normative instruction from their governing instrument. **KILL LIST CLASSIFICATION:** Category B — Status Change: The enumerated documentation mandate uses effectively imperative language (shall summarize; shall indicate) derived from an instrument without binding authority over § 33. This should be reformulated as permissive guidance (may include; it is recommended that) to restore the local discretion to interpret what a holistic plan requires case by case. **TRANSACTION COST CATEGORY:** Documentation Inflation; Structural Disproportionality; Combined Burden

---

REQUIREMENT ID: § 33 — REQ-007 **PROVISION TEXT:** The individual plan must document who is responsible for preparing the plan and who is responsible for ensuring coordination and progress, pursuant to Forskrift om individuell plan. **SOURCE INSTRUMENT:** Veileder — Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav (DOC-REQ-33.6) **CIRCULAR AUTHORITY:** ABSENT — derives from the kriminalomsorgen veileder. First-order authority gap. However, the content accurately restates Forskrift om individuell plan. **LEGAL AUTHORITY:** YES — restates Forskrift om individuell plan issued under statutory delegation. Legal basis is sound at the regulatory level regardless of which veileder cites it. **DOUBLE AUTHORITY GAP:** NO (statutory authority is YES) **CATEGORY ERROR:** PARTIAL — source instrument derives from the criminal justice coordination domain (kriminalomsorgen). The requirement itself is valid under Forskrift om individuell plan applicable across all IP contexts; the pathway of citation through a correctional services veileder introduces domain mixing. **SCALE FLAG:** PARTIAL — in small offices where one caseworker may hold multiple roles, formal role documentation in the plan may require distinguishing between a caseworker's functional role and a formally designated coordinator role. Connection: Anchor Document [C] Cluster 2 (Role-Separation Impossibility). **PURPOSE:** USER NEED — documented responsibility ensures the participant has clear accountability structures and prevents coordination vacuums. **BURDEN DESCRIPTION:** No transaction cost burden identified as a sludge element. The documentation of plan responsibility is substantively necessary for a functioning IP and is anchored in valid regulation. **KILL LIST CLASSIFICATION:** No Kill List Action — legal authority is sound; the misidentification of source instrument does not affect the validity of the requirement. The § 33 circular should reference this requirement explicitly to eliminate the authority gap. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: § 33 — REQ-008 **PROVISION TEXT:** The correctional service's planning work should be structurally aligned with the individual plan; the POP can be incorporated as a sub-plan. **SOURCE INSTRUMENT:** Veileder — Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav (DOC-REQ-33.7 / PROC-REQ-33.11)

CIRCULAR AUTHORITY: ABSENT — derives from the kriminalomsorgen veileder. First-order authority gap. However, permissive language (bør/kan) prevents a mandatory obligation from forming. **LEGAL AUTHORITY:** PARTIAL — the statute does not explicitly address correctional services planning instruments. Permissive language stays within statutory bounds. **DOUBLE AUTHORITY GAP:** PARTIAL — no circular authority; partial statutory authority; but permissive framing prevents a mandatory double gap. **CATEGORY ERROR:** YES — the POP is a correctional services instrument rooted in straffegjennomføringsloven and kriminalomsorgens regulatory framework. Incorporating it as a sub-plan within the § 33 individuell plan framework merges two legally distinct planning regimes. This requirement belongs to the criminal justice legal domain and should not generate administrative obligations within the sosialtjenesteloven § 33 framework. **SCALE FLAG:** PARTIAL — structural alignment of two inter-institutional planning instruments requires coordination infrastructure between NAV and kriminalomsorgen. Anchor Document [C] Coordination Infrastructure mechanism applies. Because this obligation has no circular authority, any coordination burden it creates is unsupported by the circular framework. **PURPOSE:** MIXED — primary: coordination service quality for a specific user group; secondary: administrative plan structure (sub-plan documentation). **BURDEN DESCRIPTION:** Caseworker must identify and contact correctional service case worker; review POP; assess alignment; coordinate formal alignment documentation across two plan documents; document decision on sub-plan incorporation. This inter-institutional coordination burden is generated entirely by a correctional services veileder without circular authority in the § 33 framework. The caseworker complies with obligations the governing circular does not address. **KILL LIST CLASSIFICATION:** Category A — Removal from the social services normative framework: The POP-alignment obligation belongs to the criminal justice legal domain. It should not generate administrative obligations under § 33. The substantive coordination value can be achieved through guidance to caseworkers with criminal justice-involved KVP participants without creating a formal sub-plan incorporation requirement in the social services framework. **TRANSACTION COST CATEGORY:** Reporting Overhead; Procedural Duplication

---

REQUIREMENT ID: § 33 — REQ-009 **PROVISION TEXT:** Both the child welfare service and the NAV office have a statutory duty to prepare an individual plan for persons needing long-term and coordinated services, pursuant to barnevernsloven § 15-9, Nav-loven § 15, and sosialtjenesteloven § 28. **SOURCE INSTRUMENT:** National cooperation guidelines — Retningslinjer for samarbeid mellom barnevernstjenesten og Nav-kontoret (DOC-REQ-33.8 / PROC-REQ-33.6) **CIRCULAR AUTHORITY:** ABSENT — derives from inter-agency cooperation guidelines. First-order authority gap. **LEGAL AUTHORITY:** YES — multiple statutory anchors: barnevernsloven § 15-9, Nav-loven § 15, sosialtjenesteloven § 28. Legal basis is robust. **DOUBLE AUTHORITY GAP:** NO (statutory authority is YES) **CATEGORY ERROR:** PARTIAL — the duty imposed on barnevernstjenesten derives from barnevernsloven (child welfare law domain). Evaluating this duty through a § 33 analysis framework merges two duty-holders operating under different statutory regimes. The NAV-side obligation belongs in this analysis; the barnevern-side obligation belongs in a barnevernsloven analysis. **SCALE FLAG:** PARTIAL — joint institutional duty requires inter-agency coordination infrastructure. Anchor Document [C] Cluster 4 (Inter-Agency Coordination Expectation) applies. **PURPOSE:** USER NEED — substantive statutory

obligation directly protecting the user's right to a coordinated service plan. **BURDEN DESCRIPTION:** No transaction cost burden identified as a sludge element. This is a substantive legal obligation. **KILL LIST CLASSIFICATION:** No Kill List Action — legal authority is sound. The § 33 circular should reference this obligation explicitly to eliminate the authority gap on the NAV side. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: § 33 — REQ-010 **PROVISION TEXT:** An individual plan shall not be prepared without the existence of the participant's consent. **SOURCE INSTRUMENT:** National cooperation guidelines — Retningslinjer for samarbeid mellom barnevernstjenesten og Nav-kontoret (DOC-REQ-33.9 / PROC-REQ-33.5) **CIRCULAR AUTHORITY:** ABSENT — derives from inter-agency cooperation guidelines. First-order authority gap. **LEGAL AUTHORITY:** PARTIAL — consent is a well-established precondition with grounding in personvernloven and the general rights architecture. However, the conversion of this into an absolute prohibition with no flexibility or exception mechanism goes beyond what the statute requires as a mandatory procedural barrier. **DOUBLE AUTHORITY GAP:** YES — no circular authority AND partial statutory authority. **CATEGORY ERROR:** NO **SCALE FLAG:** NO — the consent requirement does not presuppose organizational capacity at any scale. **PURPOSE:** USER NEED (primary — autonomy and self-determination protection); secondary internal control dimension (documentation of consent obtained). **BURDEN DESCRIPTION:** No primary transaction cost burden identified. The absolute prohibition formulation creates a compliance risk caseworkers must manage: if informal consent exists but is not formally documented, the case is exposed. The secondary administrative burden is consent documentation; this is appropriate and proportionate. **KILL LIST CLASSIFICATION:** Category C — Clarification: The room for maneuver in how consent is documented and recorded should be made explicit, particularly in cases where informal consent is clearly present. The absolute prohibition framing (shall not be prepared without) should be clarified as to what constitutes sufficient documented consent to avoid disproportionate shadow binding. **TRANSACTION COST CATEGORY:** Documentation Inflation (secondary, minor)

REQUIREMENT ID: § 33 — REQ-011 **PROVISION TEXT:** The municipality should be aware that inmates often need coordinated and coordinated services during and after the execution of a sentence, and that the individual plan may be used to a greater extent for this group. **SOURCE INSTRUMENT:** Kommunebrev 2025 (Kommunebrev) **CIRCULAR AUTHORITY:** ABSENT — derives from Kommunebrev. First-order authority gap, but the non-binding nature of the recommendation means no mandatory obligation is created. **LEGAL AUTHORITY:** YES (advisory) — falls within the general cooperation duty; permissive language (bør/kan) throughout. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — awareness guidance oriented toward improving service outcomes for a vulnerable demographic. **BURDEN DESCRIPTION:** No transaction cost burden identified. Non-binding recommendation; no mandatory documentation or procedural step. **KILL LIST CLASSIFICATION:** No Kill List Action — permissive, advisory instrument correctly used. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: § 33 — REQ-012 **PROVISION TEXT:** Both the child welfare service and the NAV office must investigate whether an individual plan already exists and potentially contribute to it as a mandatory preliminary step. **SOURCE INSTRUMENT:** National cooperation guidelines — Retningslinjer for samarbeid mellom barnevernstjenesten og Nav-kontoret (PROC-REQ-33.7) **CIRCULAR AUTHORITY:** ABSENT — derives from inter-agency cooperation guidelines. First-order authority gap. Caseworkers must comply with an obligation the circular does not address. **LEGAL AUTHORITY:** PARTIAL — the law's general cooperation duty provides a background norm; but the mandatory preliminary investigative sequence (both agencies must formally check before proceeding) is not in the statutory text and closes off discretion on how to organize cooperation. **DOUBLE AUTHORITY GAP:** YES — no circular authority AND partial statutory authority. **CATEGORY ERROR:** PARTIAL — applies a joint obligation to barnevernstjenesten, importing child welfare law coordination logic into the § 33 framework. **SCALE FLAG:** YES — mandatory inter-agency preliminary investigation presupposes coordination infrastructure (inter-system query capacity, formal inquiry protocols) consistently absent in small offices. Anchor Document [C] Coordination Infrastructure mechanism and Cluster 4 directly applicable. The scale burden is entirely unsupported by the circular framework. **PURPOSE:** INTERNAL CONTROL — the mandatory investigative sequence is an administrative compliance step serving system deduplication and coordination accountability, not direct user outcomes (which are protected by Req 2's one-plan rule). **BURDEN DESCRIPTION:** Caseworker must: actively query whether a participant already has an existing IP (requiring inter-agency or inter-system contact); document that the inquiry was conducted and its outcome; if a plan exists, initiate contact and document the contribution role. A mandatory sequential step imposed by inter-agency guidelines with no circular authority. The caseworker bears the compliance burden without any normative support from their primary governing instrument. **KILL LIST CLASSIFICATION:** Category B — Status Change: The mandatory investigative obligation uses imperative language (must investigate) without binding authority under § 33. Should be reformulated as permissive guidance (should check; is encouraged to verify) to restore local discretion on how to ensure coordination without duplicating plans. **TRANSACTION COST CATEGORY:** Documentation Inflation; Procedural Duplication; Structural Disproportionality

---

REQUIREMENT ID: § 33 — REQ-013 **PROVISION TEXT:** The municipality has a duty to decide which municipal service provider shall handle coordination if responsibility is unclear. **SOURCE INSTRUMENT:** National cooperation guidelines — Retningslinjer for samarbeid mellom barnevernstjenesten og Nav-kontoret (PROC-REQ-33.8) **CIRCULAR AUTHORITY:** ABSENT — derives from inter-agency cooperation guidelines. First-order authority gap. Caseworkers and NAV leaders must comply with an obligation the circular does not address. **LEGAL AUTHORITY:** PARTIAL — the general cooperation norm provides background; conversion into a specific mandatory decision-making obligation triggered by defined condition (unclear responsibility) is not in the statutory text. **DOUBLE AUTHORITY GAP:** YES — no circular authority AND partial statutory authority. **CATEGORY ERROR:** PARTIAL — the designation obligation involves barnevernstjenesten-NAV coordination, importing child welfare coordination logic into the § 33 framework. **SCALE FLAG:** YES — the designation

obligation assumes sufficient organizational differentiation to create ambiguity requiring formal resolution. In small municipalities where one or two people cover all social services, the concept of "unclear responsibility" is structurally inapplicable — there is no competing institutional claimant. Anchor Document Cluster 2 (Role-Separation Impossibility) applies structurally: the trigger condition the obligation assumes cannot arise in micro-municipalities, yet the formal documentation of its resolution is still demanded. The scale burden is unsupported by the circular framework. **PURPOSE:** MIXED — primary: internal control (administrative governance designation); secondary: user need (ensures functional coordinator). **BURDEN DESCRIPTION:** NAV leader must: identify cases of unclear coordination responsibility across service units; initiate and conduct an internal municipal decision process; formalize and document the designation; ensure traceability across service units. In small municipalities, this becomes a self-referential administrative obligation (the caseworker designates themselves). Derives from cooperation guidelines with no circular authority; management bears compliance burden without normative guidance. **KILL LIST CLASSIFICATION:** Category B — Status Change: The mandatory designation obligation uses imperative language (has a duty to decide) without binding authority under § 33. Should be reformulated as permissive guidance (should designate; may formalize) to restore local governance discretion. **TRANSACTION COST CATEGORY:** Documentation Inflation; Structural Disproportionality

---

REQUIREMENT ID: § 33 — REQ-014 **PROVISION TEXT:** The service as a measure must be adopted in a separate decision under sosialtjenesteloven § 17, and must not be included in the qualification program decision under § 29. **SOURCE INSTRUMENT:** Veileder — Veileder til sosialtjenesteloven § 17 (PROC-REQ-33.10) **CIRCULAR AUTHORITY:** ABSENT — derives from a § 17 veileder with no textual presence in the § 33 circular. First-order authority gap. Caseworkers must comply with an obligation the circular entirely fails to address. **LEGAL AUTHORITY:** NO — this requirement entirely lacks legal basis (hjemmel) under § 33. The § 33 provision governs individual plan formulation only and contains no provision concerning the formalization of service decisions included as measures in the plan. The authority gap identified in the PIF (PROC-REQ-33.10) is unambiguous. **DOUBLE AUTHORITY GAP:** YES — no circular authority AND no statutory authority. **CATEGORY ERROR:** YES — this requirement belongs to the § 17 legal domain. It derives from and is authorized (if at all) under sosialtjenesteloven § 17 and its associated normative framework. Its application in the context of § 33 constitutes a cross-provision importation that imposes § 17 administrative obligations on a § 33 individual plan process without any legal anchor in § 33. **SCALE FLAG:** YES — the requirement to issue a separate § 17 vedtak for each service measure included in an IP maps directly to the [D] Documentation Apparatus, the dominant volume driver in the entire Anchor Document dataset. The Anchor Document confirms that vedtak production for every service interaction — including brief, informal, or incidental guidance — generates the largest cluster of sanctions. Requiring separate § 17 vedtak for plan-embedded service measures adds a full documentation pipeline to every IP measure. Anchor Document Cluster 1 (Documentation-Competence-Specialization Trap), Part 2 [D] mechanism. Since this requirement has no circular authority AND no statutory authority, its entire scale burden is imposed without any regulatory foundation. **PURPOSE:** INTERNAL CONTROL — purely an administrative document-separation rule serving case system traceability and audit functions. No user benefit is identified that is not already secured by

the underlying service provision. **BURDEN DESCRIPTION:** Caseworker must: identify each service included as a measure in the IP; issue a separate formal enkeltvedtak under § 17 for each such service; ensure each vedtak contains the correct legal basis, start date, and appeal rights; ensure it is not merged with the § 29 KVP decision; archive separately. A complete parallel administrative decision pipeline generated by a § 17 veileder for which there is no statutory basis in § 33 and no circular guidance. The caseworker bears the full documentation burden of a § 17 vedtak stack for each IP-embedded service, without the normative framework normally available for § 17 cases, and without any regulatory justification for the obligation. **KILL LIST CLASSIFICATION:** Category A — Removal: This requirement lacks legal authority (both circular and statutory) in the § 33 context and belongs to a different legal domain (§ 17). It is a candidate for repeal from the § 33 normative framework in its entirety. Any legitimate concern about formalizing services should be addressed within the § 17 framework, where it has proper legal home. **TRANSACTION COST CATEGORY:** Documentation Inflation; Structural Disproportionality; Combined Burden

---

REQUIREMENT ID: § 33 — REQ-015 **PROVISION TEXT:** If the user needs long-term and coordinated services, housing and necessary services to ensure a safe and good housing situation should be part of the individual plan. **SOURCE INSTRUMENT:** Guidance document — Veiviser for midlertidig botilbud (PROC-REQ-33.12) **CIRCULAR AUTHORITY:** ABSENT — derives from the housing services guidance document. First-order authority gap. **LEGAL AUTHORITY:** PARTIAL — the PIF classifies this as a SUBSTANTIVE LEGAL OBLIGATION. The general right to a holistic individual plan that covers the participant's actual needs has statutory grounding. However, the specific directive that housing services *should be part of* the IP derives from a housing domain guidance document rather than from sosialtjenesteloven § 33 directly. Permissive language (bør) is used. **DOUBLE AUTHORITY GAP:** PARTIAL — no circular authority; partial/advisory statutory grounding. Permissive language prevents a mandatory double gap. **CATEGORY ERROR:** PARTIAL — the Veiviser for midlertidig botilbud is a housing domain guidance document (Husbanken/housing policy domain). Importing housing services content guidance into the § 33 individual plan framework through this instrument introduces domain mixing, even if the substantive recommendation is sound in user-need terms. **SCALE FLAG:** PARTIAL — incorporating housing services into the IP requires coordination between NAV and housing services, which may involve a third municipal service unit. Anchor Document [C] Coordination Infrastructure applies. **PURPOSE:** USER NEED — the substantive guidance that housing should be addressed in the IP for participants with housing needs is user-protective content guidance rooted in the holistic service ideal. **BURDEN DESCRIPTION:** No transaction cost burden identified as a sludge element. The permissive formulation (bør) preserves local discretion; the caseworker is advised, not obligated. **KILL LIST CLASSIFICATION:** No Kill List Action on the substantive recommendation. However: the § 33 circular should reference this content dimension explicitly to eliminate the authority gap through incorporation, rather than relying on a housing domain guidance document. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

CLOSING COMPARATIVE NOTE

Total requirements identified from Process Inflation Findings: 15

Requirements visible from circular text alone: 4 (REQ-001, REQ-002, REQ-003, REQ-004)

Requirements invisible from circular text alone: 11 — representing 73% of all identified requirements for § 33.

Double authority gaps (no circular authority AND no or partial statutory authority): REQ-005, REQ-006, REQ-010, REQ-012, REQ-013, REQ-014 = **6 double authority gaps**

(REQ-008 is a partial double gap with category error; REQ-015 is a partial gap with permissive language.)

Category errors (requirements belonging to a different legal domain): REQ-008 (criminal justice / correctional services domain — kriminalomsorgen) and REQ-014 (§ 17 advisory services domain — cross-provision importation) constitute full category errors. REQ-007, REQ-009, REQ-012, REQ-013 carry partial category error designations (child welfare law domain elements crossing into the social services § 33 framework). **Full category errors: 2. Partial category errors: 4.**

Kill List breakdown:

Category	Requirements
Category A — Removal	REQ-005 (eligibility-conditioning element), REQ-008, REQ-014 = **3 entries**
Category B — Status Change	REQ-006, REQ-012, REQ-013 = **3 entries**
Category C — Clarification	REQ-003, REQ-004, REQ-010 = **3 entries**
No Kill List Action	REQ-001, REQ-002, REQ-007, REQ-009, REQ-011, REQ-015 = **6 entries**

Primary transaction cost categories by frequency:

Category	Requirements
Documentation Inflation	REQ-003 (secondary), REQ-005, REQ-006, REQ-010 (minor), REQ-012, REQ-013, REQ-014 = **7 entries**
Structural Disproportionality	REQ-005, REQ-006, REQ-012, REQ-013, REQ-014 = **5 entries**

Combined Burden	REQ-006, REQ-014 = **2 entries**
Procedural Duplication	REQ-004 (secondary), REQ-008, REQ-012 = **3 entries**
Reporting Overhead	REQ-008 = **1 entry**
No Transaction Cost Identified	REQ-001, REQ-002, REQ-007, REQ-009, REQ-010 (primary), REQ-011, REQ-015 = **7 entries**

Analytical synthesis for the main report:

The § 33 analysis reveals a paragraph whose circular text is compact and substantively sound — four requirements, all user-oriented, all legally grounded. The sludge burden for this paragraph derives almost entirely from the 11 requirements that are invisible from the circular, imported from three veileders, one set of inter-agency cooperation guidelines, and one Kommunebrev. The most acute single finding is REQ-014: a mandatory parallel vedtak pipeline imposed by a § 17 veileder on a § 33 process, with no circular authority, no statutory authority, and no user benefit — the textbook case of a double authority gap with category error generating pure documentation inflation. The second-most analytically significant finding is the cluster of requirements from the barnevern-NAV cooperation guidelines (REQ-010, REQ-012, REQ-013), which together impose mandatory investigative and designation obligations that neither the statute nor the circular contains, with structural disproportionality confirmed for small offices across all three. The six double authority gaps and the two full category errors constitute the Kill List core for this paragraph: three requirements recommended for removal, three for status change to permissive language.

SLUDGE AUDIT — § 34: AVBRUDD I OG AVSLUTNING AV PROGRAM

PRELIMINARY METHODOLOGICAL NOTE

Requirement visibility: Process Inflation Findings vs. circular paragraph alone

The Process Inflation Findings identify **17 requirements** for § 34. Starting from the circular paragraph in the Context Document alone, a competent analyst would identify **16 of those 17 requirements**. The structural difference is narrow in number but significant in kind.

The one requirement invisible from the circular:

Requirement 17 — that § 17 guidance and counseling services must continue in accordance with a § 17 decision, or be separately terminated on independent grounds, when the qualification programme is stopped — has **zero textual presence** in the § 34 circular paragraph. It does not appear in the statutory text, the general commentary in 4.34.1, the procedural section 4.34.1.1, or any of the situational subsections 4.34.2.1–4.34.2.7. It is imported from an entirely separate normative instrument: the **Veileder til sosialtjenesteloven § 17**.

Source mapping for Requirement 17:

- Source instrument: a **veileder** — category (b) in the methodological typology
- Statutory home: § 17 of sosialtjenesteloven, not § 34
- The requirement operates within the § 34 circular framework without any textual anchor in that circular, and without any authority derived from the § 34 statutory provision

Analytical consequence: The primary value of using the Process Inflation Findings rather than the circular as the reference document for § 34 is not quantitative (one additional requirement) but structural. The Process Inflation Findings surface a cross-provision normative intrusion: a veileder addressed to a different statutory service (§ 17 guidance) has extended its operational reach into the § 34 termination context without the § 34 circular acknowledging or incorporating it. This is invisible to any analyst who starts from the circular text, and it constitutes the most significant authority concern in this session.

A secondary analytical value concerns **Requirement 6**: while the re-entry assessment obligation appears in the circular, the Process Inflation Findings identify that its specific framing introduces shadow-binding through fixed criteria where the statute grants open discretion. This interpretive concern is not visible from a plain reading of the circular text alone.

STEP 1 — IDENTIFICATION OF ALL REQUIREMENTS

Requirement 1

- **Obligation:** Nav-kontoret must conduct a concrete assessment of whether there are grounds to temporarily interrupt or terminate the programme before taking any action.
- **Source instrument:** Circular — Rundskriv 35, § 4.34.1
- **Explicit/Implicit:** Explicit
- **Textual presence in circular:** YES

Requirement 2

- **Obligation:** Decisions to temporarily interrupt or terminate the qualification programme with associated support must be formulated as enkeltvedtak and are subject to appeal to Statsforvalteren.
- **Source instrument:** Circular — Rundskriv 35, § 4.34.1.1
- **Explicit/Implicit:** Explicit
- **Textual presence in circular:** YES

Requirement 3

- **Obligation:** Upon temporary interruption or termination, payment of kvalifiseringsstønad must immediately cease.
- **Source instrument:** Circular — Rundskriv 35, § 4.34.1
- **Explicit/Implicit:** Explicit
- **Textual presence in circular:** YES

Requirement 4

- **Obligation:** If the qualification programme is terminated, a participant certificate (deltakerbevis) must be issued — unless the participant never commenced the programme.
- **Source instrument:** Circular — Rundskriv 35, § 4.34.1 (cross-referenced to § 30)
- **Explicit/Implicit:** Explicit
- **Textual presence in circular:** YES (via reference), but § 34 itself provides no independent authority for this obligation; actual authority rests in § 30

Requirement 5

- **Obligation:** Advance notice (forhåndsvarsel) must as a rule be given in written form.
- **Source instrument:** Circular — Rundskriv 35, § 4.34.1.1 (elaborating forvaltningsloven § 16)
- **Explicit/Implicit:** Explicit
- **Textual presence in circular:** YES

Requirement 6

- **Obligation:** Before re-admission to a temporarily interrupted programme, Nav must assess (a) whether entry conditions remain fulfilled, and (b) whether the work goal is achievable within the remaining programme time.
- **Source instrument:** Circular — Rundskriv 35, § 4.34.1.1
- **Explicit/Implicit:** Explicit, but operationally introduces shadow-binding through fixed assessment criteria where the statute grants open discretion
- **Textual presence in circular:** YES, but the specific criteria structure is not visible in the statutory text of § 34

Requirement 7

- **Obligation:** Re-admission decisions must be formulated as enkeltvedtak, with stated reasoning, subject to appeal to Statsforvalteren.
- **Source instrument:** Circular — Rundskriv 35, § 4.34.1.1
- **Explicit/Implicit:** Explicit
- **Textual presence in circular:** YES

Requirement 8

- **Obligation:** What constitutes a valid factual ground (saklig grunn) must be assessed individually in each specific case.
- **Source instrument:** Circular — Rundskriv 35, § 4.34.2
- **Explicit/Implicit:** Explicit
- **Textual presence in circular:** YES

Requirement 9

- **Obligation:** Where a participant has experienced repeated temporary interruptions, Nav must clarify whether the conditions for continued participation remain met or whether there are factual grounds for termination.
- **Source instrument:** Circular — Rundskriv 35, § 4.34.2
- **Explicit/Implicit:** Explicit
- **Textual presence in circular:** YES

Requirement 10

- **Obligation:** If the programme has been temporarily interrupted for one year, Nav must issue a decision (vedtak) to terminate the programme.
- **Source instrument:** Circular — Rundskriv 35, § 4.34.2; reflecting § 34 statutory text directly
- **Explicit/Implicit:** Explicit
- **Textual presence in circular:** YES

Requirement 11

- **Obligation:** Nav must facilitate that participants can try themselves in ordinary employment (arbeid inntil 50% can be combined with continued participation; above 50% constitutes factual grounds for temporary interruption).
- **Source instrument:** Circular — Rundskriv 35, § 4.34.2.2

- **Explicit/Implicit:** Explicit
- **Textual presence in circular:** YES

Requirement 12

- **Obligation:** Where a participant is to execute a criminal sentence, Nav must clarify whether sentence execution can be combined with continued programme participation or constitutes grounds for interruption or termination.
- **Source instrument:** Circular — Rundskriv 35, § 4.34.2.4
- **Explicit/Implicit:** Explicit
- **Textual presence in circular:** YES

Requirement 13

- **Obligation:** Where a participant makes a claim for arbeidsavklaringspenger, uføretrygd, or overgangsstønad, Nav must conduct a concrete assessment of whether there are grounds to interrupt or terminate the programme.
- **Source instrument:** Circular — Rundskriv 35, § 4.34.2.5
- **Explicit/Implicit:** Explicit
- **Textual presence in circular:** YES

Requirement 14

- **Obligation:** Nav offices in the municipalities affected by a participant's relocation should (bør) cooperate to facilitate the move so that relocation does not have adverse consequences for the participant.
- **Source instrument:** Circular — Rundskriv 35, § 4.34.2.6 (permissive language: bør)
- **Explicit/Implicit:** Explicit, but in permissive register
- **Textual presence in circular:** YES (bør)

Requirement 15

- **Obligation:** The Nav office in the new municipality should (bør), in cooperation with the participant, assess whether the qualification programme can be continued or whether it is more appropriate to grant a new programme.
- **Source instrument:** Circular — Rundskriv 35, § 4.34.2.6 (permissive language: bør); actual statutory authority derives from §§ 29–30, not § 34
- **Explicit/Implicit:** Explicit, but in permissive register
- **Textual presence in circular:** YES (bør)

Requirement 16

- **Obligation:** Where a participant has extensive absence, Nav must assess whether the absence is compatible with continued participation, or whether it constitutes factual grounds for interruption or termination.
- **Source instrument:** Circular — Rundskriv 35, § 4.34.2.7
- **Explicit/Implicit:** Explicit
- **Textual presence in circular:** YES

Requirement 17

- **Obligation:** If the qualification programme is stopped, separately granted § 17 guidance and counseling services must either continue in accordance with the § 17 decision or be terminated on independent grounds.
- **Source instrument:** Veileder til sosialtjenesteloven § 17 — category (b) in the source typology
- **Explicit/Implicit:** Explicit in its source instrument; entirely implicit and invisible within the § 34 circular framework
- **Textual presence in circular:** NO — this requirement has no textual presence in the § 34 circular paragraph at all

---

STEP 2 — LEGAL AUTHORITY CHECK

Requirement 1

- *Direction 1 — Circular authority:* YES
- *Direction 2 — Statutory authority:* YES — the obligation to conduct a concrete individual assessment before taking action is embedded in the open normative standard of § 34 ("saklig begrunnet") and reinforced by the general investigation duty in forvaltningsloven § 17
- *Double authority gap:* NO
- *Category error:* NO

Requirement 2

- *Direction 1 — Circular authority:* YES
- *Direction 2 — Statutory authority:* YES — classification of interruption and termination decisions as enkeltvedtak is anchored in forvaltningsloven § 2(1)(b) and the preparatory works to the Social Services Act
- *Double authority gap:* NO
- *Category error:* NO

Requirement 3

- *Direction 1 — Circular authority:* YES
- *Direction 2 — Statutory authority:* YES — the payment cessation rule flows directly from the relationship between § 34 (programme status) and § 35 (stønad as programme-conditional); it is a statutory consequence, not a circular construction
- *Double authority gap:* NO
- *Category error:* NO

Requirement 4

- *Direction 1 — Circular authority:* YES (placed in § 34 commentary, with cross-reference to § 30)
- *Direction 2 — Statutory authority:* PARTIAL — § 34 is entirely silent on deltakerbevis; the actual legal authority derives from § 30 of sosialtjenesteloven. The Process

Inflation Findings note: "§ 34 makes no mention of certificates and provides no authority for the obligation; its placement here is legally ambiguous because the requirement genuinely derives from § 30." The obligation is real; its placement in § 34 is legally imprecise.
- *Double authority gap:* NO (circular authority is present even if anchored in the wrong provision)
- *Category error:* NO — authority remains within sosialtjenesteloven, merely in the wrong paragraph

Requirement 5

- *Direction 1 — Circular authority:* YES
- *Direction 2 — Statutory authority:* YES — written advance notice is a reasonable and directly supported elaboration of forvaltningsloven § 16, which governs forhåndsvarsel
- *Double authority gap:* NO
- *Category error:* NO

Requirement 6

- *Direction 1 — Circular authority:* YES — the re-entry assessment requirement appears in the circular (§ 4.34.1.1)
- *Direction 2 — Statutory authority:* PARTIAL — § 34 grants open discretion for re-entry into a temporarily interrupted programme and prescribes no specific conditions. The circular introduces mandatory assessment of two fixed criteria (entry conditions + achievability within remaining time), converting open discretion into conditional assessment. The Process Inflation Findings explicitly flag this as shadow-binding: "the circular introduces conditional mandatory assessment elements with specific, fixed criteria, resulting in shadow-binding." Authority for the underlying assessment obligation is sound; authority for the specific criteria structure as obligatory conditions is not established in the statutory text.
- *Double authority gap:* NO (circular authority present)
- *Category error:* NO
- *Flag:* The PARTIAL statutory authority finding is consequential: it means the circular has expanded a procedural obligation beyond what the statute prescribes, without legislative mandate for the specific criteria framing.

Requirement 7

- *Direction 1 — Circular authority:* YES
- *Direction 2 — Statutory authority:* YES — forvaltningsloven § 2(1)(b) provides the procedural form authority; re-entry is a decision that affects a person's rights and obligations under a statutory programme
- *Double authority gap:* NO
- *Category error:* NO

Requirement 8

- *Direction 1 — Circular authority:* YES

- *Direction 2 — Statutory authority:* YES — the case-by-case assessment standard is the direct operationalization of the open normative standard "saklig begrunnet i forhold ved deltakeren" in § 34; the circular faithfully articulates what the standard demands
- *Double authority gap:* NO
- *Category error:* NO

Requirement 9

- *Direction 1 — Circular authority:* YES
- *Direction 2 — Statutory authority:* YES — the investigation duty when repeated interruptions arise is within the ambit of forvaltningsloven § 17 (utredningsplikt) and directly implements preparatory works guidance on the open § 34 standard
- *Double authority gap:* NO
- *Category error:* NO

Requirement 10

- *Direction 1 — Circular authority:* YES
- *Direction 2 — Statutory authority:* YES — the one-year mandatory termination rule is stated directly in the statutory text of § 34: "Kommunen skal også avslutte programmet dersom det har vært avbrutt i ett år." The circular restates what the statute compels.
- *Double authority gap:* NO
- *Category error:* NO

Requirement 11

- *Direction 1 — Circular authority:* YES
- *Direction 2 — Statutory authority:* YES (with note) — the positive facilitation duty ("må legge til rette") is consistent with the statutory framework, though the specific 50% threshold for work combination is an elaboration from the circular that goes beyond the statutory text of § 34. The core duty is supported by preparatory works.
- *Double authority gap:* NO
- *Category error:* NO

Requirement 12

- *Direction 1 — Circular authority:* YES
- *Direction 2 — Statutory authority:* YES — criminal sentence scenarios fall within the open normative standard of § 34; the assessment obligation is within the ambit of forvaltningsloven § 17 as applied through the § 34 standard. Cross-reference to § 29 commentary grounds this further.
- *Double authority gap:* NO
- *Category error:* NO

Requirement 13

- *Direction 1 — Circular authority:* YES

- *Direction 2 — Statutory authority:* YES — benefit transition scenarios are explicitly addressed in the circular's implementation of the "saklig begrunnet" standard, consistent with preparatory works guidance; no mandatory substantive outcome is prescribed
- *Double authority gap:* NO
- *Category error:* NO

Requirement 14

- *Direction 1 — Circular authority:* YES (in bør register — permissive)
- *Direction 2 — Statutory authority:* NO — § 34 addresses interruption and termination of programmes by a single municipality; it is entirely silent on inter-municipal cooperation duties. The Process Inflation Findings state: "The obligation to cooperate across municipal lines during a relocation is entirely unanchored in § 34, making the statutory basis for this requirement legally ambiguous." No provision of sosialtjenesteloven in the § 34 framework creates this cooperation duty. Potential anchor could be found in general administrative law and sosialtjenesteloven § 4 (coordination duties), but this is not established in the circular.
- *Double authority gap:* NO (circular authority present in bør form), but combination of bør language and absent statutory basis for a mandatory reading warrants a shadow-binding flag
- *Category error:* NO

Requirement 15

- *Direction 1 — Circular authority:* YES (in bør register — permissive)
- *Direction 2 — Statutory authority:* PARTIAL — § 34 is "completely silent on programme continuation in a new municipality" (Process Inflation Findings); actual authority "stems from §§ 29–30" for the eligibility re-assessment, not from § 34. The placement in § 34 commentary is legally imprecise; the substance has statutory support in another provision.
- *Double authority gap:* NO (circular authority present)
- *Category error:* NO — remains within sosialtjenesteloven, wrong paragraph

Requirement 16

- *Direction 1 — Circular authority:* YES
- *Direction 2 — Statutory authority:* YES — assessment of extensive absence is directly within the open normative standard of § 34 and forvaltningsloven § 17's investigation duty; preparatory works guidance is directly implemented
- *Double authority gap:* NO
- *Category error:* NO

Requirement 17

- *Direction 1 — Circular authority:* NO — this requirement has no presence whatsoever in the § 34 circular paragraph; it operates exclusively through the Veileder til sosialtjenesteloven § 17. This is a **first-order authority gap**: the requirement

functions within the § 34 operational context without any grounding in the § 34 normative framework.

- *Direction 2 — Statutory authority:* PARTIAL — the § 17 statutory provision (sosialtjenesteloven § 17) does support a duty to maintain separately granted guidance services. However, the intersection between § 34 programme termination and § 17 service continuation is not addressed in either statutory provision; it is an interpretive connection established only in the veileder. The authority for the § 17 service itself is sound; the authority for the specific operational rule about what happens to that service when a § 34 event occurs is sub-legal.
- **Double authority gap: YES** — circular authority ABSENT; statutory authority PARTIAL
- *Category error:* NO in the strictest sense (both provisions are within sosialtjenesteloven), but the requirement belongs structurally to a different statutory provision (§ 17) and its placement in the § 34 operational context via a veileder constitutes a **provision-crossing authority problem** that is analytically equivalent to a category error in its operational effect: caseworkers processing a § 34 decision must comply with an obligation whose normative home is entirely elsewhere, without any guidance in the primary instrument governing their § 34 work.

STEP 3 — SCALE AND PROPORTIONALITY CHECK

Cross-referencing each requirement against the Anchor Document (Volume Driver Findings):

Requirements 1, 2, 3, 5, 7, 8, 10, 11, 12, 16: NO scale flag — none of these requirements are identified in the Anchor Document as presupposing organizational capacity or case volume an average municipality does not have. They are individually manageable assessment and documentation obligations that attach to events already being processed.

Requirement 4 (deltakerbevis): NO scale flag — issuing a certificate is a single administrative task at programme closure, does not presuppose specialist capacity or sustained volume.

Requirement 6 (re-entry assessment with fixed criteria): PARTIAL — not directly flagged in the Anchor Document for § 34. However, the broader [P] Procedural Continuity mechanism documented extensively in the Anchor Document applies structurally: where re-admissions are infrequent, the assessment pipeline with its specific fixed criteria (entry conditions + achievability within remaining time) may not become a routinized procedure. The Anchor Document notes that procedural pipelines triggered fewer than 10–15 times per year "cannot become habitual." Since the requirement lacks full statutory authority for its criteria structure (Step 2), any procedural burden it imposes operates outside a solidly grounded framework.

Requirement 9 (repeated interruptions assessment): PARTIAL — structurally related to the general assessment obligations, not specifically flagged. However, the Anchor Document's findings on [K] Competence Sustainability are relevant: in small offices where the qualification programme serves few participants, the scenario of "repeated temporary

interruptions" may be encountered so rarely that the assessment standard is never internalized.

Requirement 13 (benefit transition assessment): PARTIAL — the Anchor Document documents extensively that assessments involving concurrent benefit systems (AAP, uføretrygd, overgangsstønad) require intersecting legal competence from different statutory frameworks. The specialization findings under [S] and [K] in the Anchor Document — particularly the documentation that small offices lack competence to navigate complex concurrent benefit scenarios — apply structurally, though not specifically to § 34.

Requirement 14 (inter-municipal cooperation): YES — this requirement directly maps to the Anchor Document's Cluster 2 and the [C] Coordination Infrastructure mechanism. The Anchor Document documents across dozens of findings that "formalized inter-agency coordination agreements" produce sanctions "when small municipalities rely on informal case-by-case contact." Requirements 14 and 15 impose an inter-office coordination demand that the Anchor Document explicitly identifies as structurally disproportionate for small offices. Specifically: "the requirement for systematic, written inter-agency cooperation is not explicitly stated in sosialtjenesteloven. It derives from interpretive expectations in supervisory methodology." Since Requirement 14 lacks statutory authority for its mandatory reading (Step 2), the scale-related burden it imposes is doubly unsupported: neither the circular framework nor the statute provides the authority foundation for the coordination demand being placed on small municipalities.

Requirement 15 (new municipality assessment): PARTIAL — same [C] reasoning applies as for Requirement 14. The receiving municipality is expected to conduct a structured cooperative assessment without statutory authority specifically grounded in § 34 and in the context of a coordination demand that the Anchor Document identifies as structurally disproportionate.

Requirement 17 (§ 17 continuation after § 34 event): YES — this is the strongest scale flag in the session. The Anchor Document treats § 17 economic guidance as the single most volume-sensitive service domain in the entire dataset, generating the highest concentration of compliance failures across all municipalities. The Anchor Document states explicitly that "debt counseling under § 17 is the single most volume-sensitive service domain in the dataset" and that the compliance architecture for § 17 services "overwhelms small offices." Requirement 17 imports the full complexity of the § 17 compliance framework into the § 34 operational context through a veileder, without any circular guidance for caseworkers processing § 34 decisions. The transaction cost it imposes — requiring a parallel § 17 legal analysis during a § 34 termination proceeding — falls entirely outside any framework the § 34 circular provides guidance for. As the Anchor Document documents, the specific competence to distinguish § 17 service levels, assess continuation obligations, and issue correct § 17 decisions degrades severely in small offices that process few such cases. Requiring that competence to be exercised during § 34 proceedings, based solely on a veileder cross-reference that the § 34 circular does not acknowledge, imposes structural disproportionality without regulatory foundation.

STEP 4 — PURPOSE CLASSIFICATION

Requirement 1: [USER NEED] — The concrete assessment obligation directly protects the participant from arbitrary or insufficiently reasoned interruption or termination. It is the procedural embodiment of the "saklig begrunnet" standard, which exists entirely to ensure the participant's legal security. No internal control function.

Requirement 2: [USER NEED] — Enkeltvedtak classification exists primarily to give the participant enforceable appeal rights and the procedural protections of forvaltningsloven. While documentation serves the record, the primary function is the user's legal security: "Et så inngripende vedtak som stans" must be formally appealable.

Requirement 3: [USER NEED] — Direct financial protection. The cessation of stønad upon interruption or termination is a statutory consequence that protects the integrity of the conditional benefit system. It is not a documentation or reporting obligation.

Requirement 4: [MIXED] — Primary purpose: **User need** — the deltakerbevis documents the participant's completed programme participation, a credential with real labor-market and rights-protection value for the participant. Secondary purpose: **Internal control** — the certificate simultaneously serves as a formal administrative closure record for the programme file. The user-serving dimension is primary because the certificate's primary function is portable documentation for the participant, not internal record-keeping for Nav.

Requirement 5: [USER NEED] — Written advance notice exists entirely to give the participant a realistic opportunity to prepare a defense before a severely consequential decision. The circular language is explicit: "I forhold til et så inngripende vedtak som stans, vil det være urimelig å ikke la deltakeren få anledning til å uttale seg." The written form requirement serves this purpose by creating a documented, clear communication that the participant can respond to. No internal control function is present.

Requirement 6: [MIXED] — Primary purpose: **User need** — assessing whether entry conditions are still met and whether the work goal is achievable protects the participant's interest in meaningful programme continuation. Secondary purpose: **Internal control** — the specific criteria structure converts what should be an open assessment into a documented evaluation that serves administrative accountability and appealability. The shadow-binding identified in Step 2 means the internal control dimension of the criteria structure — ensuring documentable, auditable assessment — may be operating more strongly than the user need dimension in practice, particularly since the criteria limit rather than expand the caseworker's discretion.

Requirement 7: [MIXED] — Primary: **User need** — the re-admission decision as enkeltvedtak gives the participant appeal rights and a reasoned explanation. Secondary: **Internal control** — documentation of the re-admission assessment serves the internal accountability system. User need is primary because the decision directly affects the participant's program rights.

Requirement 8: [USER NEED] — Affirming the case-by-case assessment standard is entirely user-protective: it prevents standardized or template-based decisions that might not

reflect the participant's actual situation. The circular language ("Hva som er en saklig grunn må vurderes i hvert enkelt tilfelle") directly implements the individualization principle. No internal control function.

Requirement 9: [USER NEED] — The duty to re-examine eligibility conditions after repeated interruptions protects both the participant (ensuring continued engagement is appropriate) and the legal integrity of the programme. The investigation is triggered by the participant's circumstances, not by administrative reporting needs.

Requirement 10: [USER NEED] — The one-year mandatory termination rule is user-protective in the sense that it creates a clear, certain legal threshold that the participant can rely upon and plan around. It also creates certainty about when programme benefits cease, protecting system integrity. No internal control dimension.

Requirement 11: [USER NEED] — The positive facilitation duty for work tryouts is directly and entirely focused on the participant's transition toward employment. It creates an affirmative obligation on Nav to enable, not merely permit, work experimentation. No internal control dimension.

Requirement 12: [USER NEED] — The criminal sentence scenario assessment obligation is entirely user-protective: it prevents automatic termination based on legally irrelevant facts and requires genuine individual assessment. No internal control dimension.

Requirement 13: [USER NEED] — The benefit transition scenario assessment directly protects the participant by requiring individualized evaluation rather than automatic programme termination upon application for another benefit. The circular correctly notes that application does not equal grant, and that substantive assessment is required. No internal control dimension.

Requirement 14: [MIXED] — Primary: **User need** — the cooperation duty between municipalities during relocation is framed entirely in terms of protecting the participant from adverse consequences ("tilrettelegge for at flyttingen ikke får uheldige konsekvenser for deltakeren"). Secondary: **Internal control** — the inter-office coordination process requires documentation, handover, and formal communication between offices, serving administrative record-keeping. However, since the obligation appears in permissive (bør) language and lacks statutory grounding in § 34 (Step 2), its practical manifestation may generate coordination overhead that serves internal administrative accountability more than participant welfare, particularly in cases where informal coordination between offices already achieves the user-protective result.

Requirement 15: [MIXED] — Primary: **User need** — cooperative assessment of programme continuation serves the participant's interest in seamless programme experience across municipal boundaries. Secondary: **Internal control** — the structured assessment in the new municipality serves as a documented re-examination of programme appropriateness. Since authority derives from §§ 29–30 rather than § 34, and since the bør language makes this permissive, the internal control dimension of formalizing this into a documented collaborative assessment may exceed what the user need dimension requires.

Requirement 16: [USER NEED] — Assessment of absence compatibility is user-protective: it prevents both premature termination of a programme a participant can still benefit from, and perpetuation of a programme that is no longer serving the participant. The investigation obligation serves the participant's legal security directly.

Requirement 17: [MIXED] — Primary: **User need** — ensuring that separately granted § 17 guidance services are not inadvertently terminated by a § 34 event protects a distinct statutory entitlement of the participant. Secondary: **Internal control** — the requirement to formally assess § 17 service status as a separate administrative step during § 34 proceedings serves documentation and legal accountability functions, particularly regarding the boundaries between two distinct administrative tracks. However, because Requirement 17 has no circular authority in the § 34 framework (Step 2), its internal control dimension — requiring caseworkers to conduct and document a parallel § 17 legal analysis — operates without regulatory guidance, generating documentation overhead that the § 34 circular framework provides no basis for navigating.

STEP 5 — TRANSACTION COST CHARACTERIZATION

Requirements classified as [INTERNAL CONTROL] or [MIXED]: Requirements 4, 6, 7, 14, 15, 17.

Requirement 4 — Deltakerbevis: Caseworker must, upon programme termination, assess whether the participant commenced the programme (a factual determination), then produce and issue a formal participant certificate in accordance with § 30 standards. The administrative demand is modest in isolation — a single closure-stage document — but requires familiarity with the § 30 framework (which the § 34 circular references but does not independently govern). The transaction cost is low and the user-serving dimension is primary, but the placement of this obligation in § 34 commentary without independent § 34 authority means caseworkers working from the § 34 framework lack circular guidance on the certificate's specific content and formal requirements. *No note on absence of circular guidance beyond the cross-reference to § 30 is required, as the circular does acknowledge the connection.*

Requirement 6 — Re-entry assessment with fixed criteria: Caseworker must, before any re-admission decision, specifically examine and document (a) whether entry conditions under §§ 29–30 are still fulfilled, and (b) whether the work goal is achievable within the remaining programme time. Both assessments must be reflected in the re-admission vedtak reasoning. This demands that the caseworker have sufficient familiarity with the § 29–30 entry criteria framework to apply it in a §-34 re-entry context, and sufficient programme-history knowledge to calculate remaining programme time and assess goal achievability. The shadow-binding identified in Steps 2 and 4 means these assessments function as mandatory gate conditions, not merely relevant considerations — increasing the documentation burden beyond what the statute's open discretion would require. *Note: the specific criteria structure lacks full statutory authority (Step 2 — PARTIAL). The transaction cost imposed by these criteria operates within circular authority but beyond statutory warrant.*

Requirement 7 — Re-admission vedtak: Caseworker or Nav leader must formulate a separate formal enkeltvedtak for re-admission, with stated legal reasoning and appeal rights notification. This produces a second administrative decision event (in addition to the interruption vedtak already required) for what may be an entirely routine re-entry to a temporarily suspended programme. The demand is: identify legal basis, assess and document fulfillment of the Requirement 6 criteria, formulate the decision in forvaltningsloven-compliant form, communicate appeal rights. In small offices where the Nav leader is simultaneously the caseworker and decision-approver, this produces a self-approval situation structurally analogous to the [C] coordination failures documented extensively in the Anchor Document.

Requirement 14 — Inter-municipal cooperation on relocation: Nav leader in the sending municipality must: identify the receiving Nav office; initiate formal or semi-formal inter-office contact; coordinate information transfer about the participant's programme status, individual plan, and pending proceedings; facilitate continuity of the programme where possible; and document that coordination occurred. In practice, this demands that a Nav leader in a small municipality — already resource-constrained — initiate and manage a cross-municipal administrative coordination process with an office that may itself be resource-constrained. The Anchor Document confirms that this type of coordination demand, when not matched by informal personal relationships between offices, generates [C] compliance failures and documentation overhead. The transaction cost of this requirement falls entirely outside any firm regulatory foundation: since § 34 provides no statutory authority for the inter-municipal cooperation duty (Step 2), caseworkers and Nav leaders must comply with an obligation that the primary normative instrument governing their § 34 work does not address, without guidance on what adequate cooperation looks like, what must be documented, or how conflicts between municipal programmes should be resolved.

Requirement 15 — New municipality re-assessment: Nav leader and caseworker in the receiving municipality must: identify the transferred participant; access or obtain the prior programme history; convene a structured assessment with the participant; determine whether the original programme can be continued (and if so, within what remaining time) or whether a new programme application is more appropriate; and document this cooperative assessment. This represents a significant intake and assessment workload triggered by an administrative event (another municipality's § 34 interruption) rather than a new application. The Anchor Document's [C] mechanism findings confirm that structured programme-continuation assessments in receiving municipalities are among the coordination demands most prone to failure in small offices. Since the statutory authority for this obligation rests in §§ 29–30 rather than § 34 (Step 2 — PARTIAL), caseworkers in the new municipality working from the § 34 framework are implementing an obligation whose circular home is elsewhere, without the § 34 circular providing any procedural guidance for the reception-municipality's obligations.

Requirement 17 — § 17 continuation assessment: When a § 34 decision is being processed, caseworker or Nav leader must additionally: (a) identify whether any § 17 guidance or counseling services have been granted to the participant in a separate vedtak; (b) conduct a legal assessment of whether the § 34 event (interruption or termination) constitutes independent grounds for terminating those § 17 services, or whether they must continue; (c) if continuation is required, ensure the § 17 vedtak remains operative and

payments/services continue; (d) if independent termination is required, initiate a separate § 17 termination process with its own forvaltningsloven requirements. This doubles the administrative processing load at the § 34 decision point by requiring a parallel § 17 legal track, without any guidance in the § 34 circular on how to conduct this parallel assessment, what the criteria are, or what documentation is required. The Anchor Document documents that § 17 assessments are the most frequently failing, most volume-sensitive, most technically demanding service domain in the dataset. The requirement forces caseworkers to exercise precisely this demanding competence at the moment of a § 34 decision, based solely on a veileder cross-reference that the § 34 circular does not contain. *Critical note: the transaction cost imposed by Requirement 17 falls entirely outside any framework the § 34 circular provides guidance for. Caseworkers must comply with an obligation — of high technical complexity, in the most challenging compliance domain in the NAV system — that the primary normative instrument governing their § 34 work does not address.*

STEP 6 — CATALOG ENTRIES

REQUIREMENT ID: § 34 — Req. 1

PROVISION TEXT: Nav must conduct a concrete individual assessment of whether there are grounds to temporarily interrupt or terminate the qualification programme before taking action.

SOURCE INSTRUMENT: Circular — Rundskriv 35, § 4.34.1

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — § 34 "saklig begrunnet" standard + forvaltningsloven § 17 utredningsplikt

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: NO

PURPOSE: USER NEED

BURDEN DESCRIPTION: No transaction cost burden identified. The concrete assessment obligation is the procedural core of the legal standard itself; it does not impose documentation overhead distinct from the decision-making it serves.

KILL LIST CLASSIFICATION: No Kill List Action

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: § 34 — Req. 2

PROVISION TEXT: Decisions to temporarily interrupt or terminate the qualification programme and associated stønad must be formulated as enkeltvedtak, subject to appeal to Statsforvalteren.

SOURCE INSTRUMENT: Circular — Rundskriv 35, § 4.34.1.1

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — forvaltningsloven § 2(1)(b); preparatory works to sosialtjenesteloven

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: NO

PURPOSE: USER NEED

BURDEN DESCRIPTION: No transaction cost burden identified. Enkeltvedtak formulation is the legally required form for a decision of this type; the documentation it requires is inseparable from the user-protective purpose of the obligation.

KILL LIST CLASSIFICATION: No Kill List Action

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: § 34 — Req. 3

PROVISION TEXT: Upon temporary interruption or termination, payment of kvalifiseringsstønad must immediately cease.

SOURCE INSTRUMENT: Circular — Rundskriv 35, § 4.34.1 (statutory consequence; § 34 read in conjunction with § 35)

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — statutory consequence flowing from § 34/§ 35 relationship

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: NO

PURPOSE: USER NEED — the certainty and immediacy of the payment cessation rule is a legal protection, not an administrative convenience; participants and Nav both benefit from clear, automatic consequences.

BURDEN DESCRIPTION: No transaction cost burden identified. The payment cessation is a direct statutory consequence, not an additional administrative step; it requires instruction to the payment system, which is operationally inseparable from the decision itself.

KILL LIST CLASSIFICATION: No Kill List Action

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: § 34 — Req. 4

PROVISION TEXT: If the qualification programme is terminated, a participant certificate (deltakerbevis) must be issued, unless the participant never commenced the programme.

SOURCE INSTRUMENT: Circular — Rundskriv 35, § 4.34.1 (with cross-reference to § 30); actual legal authority derives from § 30, not § 34

CIRCULAR AUTHORITY: PRESENT (via cross-reference; § 34 circular acknowledges but does not independently establish this obligation)

LEGAL AUTHORITY: PARTIAL — § 34 is entirely silent on deltakerbevis; authority rests in § 30. The obligation is legally grounded; its placement in § 34 commentary is legally imprecise. Finding: Process Inflation Findings, Req. 4: "§ 34 makes no mention of certificates and provides no authority for the obligation."

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO (authority remains within sosialtjenesteloven; wrong paragraph, not wrong law)

SCALE FLAG: NO

PURPOSE: MIXED — User need primary (portable credential for participant); internal control secondary (administrative closure record)

BURDEN DESCRIPTION: Caseworker must, at programme termination, determine whether the participant commenced the programme, then produce and issue a certificate meeting the § 30 formal standards. The circular cross-reference does not itself provide guidance on certificate content; caseworkers must navigate to the § 30 commentary for the operative requirements. Modest documentation overhead; the primary burden is navigational — the obligation appears in § 34 commentary but is governed by § 30.

KILL LIST CLASSIFICATION: Category C — Clarification. The obligation is legally real and user-serving, but its authority basis (§ 30) and content requirements are not visible from the § 34 framework in which it is placed. Caseworkers need explicit cross-referencing guidance

in the § 34 commentary, or the requirement should be reformulated to state plainly that the deltakerbevis obligation derives from and is governed by § 30.

TRANSACTION COST CATEGORY: Documentation Inflation (minor; primarily navigational overhead from misplaced provision placement)

REQUIREMENT ID: § 34 — Req. 5

PROVISION TEXT: Advance notice (forhåndsvarsel) must as a general rule be given in written form before a decision to interrupt or terminate the programme.

SOURCE INSTRUMENT: Circular — Rundskriv 35, § 4.34.1.1 (elaborating forvaltningsloven § 16)

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — directly elaborates forvaltningsloven § 16; written form is a reasonable and proportionate specification of the notice requirement for a severely consequential decision

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: NO

PURPOSE: USER NEED — written advance notice exists entirely to enable the participant to prepare an adequate response to a potentially program-ending decision. The circular's explicit justification ("urimelig å ikke la deltakeren få anledning til å uttale seg") confirms this purpose.

BURDEN DESCRIPTION: No transaction cost burden identified. Written advance notice is a direct user-protective procedural requirement inseparable from the legal security the forvaltningsloven § 16 duty is designed to provide.

KILL LIST CLASSIFICATION: No Kill List Action

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: § 34 — Req. 6

PROVISION TEXT: Before re-admitting a participant to a temporarily interrupted programme, Nav must specifically assess: (a) whether entry conditions remain fulfilled, and (b) whether the work goal is achievable within the remaining programme time.

SOURCE INSTRUMENT: Circular — Rundskriv 35, § 4.34.1.1

CIRCULAR AUTHORITY: PRESENT — but the specific criteria structure converts open discretion into conditional mandatory assessment

LEGAL AUTHORITY: PARTIAL — § 34 grants open discretion for re-entry to a temporarily interrupted programme; the statute prescribes no specific conditions for re-admission. The circular introduces fixed criteria that shadow-bind this discretion without statutory mandate. Process Inflation Findings, Req. 6: "the statute grants open discretion to resume a program and prescribes no conditions for readmission, but the circular introduces conditional mandatory assessment elements with specific, fixed criteria, resulting in shadow-binding."

DOUBLE AUTHORITY GAP: NO (circular authority present)

CATEGORY ERROR: NO

SCALE FLAG: PARTIAL — where re-admissions are infrequent, the criteria-based assessment pipeline may not become routinized, consistent with the [P] mechanism in the Anchor Document. Since the criteria structure lacks full statutory authority, any procedural burden from the shadow-binding operates without statutory warrant.

PURPOSE: MIXED — User need primary (re-entry assessment protects participant from admission to a programme no longer appropriate for them); internal control secondary (criteria structure ensures documented, auditable assessment for appealability)

BURDEN DESCRIPTION: Caseworker must formally assess and document two specific criteria before any re-admission decision: (1) whether § 29–30 entry conditions remain met, requiring familiarity with those provisions' criteria; and (2) whether the remaining programme time is sufficient for the work goal to be achievable, requiring a programme-duration calculation and a substantive prognosis assessment. Both must be reflected in the re-admission vedtak reasoning. The criteria structure, by functioning as mandatory gate conditions rather than relevant considerations, requires documentation of a two-part legal analysis that the statute does not mandate in this form.

KILL LIST CLASSIFICATION: Category B — Status Change. The shadow-binding effect of the mandatory criteria structure should be removed by reformulating the provision to restore its advisory character: "Det kan i denne vurderingen være relevant å undersøke om inngangsvilkårene fortsatt er oppfylt og om målet om arbeid er oppnåelig innenfor den gjenværende tiden." This restores local discretion that the statute intended.

TRANSACTION COST CATEGORY: Procedural Duplication (the criteria-based assessment generates documentation overhead beyond what the open statutory standard requires)

REQUIREMENT ID: § 34 — Req. 7

PROVISION TEXT: Re-admission decisions must be formulated as enkeltvedtak with stated reasoning, subject to appeal to Statsforvalteren.

SOURCE INSTRUMENT: Circular — Rundskriv 35, § 4.34.1.1

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — forvaltningsloven § 2(1)(b) provides the form authority; re-admission materially affects the participant's programme rights and stønad entitlements

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: NO — although the self-approval problem documented in the Anchor Document applies structurally (single decision-maker must both assess and approve), this is a general small-office [C] constraint, not a scale flag specific to this requirement

PURPOSE: MIXED — User need primary (appeal rights and reasoned decision protect the participant); internal control secondary (dokumentation serves administrative accountability)

BURDEN DESCRIPTION: Caseworker or Nav leader must formulate a separate formal enkeltvedtak for re-admission, reflecting the Requirement 6 criteria assessments in the stated reasoning, and communicating appeal rights. In small offices where the same person conducts the assessment and approves the decision, this produces self-approval — a structural [C] compliance risk documented extensively in the Anchor Document. The requirement is legally grounded and user-serving; the burden is proportionate given the significance of the re-admission decision.

KILL LIST CLASSIFICATION: No Kill List Action

TRANSACTION COST CATEGORY: Documentation Inflation (minor; limited to the self-approval risk in micro-offices, which is structural rather than a deficiency in this requirement)

REQUIREMENT ID: § 34 — Req. 8

PROVISION TEXT: What constitutes a valid factual ground (saklig grunn) for interruption or termination must be assessed individually in each specific case; listed factors are guidance, not a closed set.

SOURCE INSTRUMENT: Circular — Rundskriv 35, § 4.34.2

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — directly implements the open normative standard "saklig begrunnet" in § 34; faithfully articulates what the statute requires

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: NO

PURPOSE: USER NEED — individualized assessment prevents standardization of termination grounds and protects the participant from decisions that do not reflect their specific situation

BURDEN DESCRIPTION: No transaction cost burden identified. Affirming the case-by-case assessment standard is the operationalization of the legal standard itself; it does not impose documentation overhead beyond what the decision requires.

KILL LIST CLASSIFICATION: No Kill List Action

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: § 34 — Req. 9

PROVISION TEXT: Where a participant has had repeated temporary interruptions, Nav must clarify whether conditions for continued participation are still present or whether there are factual grounds for termination.

SOURCE INSTRUMENT: Circular — Rundskriv 35, § 4.34.2

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — directly implements preparatory works guidance and forvaltningsloven § 17 utredningsplikt in the specific scenario of repeated interruptions

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: PARTIAL — in small municipalities with few KVP participants, the scenario of "repeated temporary interruptions" may be encountered so infrequently that the assessment standard is not internalized; consistent with the [K] competence sustainability mechanism in the Anchor Document

PURPOSE: USER NEED — the duty to re-examine eligibility after repeated interruptions protects the participant from continuation of a programme that has ceased to serve them, and from premature termination without adequate re-assessment

BURDEN DESCRIPTION: No transaction cost burden identified. The investigation duty is the direct procedural expression of the legal standard; it does not generate documentation overhead beyond the assessment the statutory situation already requires.

KILL LIST CLASSIFICATION: No Kill List Action

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: § 34 — Req. 10

PROVISION TEXT: If the programme has been temporarily interrupted for one year, Nav must issue a termination decision (vedtak).

SOURCE INSTRUMENT: Circular — Rundskriv 35, § 4.34.2; restating statutory text of § 34

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — directly replicates the statutory text: "Kommunen skal også avslutte programmet dersom det har vært avbrutt i ett år"

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: NO

PURPOSE: USER NEED — the mandatory one-year threshold creates a clear, certain rule that protects the participant's ability to plan and to seek new eligibility assessment

BURDEN DESCRIPTION: No transaction cost burden identified. The requirement is a mandatory statutory threshold that generates a specific, predictable administrative act; it does not impose discretionary assessment or documentation overhead.

KILL LIST CLASSIFICATION: No Kill List Action

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: § 34 — Req. 11

PROVISION TEXT: Nav must facilitate that participants can try themselves in ordinary employment; work up to 50% can be combined with continued participation; above 50% constitutes factual grounds for temporary interruption.

SOURCE INSTRUMENT: Circular — Rundskriv 35, § 4.34.2.2

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — positive facilitation duty is consistent with the statutory programme framework and preparatory works; the 50% threshold is a circular elaboration that is proportionate and does not exceed the statutory purpose. Core duty supported; specific threshold is a circular-layer operational rule.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: NO

PURPOSE: USER NEED — facilitating work tryouts is entirely directed at the participant's employment transition; the 50% threshold operationalizes the programme's core objective of moving participants toward ordinary employment

BURDEN DESCRIPTION: No transaction cost burden identified as distinct from the user-serving purpose. The facilitation duty is a positive operational obligation, not a documentation or reporting requirement. Applying the 50% threshold requires assessment but not documentation beyond the standard programme records.

KILL LIST CLASSIFICATION: No Kill List Action

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: § 34 — Req. 12

PROVISION TEXT: Where a participant is to execute a criminal sentence, Nav must clarify whether sentence execution can be combined with continued programme participation, or whether it constitutes grounds for temporary interruption or termination.

SOURCE INSTRUMENT: Circular — Rundskriv 35, § 4.34.2.4

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — within the ambit of the open § 34 normative standard; investigation duty grounded in forvaltningsloven § 17; cross-referenced to § 29 commentary which elaborates further

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: NO

PURPOSE: USER NEED — the assessment obligation prevents automatic, unconsidered programme termination based on a legally irrelevant circumstance (length and type of sentence may be entirely compatible with continued participation)

BURDEN DESCRIPTION: No transaction cost burden identified. The obligation to conduct a clarifying assessment before taking any action is the direct expression of the legal standard applied to this specific scenario.

KILL LIST CLASSIFICATION: No Kill List Action

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: § 34 — Req. 13

PROVISION TEXT: Where a participant makes a claim for AAP, uføretrygd, or overgangsstønad, Nav must conduct a concrete assessment of whether there are grounds to temporarily interrupt or terminate the programme.

SOURCE INSTRUMENT: Circular — Rundskriv 35, § 4.34.2.5

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — directly implements preparatory works guidance on the "saklig begrunnet" standard; no mandatory outcome is prescribed; application is correctly distinguished from grant

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: PARTIAL — in municipalities where concurrent benefit systems (AAP, uføretrygd) require cross-system competence, the assessment may require intersecting legal knowledge that small offices may not sustain; structurally consistent with the [K] competence sustainability mechanism documented in the Anchor Document for benefit-system navigation

PURPOSE: USER NEED — the assessment obligation protects the participant from premature or automatic termination based on an application rather than a confirmed outcome; it ensures genuine individual assessment

BURDEN DESCRIPTION: No transaction cost burden identified as distinct from the user-serving purpose. The assessment obligation is the standard case-by-case evaluation applied to a specific trigger scenario; no additional documentation overhead beyond the standard decision record.

KILL LIST CLASSIFICATION: No Kill List Action

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: § 34 — Req. 14

PROVISION TEXT: Nav offices in municipalities affected by a participant's relocation should (bør) cooperate to facilitate the move so that it does not have adverse consequences for the participant.

SOURCE INSTRUMENT: Circular — Rundskriv 35, § 4.34.2.6 (bør — permissive language)

CIRCULAR AUTHORITY: PRESENT (in permissive register only — bør, not skal)

LEGAL AUTHORITY: NO — § 34 is entirely silent on inter-municipal cooperation duties; no sosialtjenesteloven provision in the § 34 framework establishes this obligation. Process Inflation Findings, Req. 14: "entirely unanchored in § 34, making the statutory basis for this

requirement legally ambiguous." Potential general anchors exist (sosialtjenesteloven § 4; general forvaltningsloven coordination principles), but these are not established in the circular.

DOUBLE AUTHORITY GAP: NO — because circular authority is present in bør form. However: bør language in the circular + absent statutory authority creates a shadow-binding risk where the permissive guidance is treated as operationally mandatory in practice.

CATEGORY ERROR: NO

SCALE FLAG: YES — the inter-municipal coordination demand maps directly to the [C] Coordination Infrastructure mechanism in the Anchor Document, one of the most extensively documented volume drivers. The Anchor Document states: "formalized inter-agency coordination agreements produce sanctions when small municipalities rely on informal case-by-case contact." Since this requirement lacks statutory authority for any mandatory reading, the scale-related burden it imposes — contacting, coordinating, and documenting inter-office cooperation — is unsupported by the circular framework as a firm obligation, and therefore constitutes disproportionate coordination burden without regulatory foundation in the rare instances where small Nav offices attempt full compliance.

PURPOSE: MIXED — User need primary (protecting participant from adverse relocation consequences); internal control/coordination overhead secondary (documentation of inter-office coordination that may be required to demonstrate compliance if the bør language is read as practically mandatory)

BURDEN DESCRIPTION: Nav leader in the sending municipality must initiate contact with the receiving municipality's Nav office, coordinate information transfer about the participant's programme history, and document that coordination occurred. In small municipalities where the Nav leader is simultaneously frontline caseworker and manager, this coordination demand adds cross-municipal administrative overhead at precisely the moment of a programme disruption event. The Anchor Document confirms that cross-office coordination demands generate structural compliance failures in small offices. The obligation carries no circular guidance on what adequate cooperation entails, what must be documented, or what constitutes compliance — because no statutory framework undergirds it. Caseworkers must comply with a coordination obligation that the primary normative instrument governing their § 34 work does not substantively address.

KILL LIST CLASSIFICATION: Category B — Status Change. The bør language in the circular correctly reflects the absence of a binding statutory duty. However, if the formulation is being read in practice as operationally mandatory (shadow-binding), the provision should be reformulated to make the permissive, best-practice character explicit: "Det er god praksis at Nav-kontorene i berørte kommuner samarbeider..." — and the absence of a documentation requirement should be stated. The provision should not be removed, as the user-protective purpose is sound; but it should be clarified to prevent compliance overhead from an unanchored obligation.

TRANSACTION COST CATEGORY: Structural Disproportionality; Reporting Overhead

---

REQUIREMENT ID: § 34 — Req. 15

PROVISION TEXT: The Nav office in the new municipality should (bør), in cooperation with the participant, assess whether the qualification programme can be continued or whether it is more appropriate to grant a new programme.

SOURCE INSTRUMENT: Circular — Rundskriv 35, § 4.34.2.6 (bør — permissive language); actual statutory authority derives from §§ 29–30, not § 34

CIRCULAR AUTHORITY: PRESENT (permissive — bør)

LEGAL AUTHORITY: PARTIAL — § 34 is "completely silent on programme continuation in a new municipality" (Process Inflation Findings, Req. 15); authority derives from §§ 29–30. The substantive assessment obligation has a statutory foundation, but in a different provision; its placement in § 34 commentary is legally imprecise.

DOUBLE AUTHORITY GAP: NO (circular authority present)

CATEGORY ERROR: NO (remains within sosialtjenesteloven; wrong paragraph)

SCALE FLAG: PARTIAL — the receiving municipality's cooperative assessment of programme continuation maps to the [C] coordination infrastructure demand documented in the Anchor Document; receiving small offices may lack the organizational capacity to manage a structured collaborative re-assessment alongside their existing caseload

PURPOSE: MIXED — User need primary (continuation assessment directly serves the participant's interest in programme access after relocation); internal control secondary (structured assessment creates an administrative record for the re-assessment decision in the new municipality)

BURDEN DESCRIPTION: Nav leader and caseworker in the receiving municipality must: obtain programme history from the sending municipality; convene an assessment with the participant; determine whether the existing programme can continue within its remaining time or whether a new application is more appropriate; and document this assessment. This is triggered by an administrative event (another municipality's § 34 interruption decision) rather than a new application, meaning the receiving office bears intake and assessment costs not reflected in its application volume metrics. The statutory authority for this obligation rests in §§ 29–30; caseworkers in the new municipality working from the § 34 circular lack cross-provision guidance for managing this procedure, since the § 34 circular is not the normative home of the §§ 29–30 standards.

KILL LIST CLASSIFICATION: Category C — Clarification. The provision should be reformulated to make explicit that the receiving municipality's assessment obligation derives from §§ 29–30 (not § 34), and to state clearly what the receiving municipality must assess and what it may not be required to do. The bør language should be retained but accompanied by clear guidance on the minimum threshold for compliance, to prevent shadow-binding.

TRANSACTION COST CATEGORY: Structural Disproportionality; Documentation Inflation (provision-crossing navigational overhead)

REQUIREMENT ID: § 34 — Req. 16

PROVISION TEXT: Where a participant has extensive absence, Nav must assess whether the absence is compatible with continued programme participation, or whether it constitutes factual grounds for temporary interruption or termination.

SOURCE INSTRUMENT: Circular — Rundskriv 35, § 4.34.2.7

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — directly within the open normative standard of § 34 and forvaltningsloven § 17 utredningsplikt; preparatory works guidance is faithfully implemented

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: NO

PURPOSE: USER NEED — the absence assessment protects the participant from both premature termination and from formal continuation of a programme that is no longer operational in practice; the example of illness creating uncertainty about programme completion is directly user-protective

BURDEN DESCRIPTION: No transaction cost burden identified. The assessment obligation is the standard case-by-case evaluation applied to the specific trigger scenario of extensive absence.

KILL LIST CLASSIFICATION: No Kill List Action

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: § 34 — Req. 17

PROVISION TEXT: If the qualification programme is stopped, separately granted § 17 guidance and counseling services must either continue in accordance with the § 17 decision or be terminated on independent grounds.

SOURCE INSTRUMENT: Veileder til sosialtjenesteloven § 17 — category (b): a veileder; not the § 34 circular

CIRCULAR AUTHORITY: ABSENT — this requirement has no textual presence in the § 34 circular paragraph whatsoever. This constitutes a first-order authority gap: the requirement operates in the § 34 operational context without any grounding in the § 34 normative framework. Consequence: caseworkers working from the § 34 circular cannot identify this obligation, cannot receive guidance on how to fulfill it, and cannot locate the criteria for

assessing § 17 service continuation — because the primary normative instrument governing their § 34 work does not address it.

LEGAL AUTHORITY: PARTIAL — § 17 sosialtjenesteloven supports a duty to maintain separately granted guidance services; the intersection between § 34 programme termination and § 17 service continuation is not addressed in either statutory provision. The specific operational rule is established only in the veileder, a sub-legal instrument. The user-protective purpose is sound, but the authority for imposing this requirement in the § 34 operational context through a veileder, without circular acknowledgment, is sub-legal.

DOUBLE AUTHORITY GAP: YES — circular authority ABSENT; legal authority PARTIAL

CATEGORY ERROR: NO in the strict sense (sosialtjenesteloven provisions throughout), but the requirement crosses statutory provisions (§ 17 into § 34) through a sub-legal instrument in a manner that functionally replicates a category error: caseworkers are required to exercise § 17 legal competence during § 34 proceedings without any bridge guidance in either circular.

SCALE FLAG: YES — § 17 economic guidance is the single most volume-sensitive domain in the entire Anchor Document. The Anchor Document documents: "debt counseling under § 17 is the single most volume-sensitive service domain in the dataset, accounting for an estimated 70–75% of all Set B entries." The specific competence required to assess § 17 service continuation — distinguishing service levels, understanding vedtak obligations under § 17, assessing whether continuation is required — is precisely the competence that the Anchor Document documents degrades most severely in small offices. Importing this competence requirement into the § 34 operational context through a veileder, without circular guidance, imposes structural disproportionality without regulatory foundation.

PURPOSE: MIXED — User need primary (ensuring the participant does not lose separately granted guidance services due to a § 34 administrative event is a genuine user protection); internal control secondary (the requirement to conduct a parallel § 17 legal analysis and document the outcome serves the administrative tracking function for separately granted services, without which the § 17 service record is incomplete)

BURDEN DESCRIPTION: Caseworker or Nav leader, when processing a § 34 interruption or termination, must additionally: (a) identify whether any § 17 services have been granted in a separate vedtak; (b) conduct an independent legal assessment of whether the § 34 event constitutes grounds for § 17 termination, or whether continuation is required; (c) if continuation is mandated, ensure the § 17 track remains active; (d) if independent termination is warranted, initiate a separate § 17 termination process with its own forvaltningsloven procedural requirements. This doubles the administrative processing load at the § 34 decision point. The obligation has no support in the § 34 circular; caseworkers must comply with a technically complex requirement — in the most demanding compliance domain in the NAV system — without any guidance from the primary normative instrument governing their § 34 work. In small offices where the same caseworker handles both § 34 and § 17 matters without specialist support, this compound obligation is structurally disproportionate.

KILL LIST CLASSIFICATION: Category A — Removal from the § 34 normative framework. The user-protective purpose of Requirement 17 is sound and should be retained, but the obligation should be relocated to its proper normative home: the § 17 circular and veileder should contain the operational rule about what happens to § 17 services upon a § 34 event, and the § 34 circular should contain a clear cross-reference to the § 17 circular on this point. In its current form — operative in the § 34 context, invisible in the § 34 circular, derived from a § 17 veileder — the requirement cannot function as a reliable normative instrument. Repeal from its current placement in the § 17 veileder's extension into § 34 proceedings; re-establish in the § 34 circular as an explicit cross-reference to the § 17 framework, with accessible guidance for caseworkers on the threshold for assessment.

TRANSACTION COST CATEGORY: Documentation Inflation; Combined Burden; Structural Disproportionality

---

CLOSING COMPARATIVE NOTE

Total requirements identified from Process Inflation Findings: 17

Requirements visible from the circular paragraph alone: 16 — all except Requirement 17

Double authority gaps: 1 — Requirement 17 (circular authority ABSENT; statutory authority PARTIAL)

Category errors (different legal domain): 0 — all requirements remain within sosialtjenesteloven or forvaltningsloven. However, Requirement 17 presents a **provision-crossing authority problem** that is analytically equivalent in its operational effect: it imports § 17 competence obligations into the § 34 processing context through a sub-legal instrument, without circular bridging, producing the same caseworker disorientation as a true category error.

Kill List breakdown:

- **Category A — Removal:** 1 requirement (Req. 17 — remove from § 34 veileder extension; re-establish as explicit circular cross-reference)
- **Category B — Status Change:** 2 requirements (Req. 6 — restore open discretion by removing shadow-binding criteria structure; Req. 14 — clarify permissive character to prevent shadow-binding of unanchored cooperation duty)
- **Category C — Clarification:** 2 requirements (Req. 4 — clarify that deltakerbevis authority derives from § 30 and redirect to that framework; Req. 15 — clarify that receiving-municipality assessment authority derives from §§ 29–30, not § 34)
- **No Kill List Action:** 12 requirements

Primary transaction cost categories by frequency:

1. **Documentation Inflation** — appears in Requirements 4, 7, 17 (3 entries)
2. **Structural Disproportionality** — appears in Requirements 14, 15, 17 (3 entries)

3. **Procedural Duplication** — appears in Requirement 6 (1 entry)
4. **Reporting Overhead** — appears in Requirement 14 (1 entry)
5. **Combined Burden** — appears in Requirement 17 (1 entry)
6. **No Transaction Cost Identified** — appears in Requirements 1, 2, 3, 5, 8, 9, 10, 11, 12, 13, 16 (11 entries)

Structural finding for the main report:

The § 34 circular is, by the standard of this audit, a relatively well-constructed normative instrument. The dominant transaction cost concerns do not arise from within the circular itself but from the **periphery of the circular framework**: a misplaced obligation (Requirement 4, properly belonging to § 30), a shadow-binding formulation that exceeds statutory mandate (Requirement 6), two permissive provisions that carry risks of being read as mandatory without statutory support (Requirements 14 and 15), and — most significantly — a veileder-derived requirement that operates entirely outside the § 34 circular framework while imposing the heaviest compound burden in the session (Requirement 17).

The central Kill List finding is that the § 34 circular does not cause the principal sludge in this domain; the principal sludge is caused by what falls **outside** the circular's boundaries: the importation of § 17 compliance obligations into § 34 proceedings through a sub-legal instrument, in the most challenging compliance domain in the NAV system, without any circular framework to guide, limit, or support caseworker compliance.

SLUDGE AUDIT — § 35 KVALIFISERINGSSTØNAD

Analytical Framework: Legal-Administrative Analyst, Norwegian Social Services (NAV)

PRELIMINARY METHODOLOGICAL NOTE

Requirement count from Process Inflation Findings vs. circular alone:

From the Process Inflation Findings (Reference Document), **10 requirements** are enumerable for § 35. Starting from the circular paragraph alone (Context Document — §§ 35, 4.35.1, 4.35.1.1, 4.35.2.1, and the regulation), a reader would independently identify at most **5 requirements**: the combined-vedtak obligation (R1), the information-about-reductions obligation (R2), the general saksbehandling requirement (R6), the stepchild exclusion (R7), and the foster child waiver condition (R8). The circular is completely silent on the remaining five requirements. This means **50% of the operational requirement landscape is invisible from the circular alone**, which is the core analytical value of using the Process Inflation Findings as the primary enumeration tool rather than the circular itself.

Requirements with no textual presence in the circular — source mapping:

Requirement	Source Instrument	Instrument Type
R3 — Separate §17 vedtak for tjeneste as tiltak	Veileder til sosialtjenesteloven § 17	(b) Veileder
R4 — Documenting advice/guidance in service decision	Veileder til sosialtjenesteloven § 17	(b) Veileder
R5 — Barnets beste documentation	Barnets beste — en veileder for deg som jobber i NAV	(b) Veileder
R9 — Active investigation of KVP eligibility	Kommunebrev 2025	(a) Kommunebrev
R10 — Sequential KVP assessment before activity conditions	Kommunebrev 2025	(a) Kommunebrev

This source mapping is carried forward into Step 2.

STEP 1 — IDENTIFICATION OF ALL REQUIREMENTS

R1

- **Exact obligation:** Kvalifiseringsstønaden, eventuelt med barnetillegget, innvilges i samme vedtak som kvalifiseringsprogrammet.
- **Source instrument:** Circular — R-35 Para 4.35.1.1 (DOC-REQ-35.1)
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** YES — present in 4.35.1.1

R2

- **Exact obligation:** I vedtaket skal det informeres om at stønaden kan reduseres på grunn av ugyldig fravær eller samordning med arbeidsinntekt mv. eller andre offentlige ytelser.
- **Source instrument:** Circular — R-35 Para 4.35.1.1 (DOC-REQ-35.2 = PROC-REQ-35.2)
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** YES

R3

- **Exact obligation:** Tjenesten som tiltak skal fattes i et eget vedtak etter sotjl. § 17, og ikke inngå i vedtaket om kvalifiseringsprogram etter sotjl. § 29.
- **Source instrument:** Veileder til sosialtjenesteloven § 17 (DOC-REQ-35.3 = PROC-REQ-35.7)
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** NO — entirely absent from the § 35 circular framework

R4

- **Exact obligation:** Hvis brukeren får opplysning, råd og veiledning i forbindelse med innvilgelse eller avslag av en annen tjeneste i sosialtjenesteloven, skal det i vedtaket som fattes om denne tjenesten fremgå hva som er gitt av opplysning, råd og veiledning.
- **Source instrument:** Veileder til sosialtjenesteloven § 17 (DOC-REQ-35.4)
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** NO — entirely absent from the § 35 circular framework

R5

- **Exact obligation:** For at andre skal kunne se hvilke vurderinger som er gjort og ha mulighet for å etterprøve vurderingene må barnets beste-vurderingene dokumenteres.
- **Source instrument:** Barnets beste — en veileder for deg som jobber i NAV (DOC-REQ-35.5)
- **Explicit or implicit:** Explicit

- **Textual presence in circular:** NO — entirely absent from the § 35 circular framework

R6

- **Exact obligation:** Nav-kontoret må følge de krav til saksbehandling som følger av denne loven, forvaltningsloven og uskrevne normer om god forvaltningsskikk.
- **Source instrument:** Circular — R-35 Para 4.35.1.1 (PROC-REQ-35.1)
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** YES — stated directly in 4.35.1.1

R7

- **Exact obligation:** Det skal ikke gis barnetillegg for ektefelles eller samboers særkullsbarn.
- **Source instrument:** Circular — R-35 Para 4.35.2.1 (PROC-REQ-35.3)
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** YES — stated in 4.35.2.1

R8

- **Exact obligation:** Betingelsen om at deltakeren må ha forsørget fosterbarnet i to år forut for krav om barnetillegg, kan fravikes hvis forsørgelsen er av varig karakter.
- **Source instrument:** Circular — R-35 Para 4.35.2.1 (PROC-REQ-35.4), mirroring FOR-2011-12-21-1471 § 3
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** YES — stated in 4.35.2.1 and in the regulation

R9

- **Exact obligation:** Nav-kontoret bør aktivt undersøke om personer som er i målgruppen kan ha rett på kvalifiseringsprogram, og gi hjelp til å søke der det er nødvendig.
- **Source instrument:** Kommunebrev 2025 (PROC-REQ-35.5)
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** NO — entirely absent from the § 35 circular framework

R10

- **Exact obligation:** Rett til kvalifiseringsprogram skal vurderes før det stilles vilkår om aktivitet.
- **Source instrument:** Kommunebrev 2025 (PROC-REQ-35.6)
- **Explicit or implicit:** Explicit
- **Textual presence in circular:** NO — entirely absent from the § 35 circular framework

---

STEP 2 — LEGAL AUTHORITY CHECK

R1

- **Direction 1 — Circular authority:** YES. Section 4.35.1.1 explicitly mandates the combined vedtak.
- **Direction 2 — Statutory authority:** NO/PARTIAL. The Process Inflation Finding states that "§ 35 is entirely silent on decision structure and contains no legal authority mandating the consolidation of these items into a single document." The statute regulates entitlement, not the form of its administrative execution. A partial connection can be drawn to general forvaltningsloven principles of coherent decision-making, but no specific statutory anchor exists in § 35 itself.
- **Double authority gap:** NO — circular authority is present. Statutory authority is PARTIAL only.

R2

- **Direction 1 — Circular authority:** YES. Section 4.35.1.1 explicitly contains the information obligation.
- **Direction 2 — Statutory authority:** PARTIAL. The Process Inflation Finding notes that "§ 35 contains no provision specifying information content obligations regarding future reductions; the substantive rules on reduction are found in §§ 36–38, not § 35." The obligation is defensible by analogy from the general forvaltningsloven duty to inform (fvl. § 11), but § 35 itself provides no anchor for the specific content requirement.
- **Double authority gap:** NO — circular authority is present.

R3

- **Direction 1 — Circular authority:** NO. The § 35 circular contains no provision on the structural separation of vedtak for §17 services. This constitutes a first-order authority gap: the requirement operates entirely outside the § 35 circular framework.
- **Direction 2 — Statutory authority:** NO. The Process Inflation Finding states that "§ 35 contains no provision on the form or separation of administrative decisions; the circular attempts to base this requirement under § 35 despite its actual statutory basis lying in §§ 17 and 29." The requirement is derived from a § 17 veileder but applied in the § 35 context without any cross-referencing statutory basis.
- **Double authority gap:** YES — circular authority ABSENT and statutory authority NO.
- **Additional finding:** The requirement belongs analytically to §§ 17 and 29, not § 35. Its appearance in the § 35 normative environment constitutes a category misplacement: the instrument of origin (§17 veileder) governs a different statutory provision from the one being analyzed.

R4

- **Direction 1 — Circular authority:** NO. The § 35 circular contains nothing about documenting advice and guidance content within a service decision. First-order authority gap confirmed.
- **Direction 2 — Statutory authority:** NO. The Process Inflation Finding states that "§ 35 lacks any statutory anchor or provision dictating the documentation of advice and guidance given in connection with service decisions; it is presented without authorizing text."
- **Double authority gap:** YES — circular authority ABSENT and statutory authority NO.
- **Additional finding:** Like R3, this requirement is sourced from a §17 veileder but operates in the § 35 context without any identified statutory basis in either provision.

R5

- **Direction 1 — Circular authority:** NO. The § 35 circular contains no structured documentation obligation for "barnets beste" assessments. First-order authority gap confirmed.
- **Direction 2 — Statutory authority:** NO. The Process Inflation Finding states that "§ 35 grants open evidence-discretion regarding the factual assessment of 'forsørger barn' but does not mandate or authorize a specific structured assessment model or documentation framework like 'barnets beste'." The statutory source for the best-interests principle lies in Grunnloven § 104 and Barnekonvensjonen art. 3, which do not of themselves mandate the specific documentation practice described.
- **Double authority gap:** YES — circular authority ABSENT and statutory authority NO for this specific documentation obligation.

R6

- **Direction 1 — Circular authority:** YES. Section 4.35.1.1 directly states this requirement.
- **Direction 2 — Statutory authority:** YES. The Process Inflation Finding states: "This requirement is a direct restatement of existing, broad statutory obligations binding on all public authorities, requiring no new legal authority from § 35." It rests on sosialtjenesteloven, forvaltningsloven, and established administrative law doctrine.
- **Double authority gap:** NO.

R7

- **Direction 1 — Circular authority:** YES. Section 4.35.2.1 explicitly states the stepchild exclusion.
- **Direction 2 — Statutory authority:** YES. This is a substantive legal rule that restates the content of FOR-2011-12-21-1471 § 3 and the general principle that the barnetillegg follows the forsørgelsesplikt. The circular correctly reflects the operative legal framework.
- **Double authority gap:** NO.

R8

- **Direction 1 — Circular authority:** YES. Section 4.35.2.1 and the regulation § 3 both establish this waiver condition.
- **Direction 2 — Statutory authority:** YES. FOR-2011-12-21-1471 § 3 explicitly authorizes the municipality to waive the two-year requirement where the foster arrangement is of permanent character, deriving its authority from sosialtjenesteloven § 35.
- **Double authority gap:** NO.

R9

- **Direction 1 — Circular authority:** NO. The § 35 circular is entirely silent on any pre-application outreach or investigation duty. First-order authority gap confirmed.
- **Direction 2 — Statutory authority:** NO. The Process Inflation Finding states that "§ 35 contains no provision establishing a duty for pre-application investigation or assistance; these legal obligations fall under §§ 29–30 and fvl. § 11, rendering the requirement's linkage to § 35 legally unsupported." Additionally, the Kommunebrev uses advisory language ("bør") rather than binding imperative language, which further undermines its normative authority as a legal obligation.
- **Double authority gap:** YES — circular authority ABSENT and statutory authority NO within § 35.

R10

- **Direction 1 — Circular authority:** NO. The § 35 circular contains no mandate regarding sequential ordering of assessments relative to activity conditions. First-order authority gap confirmed.
- **Direction 2 — Statutory authority:** NO. The Process Inflation Finding states that "§ 35 contains no mandate regarding the sequential ordering of assessments relative to activity conditions; it imposes a strict procedural sequence ('skal vurderes') without any textual anchor in § 35." The obligation is stated using binding imperative language in the Kommunebrev, but no statutory basis is identified for attaching this procedural sequence to § 35 specifically.
- **Double authority gap:** YES — circular authority ABSENT and statutory authority NO within § 35.

STEP 3 — SCALE AND PROPORTIONALITY CHECK

R1 — Combined vedtak The Anchor Document does not contain a specific finding on the combined-vedtak requirement under § 35. However, the dominant [D] Documentation Apparatus mechanism, identified as operating "in virtually every municipality" and generating the largest share of supervision findings, encompasses requirements about formal decision structure and document consolidation. The structural burden of maintaining specific IKT templates and document architecture for low-frequency KVP decisions (which are inherently volume-sensitive in smaller municipalities) is analogous to the [D] mechanism confirmed across debt counseling. **Scale flag: PARTIAL** — no specific KVP finding, but [D] mechanism

structural analogy applies from Anchor Document Section 2 (documentation apparatus dominant at ~42% of findings).

R2 — Forward-looking information in vedtak No specific finding addresses this obligation in relation to volume sensitivity. The obligation is a single fixed content element in the vedtak and does not compound with other requirements. **Scale flag: NO**

R3 — Separate §17 vedtak for tjeneste as tiltak The Anchor Document extensively documents that the requirement to produce separate formal vedtak for advisory services creates structural overload in small offices. The [D] + [P] cluster confirmed in Cluster 1 (debt counseling compliance stack) is directly structurally analogous: requiring a separate formal administrative decision for every service interaction imposes a burden that assumes back-office capacity proportional to caseload. The Anchor Document confirms this pattern across Midtre Gauldal, Skaun, Verdal, Årdal, and many others. **Scale flag: YES** — structurally related to [D]+[P] cluster confirmed in Anchor Document Part 3, Cluster 1. Since R3 also lacks circular authority (Step 2), any scale-related burden it imposes is unsupported by the circular framework and constitutes disproportionate burden without regulatory foundation.

R4 — Documenting advice in service decision Directly analogous to the [D] Documentation Apparatus findings across the dataset. The requirement to document what advice was provided within a formal service decision adds a documentation layer that small offices process too rarely to sustain as a habitual routine. The Anchor Document's Cluster 1 finding that generalist caseworkers "knew more about the users' situations than the journals reflected" applies structurally here. **Scale flag: YES** — structurally related to [D] mechanism, Anchor Document Part 2, Section 2 (documentation apparatus dominant). Since R4 also lacks circular authority (Step 2), the scale burden it imposes is unsupported by the circular framework.

R5 — Barnets beste documentation The Anchor Document explicitly identifies the child-perspective documentation cluster (Cluster 3 in both § 17/18 memos) as a confirmed volume driver at Tier 3. It specifically states: "The combination forces a generalist caseworker... to maintain specialized competence in child welfare law... document it exhaustively in every instance." The finding from Ringerike 2025 that even a large municipality fails the barnets beste assessment for young parents due to low encounter frequency with that demographic confirms mechanism [K]+[D] in precisely the domain this requirement operates. **Scale flag: YES** — directly confirmed in Anchor Document child-perspective documentation cluster, confirmed in 15+ findings (Anchor Document Section 2, Driver 5/Cluster 3). Since R5 also lacks circular authority (Step 2), the scale burden it imposes is unsupported by the circular framework.

R6 — General saksbehandling compliance This requirement is a restatement of existing law applicable to all municipalities regardless of scale. It does not presuppose case volume or organizational capacity beyond what is inherent in operating a NAV office. **Scale flag: NO**

R7 — Stepchild exclusion A categorical legal determination requiring no specialized assessment or ongoing documentation. Scale-neutral. **Scale flag: NO**

R8 — Foster child waiver A discretionary determination triggered only in specific and relatively rare factual circumstances. Does not presuppose organizational capacity beyond basic caseworker judgment. **Scale flag: NO**

R9 — Active pre-application investigation The Anchor Document explicitly identifies outreach work as a latent volume driver (Latent Driver 1 in the §17 memo: "outreach is inherently a higher-capacity function than reactive desk service, meaning the gap between normative expectation and operational reality may be larger here than anywhere else in the dataset"). Small offices are structurally unable to sustain dedicated field investigation roles alongside mandatory desk-bound case processing. The Anchor Document notes that this driver "may be systematically undersampled in Set B" because supervisors have not yet enforced it systematically. **Scale flag: YES** — directly analogous to latent Driver E (outreach/oppsøkende virksomhet) flagged in Anchor Document Part 4, Tier 3. Since R9 also lacks circular authority (Step 2), any scale burden it imposes is unsupported by the circular framework.

R10 — Sequential assessment before activity conditions The Anchor Document identifies procedural sequencing obligations ([P] Procedural Continuity) as the second most common mechanism in Set B (~18% of findings). The requirement that one assessment precede another imposes a procedural delay that assumes sufficient caseworker capacity to run parallel assessment streams in sequence rather than in integration. **Scale flag: PARTIAL** — structurally related to [P] mechanism confirmed across 25+ findings in Anchor Document Section 2. Since R10 also lacks circular authority (Step 2), any scale-related procedural burden falls outside the circular guidance framework.

STEP 4 — PURPOSE CLASSIFICATION

R1 — Combined vedtak [INTERNAL CONTROL] The language mandates administrative form — that a benefit and a program be administered through a single document. This serves document management, IKT system coherence, and administrative coordination. The user's entitlement to the benefit exists independently of whether it is granted in one or two documents; no user right is protected or endangered by the structural choice. The Process Inflation Finding characterizes this as dictating "administrative form by mandating that the benefit and the qualification program be consolidated into a single decision document." The primary purpose is administrative efficiency and systemic legibility, not user legal security.

R2 — Forward-looking information in vedtak [USER NEED] The requirement that users be explicitly informed, at the point of program entry, that their benefit may be reduced due to specific future circumstances directly serves the user's capacity to plan, exercise their rights, and prepare for regulatory consequences. This is user communication with legal security value. The Process Inflation Finding characterizes it as dictating "specific forward-looking information warnings," which, even if framed as a procedural content obligation, operates to protect the user's ability to understand their legal position.

R3 — Separate §17 vedtak [INTERNAL CONTROL] The requirement to issue a structurally separate administrative decision for a service-as-measure serves the internal architecture of

the administrative decision system: it maintains the legal separation of different statutory instruments (§§ 17 and 29) in the formal record. The user's right to the service and their right to appeal are not dependent on whether the service decision appears in a separate document or within the KVP vedtak. The requirement serves audit clarity and legal-structural coherence within the administration, not the user's case outcome. The Process Inflation Finding classifies this as governing "administrative structure by commanding that the service as a measure must be recorded in a separate decision document."

R4 — Documenting advice in service decision [MIXED] — Internal control primary, user communication secondary. The formal requirement to record what guidance was given creates a documentary record for administrative accountability and secondary verification. This is primarily an [INTERNAL CONTROL] function. However, a secondary user dimension exists: explicit documentation of what guidance was provided could support a user's appeal if the adequacy of guidance becomes contested. The primary framing in the source instrument ("for at andre skal kunne se... og ha mulighet for å etterprøve") reveals an audit-and-verification purpose. The user benefit is structural and incidental, not the animating purpose of the requirement.

R5 — Barnets beste documentation [INTERNAL CONTROL] The source instrument states the purpose explicitly: "for at andre skal kunne se hvilke vurderinger som er gjort og ha mulighet for å etterprøve vurderingene." The documentation requirement exists so that third parties can audit and verify the assessment — a supervision and accountability function internal to the administrative system. The actual barnets beste assessment itself serves the user; the documentation of that assessment for external verifiability serves the control system. These are analytically distinct, and the Process Inflation Finding correctly focuses the obligation on the documentation layer, not the assessment itself.

R6 — General saksbehandling [USER NEED] The requirement that NAV offices follow the Social Services Act, forvaltningsloven, and unwritten norms of good administrative practice directly and comprehensively protects users' rights to due process, fair assessment, reasoned decisions, and appeal. This is the foundational legal security guarantee for all users in the system. No internal control purpose is primary; the norms referenced exist specifically to protect individuals in their dealings with public authorities.

R7 — Stepchild exclusion [USER NEED] This establishes a categorical legal entitlement boundary. Its purpose is legal clarity about who qualifies for the barnetillegg, grounded in the principle that the supplement follows forsørgelsesplikt. It protects both those who have entitlements and the integrity of the legal system that defines them. It is a substantive legal rule, not an administrative process requirement.

R8 — Foster child waiver [USER NEED] The discretionary waiver condition protects program participants from a rigid eligibility rule that would produce unjust results in cases involving permanent foster arrangements of shorter formal duration. It serves the equitable treatment of individual users in atypical but legitimate circumstances. No internal control or reporting purpose is present.

R9 — Active pre-application investigation [MIXED] — User access primary, operational overhead secondary. The animating purpose of actively investigating whether individuals in the target group have a right to the KVP is user access to their legal entitlements — a

purpose directly aligned with the fundamental aims of the Social Services Act and forvaltningsloven § 11's duty to provide guidance. In that sense, the primary orientation is toward the user. However, the source instrument (Kommunebrev) uses advisory language ("bør"), and the operational burden it creates — systematic pre-application scanning, active identification, and application assistance — constitutes a significant process demand on the caseworker that does not directly flow from a case in progress. The secondary purpose, or at least consequence, is organizational performance signaling toward the Kommunebrev's sender.

R10 — Sequential assessment before activity conditions [USER NEED] The requirement that KVP eligibility be assessed before activity conditions are imposed under § 20 protects users from having activation obligations imposed on them before the municipality has determined whether they have a right to a more supportive and rights-based program. This is a substantive procedural protection that directly serves the user's legal position and prevents caseworkers from bypassing a more favorable legal pathway. The Process Inflation Finding correctly identifies this as a mandatory procedural sequence ("skal vurderes"), and the user-protective purpose is clear from the underlying policy logic.

STEP 5 — TRANSACTION COST CHARACTERIZATION

R1 — Combined vedtak [INTERNAL CONTROL] The caseworker must structure a single administrative document that formally grants both the qualification program (under § 29) and the benefit (under § 35), along with any applicable child supplement. In practice, this requires IKT template compliance and coordination between the program decision elements and the benefit calculation elements. In offices where IKT systems do not automatically produce combined documents — a realistic scenario given the state-municipal IT split documented throughout the Anchor Document — the caseworker must manually ensure that a procedurally correct combined document is produced. The burden is document architecture management, not substantive casework. Since the circular provides the only authority for this requirement, and since the circular itself gives no guidance on how to handle IKT system limitations that prevent seamless consolidation, caseworkers in technically under-resourced offices must comply with an obligation the circular mandates but does not operationally support.

R2 — Forward-looking information [USER NEED] No transaction cost burden is identified. The information obligation is a fixed content element added to a document already being produced. It imposes no separate documentation step or procedural stage.

R3 — Separate §17 vedtak [INTERNAL CONTROL] The caseworker must identify which elements of the KVP intervention constitute "tjenester som tiltak" under § 17, extract those elements from the consolidated KVP framework, and produce a structurally separate administrative decision under § 17 for those elements. This requires: (a) legal knowledge of the §17/§29 distinction; (b) separate document production; and (c) formal notification to the user of a second decision alongside the KVP vedtak. The duplication creates two appeals processes, two decision documents, and two administrative records for what the user experiences as a single service. This transaction cost falls entirely outside any framework

the § 35 circular provides guidance for: caseworkers must comply with an obligation sourced from a §17 veileder that has no presence in, and no support from, the normative instrument that primarily governs their work in the § 35 domain.

R4 — Documenting advice in service decision [MIXED, internal control primary] The caseworker must, within the service decision document, produce a documented record of what advice and guidance was provided to the user during the case. This requires a separate narrative section within the decision — beyond the standard decision structure — detailing the content of advisory conversations. For caseworkers processing cases where advice and guidance are interwoven with the service itself (as they frequently are in KVP onboarding), this requirement demands that informal, conversational work product be translated into a formal, verifiable administrative record. The transaction cost falls outside any framework the § 35 circular provides guidance for, since the requirement has no presence in that circular.

R5 — Barnets beste documentation [INTERNAL CONTROL] The caseworker must produce a written barnets beste assessment as a distinct and verifiable component of the case file — not merely conduct the assessment, but document it in a structured way that enables external verification. This adds a documentation layer to what might otherwise be an integrated factual assessment embedded in the vedtak. In cases involving young program participants with children, or participants who become parents during the program, the caseworker must create and maintain a specific documentary artifact that can withstand supervisory audit. The Anchor Document confirms that this documentation cluster is a confirmed volume driver affecting 15+ municipalities, particularly because "caseworkers knew more about the users' situations than the journals reflected." This transaction cost falls outside any framework the § 35 circular provides guidance for, since the requirement derives from a separate veileder with no anchor in the § 35 normative instrument.

R6 — General saksbehandling [USER NEED] No transaction cost burden is identified for this requirement. It is a restatement of existing legal obligations that caseworkers must comply with regardless of any specific circular provision.

R7 — Stepchild exclusion [USER NEED] No transaction cost burden is identified. The requirement establishes a categorical legal determination that caseworkers apply at the point of eligibility assessment.

R8 — Foster child waiver [USER NEED] No transaction cost burden is identified beyond the ordinary case assessment of whether the specific factual conditions are met. This is a standard substantive legal determination.

R9 — Active pre-application investigation [MIXED, user access primary] The caseworker or NAV leader must develop and maintain systematic processes for identifying individuals in the municipality who may be eligible for KVP but have not applied. This requires: (a) regular scanning of existing caseloads for potential KVP candidates; (b) proactive contact or outreach; and (c) assistance with the application process for identified individuals. In offices where KVP cases are a small fraction of total caseload — which the Anchor Document confirms is typical for smaller municipalities — this constitutes an ongoing, non-triggered administrative obligation that must be performed proactively rather than reactively. The Anchor Document's latent Driver E analysis notes that outreach is

"inherently a higher-capacity function than reactive desk service." Since this obligation has no presence in the § 35 circular, caseworkers must comply with an obligation sourced from a Kommunebrev that the primary normative instrument governing their work does not address and that produces no guidance on scope, frequency, or method.

R10 — Sequential assessment before activity conditions [USER NEED] No transaction cost burden is identified in the sense of internal control overhead. The procedural sequencing requirement protects the user by mandating a rights-check before imposing activation obligations. However, it does impose a procedural delay on the caseworker's process: activity conditions under § 20 cannot be set until the KVP assessment is complete, which may extend the time required to initiate activity measures. This is a legitimate user-protective cost with no sludge character.

STEP 6 — CATALOG ENTRIES

REQUIREMENT ID: §35-R1 **PROVISION TEXT:** Kvalifiseringsstønaden og barnetillegget innvilges i samme vedtak som kvalifiseringsprogrammet. **SOURCE INSTRUMENT:** Circular — Rundskriv 35, § 4.35.1.1 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — § 35 itself is silent on decision structure; circular authority provides the only operative basis; general forvaltningsloven principles offer indirect structural support. Finding: Process Inflation DOC-REQ-35.1. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — structurally related to [D] documentation apparatus dominant mechanism confirmed across dataset; low-frequency KVP case volumes in small offices create analogous routine-formation problems. Anchor Document Part 2, Section 2. **PURPOSE:** INTERNAL CONTROL — serves document architecture and administrative coherence; user entitlement to the benefit is independent of document structure. **BURDEN DESCRIPTION:** Caseworker must produce a formally combined vedtak integrating program and benefit elements; in IKT environments that do not support seamless consolidation, this requires manual document architecture compliance. The circular mandates the form but provides no guidance for IKT-related complications. **KILL LIST CLASSIFICATION:** Category C — Clarification: The circular mandates combined vedtak using imperative language without a clear statutory anchor in § 35. The room for maneuver — particularly where IKT systems constrain document consolidation — needs to be made explicit to reduce shadow binding on caseworkers. **TRANSACTION COST CATEGORY:** Documentation Inflation

---

REQUIREMENT ID: §35-R2 **PROVISION TEXT:** I vedtaket skal det informeres om at stønaden kan reduseres på grunn av ugyldig fravær eller samordning med arbeidsinntekt eller andre offentlige ytelser. **SOURCE INSTRUMENT:** Circular — Rundskriv 35, § 4.35.1.1 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — § 35 contains no content-specific information obligation; the substantive reduction rules are in §§ 36–38. The obligation is defensible under forvaltningsloven § 11 (duty to inform), but the specific content requirement is a circular elaboration, not a direct statutory mandate. Finding: Process

Inflation DOC-REQ-35.2. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO — single fixed content element; no volume-sensitive compliance cost identified. **PURPOSE:** USER NEED — directly serves users' capacity to understand their legal position, plan for contingencies, and exercise rights if reductions occur. **BURDEN DESCRIPTION:** No transaction cost burden identified. The obligation adds a fixed informational element to an existing document. **KILL LIST CLASSIFICATION:** No Kill List Action — user-protective purpose is served, circular provides guidance, and the obligation is proportionate. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: §35-R3 **PROVISION TEXT:** Tjenesten som tiltak skal fattes i et eget vedtak etter sosialtjenesteloven § 17, og ikke inngå i vedtaket om kvalifiseringsprogram etter sotjl. § 29. **SOURCE INSTRUMENT:** Veileder til sosialtjenesteloven § 17 (DOC-REQ-35.3 = PROC-REQ-35.7) **CIRCULAR AUTHORITY:** ABSENT — the § 35 circular contains no provision on the structural separation of vedtak for §17 services from KVP decisions. Consequence: the requirement operates entirely outside the normative framework that governs caseworkers' work in the § 35 domain, providing no circular-level guidance on when the obligation is triggered, how to execute it, or how to handle edge cases. **LEGAL AUTHORITY:** NO — § 35 contains no provision on the form or separation of administrative decisions. The requirement's actual statutory basis lies in §§ 17 and 29, not § 35. Its presence in the § 35 context is without authorizing text. Finding: Process Inflation DOC-REQ-35.3. **DOUBLE AUTHORITY GAP:** YES — circular authority ABSENT and legal authority NO within § 35. **CATEGORY ERROR:** YES — the requirement belongs to §§ 17 and 29, not § 35. Its source instrument (§17 veileder) governs a different statutory provision. Application to the § 35 context constitutes a category misplacement. **SCALE FLAG:** YES — structural analogy to [D]+[P] cluster (Anchor Document Cluster 1) confirmed across 30+ findings; requirement to issue separate formal vedtak for each service interaction is a primary source of documentation burden in small offices where such interactions are low-frequency. **PURPOSE:** INTERNAL CONTROL — serves administrative legal architecture and document separation; user right to appeal the service decision is not dependent on whether it appears in a separate document or within the KVP vedtak. **BURDEN DESCRIPTION:** Caseworker must identify the §17/§29 legal boundary within the KVP process, extract the service-as-measure element, and produce a second formal vedtak under § 17 alongside the KVP vedtak. This requires legal knowledge of an adjacent provision, separate document production, and dual user notification. The entire transaction cost falls outside any framework the § 35 circular provides guidance for — caseworkers comply with an obligation that the primary normative instrument governing their work does not address. **KILL LIST CLASSIFICATION:** Category A — Removal: The requirement lacks both circular authority and legal authority within § 35. It derives from a §17 veileder and is categorically misplaced in the § 35 normative context. It is a candidate for repeal from the § 35 social services normative framework. The substantive requirement (separate §17 vedtak) may be legitimate in its home domain; the issue is its unanchored application to § 35 casework. **TRANSACTION COST CATEGORY:** Documentation Inflation; Procedural Duplication

---

REQUIREMENT ID: §35-R4 **PROVISION TEXT:** Hvis brukeren får opplysning, råd og veiledning i forbindelse med innvilgelse eller avslag av en annen tjeneste, skal det i vedtaket fremgå hva som er gitt av opplysning, råd og veiledning. **SOURCE INSTRUMENT:** Veileder til sosialtjenesteloven § 17 (DOC-REQ-35.4) **CIRCULAR AUTHORITY:** ABSENT — the § 35 circular contains no provision on documenting advice and guidance content within service decisions. Consequence: caseworkers must comply with an obligation sourced from a §17 veileder that the § 35 normative instrument does not address, support, or provide scope guidance for. **LEGAL AUTHORITY:** NO — § 35 lacks any statutory anchor for this documentation obligation. The requirement is presented without authorizing text in the § 35 context. Finding: Process Inflation DOC-REQ-35.4. **DOUBLE AUTHORITY GAP:** YES — circular authority ABSENT and legal authority NO within § 35. **CATEGORY ERROR:** YES — the requirement belongs to the § 17 advisory services domain; its source instrument (§17 veileder) governs a different statutory provision. **SCALE FLAG:** YES — directly related to [D] Documentation Apparatus dominant mechanism; requiring documentation of advisory conversations within formal decisions is one of the primary recurring sanctions confirmed across 40+ findings in the Anchor Document. **PURPOSE:** MIXED — internal control primary, user communication secondary. The source instrument's stated purpose ("for at andre skal kunne se") reveals an audit function. A secondary user dimension (supporting appeal on adequacy of guidance) is structural and incidental. **BURDEN DESCRIPTION:** Caseworker must produce an additional narrative section within the service vedtak documenting the content of advisory conversations with sufficient specificity for external verification. For caseworkers whose advisory work is conversational and integrated with service delivery, this requires translation of informal professional knowledge into a formal audit-ready record. This transaction cost falls outside any framework the § 35 circular provides guidance for. **KILL LIST CLASSIFICATION:** Category A — Removal: The requirement lacks both circular authority and legal authority within § 35 and is categorically misplaced. It is a candidate for repeal from the § 35 normative framework. **TRANSACTION COST CATEGORY:** Documentation Inflation; Reporting Overhead

---

REQUIREMENT ID: §35-R5 **PROVISION TEXT:** Barnets beste-vurderingene må dokumenteres slik at andre kan se hvilke vurderinger som er gjort og etterprøve dem. **SOURCE INSTRUMENT:** Barnets beste — en veileder for deg som jobber i NAV (DOC-REQ-35.5) **CIRCULAR AUTHORITY:** ABSENT — the § 35 circular contains no structured documentation obligation for barnets beste assessments. Consequence: caseworkers must comply with an obligation sourced from a separate veileder that the primary normative instrument governing their § 35 work does not address. **LEGAL AUTHORITY:** NO for the specific documentation obligation. The underlying principle (barnets beste assessment) has strong constitutional (Grunnloven § 104) and international law (Barnekonvensjonen art. 3) grounding, but those sources do not mandate the specific externally verifiable documentation practice described. § 35 itself grants open evidence-discretion regarding the assessment of "forsørger barn" without mandating any structured documentation model. Finding: Process Inflation DOC-REQ-35.5. **DOUBLE AUTHORITY GAP:** YES — circular authority ABSENT and legal authority NO for the documentation obligation specifically. **CATEGORY ERROR:** NO — child welfare assessment does have a legitimate connection to § 35 in cases involving barnetillegg. The category error is the imposition of a specific documentation architecture without circular or statutory

authority, not the subject matter itself. **SCALE FLAG:** YES — the Anchor Document explicitly identifies the child-perspective documentation cluster as a confirmed volume driver at Tier 3, with empirical confirmation across 15+ municipalities. The finding that "caseworkers knew more about the users' situations than the journals reflected" is structurally replicated in this requirement. Anchor Document Part 3, Cluster 3; Part 4, Driver 5/6. **PURPOSE:** INTERNAL CONTROL — the documentation obligation serves administrative accountability and supervisory audit ("for at andre skal kunne se... og etterprøve"). The assessment itself serves the user; the documentation of the assessment for external verifiability serves the control system. These are analytically distinct. **BURDEN DESCRIPTION:** Caseworker must produce a distinct, structured written barnets beste assessment as a verifiable component of the case file — beyond the ordinary factual assessment embedded in the vedtak. In cases involving young participants with children or participants who become parents during the program, this creates an additional documentation artifact calibrated for supervisory audit. This transaction cost falls outside any framework the § 35 circular provides guidance for. **KILL LIST CLASSIFICATION:** Category A — Removal: The documentation obligation lacks both circular authority and legal authority within § 35. It is sourced from a separate veileder with no § 35 anchor. The underlying substantive duty to consider children's interests should be retained; it is the externally-verifiable documentation architecture imposed without regulatory basis that is a candidate for removal from the § 35 normative framework. **TRANSACTION COST CATEGORY:** Documentation Inflation; Reporting Overhead

---

REQUIREMENT ID: §35-R6 **PROVISION TEXT:** Nav-kontoret må følge de krav til saksbehandling som følger av denne loven, forvaltningsloven og uskrevne normer om god forvaltningsskikk. **SOURCE INSTRUMENT:** Circular — Rundskriv 35, § 4.35.1.1 (PROC-REQ-35.1) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — this is a restatement of existing, broad statutory obligations binding on all public authorities. Sosialtjenesteloven, forvaltningsloven, and administrative law doctrine provide comprehensive authority. Finding: Process Inflation PROC-REQ-35.1. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO — general procedural compliance obligations are scale-neutral by their nature; they require no organizational capacity beyond that inherent in public authority. **PURPOSE:** USER NEED — general procedural compliance serves users' rights to due process, reasoned decisions, impartiality, and appeal. This is the foundational legal security guarantee. **BURDEN DESCRIPTION:** No transaction cost burden identified. This requirement restates existing legal obligations with full statutory support. **KILL LIST CLASSIFICATION:** No Kill List Action — full legal authority, user-protective purpose, proportionate. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: §35-R7 **PROVISION TEXT:** Det skal ikke gis barnetillegg for ektefelles eller samboers særkullsbarn. **SOURCE INSTRUMENT:** Circular — Rundskriv 35, § 4.35.2.1, reflecting FOR-2011-12-21-1471 § 3 (PROC-REQ-35.3) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — this restates the operative legal rule derived from the forsørgelsesplikt principle and the regulation issued under § 35. **DOUBLE AUTHORITY**

GAP: NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO — categorical legal determination; scale-neutral. **PURPOSE:** USER NEED — establishes a legal entitlement boundary grounded in the principle that barnetillegg follows forsørgelsesplikt. Protects both legal clarity and equitable treatment. **BURDEN DESCRIPTION:** No transaction cost burden identified. Standard substantive legal determination at eligibility assessment. **KILL LIST CLASSIFICATION:** No Kill List Action — full legal authority, clear statutory basis, user-protective purpose. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: §35-R8 **PROVISION TEXT:** Betingelsen om at deltakeren må ha forsørget fosterbarnet i to år kan fravikes hvis forsørgelsen er av varig karakter. **SOURCE INSTRUMENT:** Circular — Rundskriv 35, § 4.35.2.1; FOR-2011-12-21-1471 § 3 (PROC-REQ-35.4) **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — for both the regulation (§ 3) and the circular commentary. The statute (§ 35) authorizes the regulation, which in turn authorizes the waiver. Circular correctly reflects the regulatory framework. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO — discretionary determination in specific factual circumstances; scale-neutral. **PURPOSE:** USER NEED — protects program participants with permanent foster arrangements from the rigid application of a durational threshold. Serves equitable treatment in atypical but legitimate cases. **BURDEN DESCRIPTION:** No transaction cost burden identified. Standard discretionary determination in the caseworker's normal assessment. **KILL LIST CLASSIFICATION:** No Kill List Action — full legal authority, user-protective purpose, no disproportionate burden. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: §35-R9 **PROVISION TEXT:** Nav-kontoret bør aktivt undersøke om personer som er i målgruppen kan ha rett på kvalifiseringsprogram, og gi hjelp til å søke der det er nødvendig. **SOURCE INSTRUMENT:** Kommunebrev 2025 (PROC-REQ-35.5) **CIRCULAR AUTHORITY:** ABSENT — the § 35 circular is entirely silent on pre-application outreach and investigation. Consequence: this obligation derives its normative force solely from a Kommunebrev; caseworkers must navigate an outreach duty that the primary normative instrument governing their § 35 work does not address, acknowledge, or provide operational guidance for. **LEGAL AUTHORITY:** NO within § 35. The Kommunebrev uses advisory language ("bør"), not binding imperative language. The legal obligations for outreach and guidance fall under §§ 29–30 and forvaltningsloven § 11, not § 35. Finding: Process Inflation PROC-REQ-35.5. **DOUBLE AUTHORITY GAP:** YES — circular authority ABSENT and legal authority NO within § 35. **CATEGORY ERROR:** NO — the subject matter (KVP access) is legitimately connected to § 35. The authority gap is sourcing and instrument type, not subject matter. **SCALE FLAG:** YES — directly analogous to latent Driver E (oppsøkende virksomhet) identified in Anchor Document Part 4, Tier 3 and Part 1, Section 1b. The Anchor Document states: "outreach is inherently a higher-capacity function than reactive desk service, meaning the gap between normative expectation and operational reality may be larger here than anywhere else in the dataset." Small offices cannot sustain field investigation roles alongside mandatory desk-bound case processing. The scale burden

has no regulatory foundation in the § 35 circular. **PURPOSE:** MIXED — user access to legal rights is the primary orientation; organizational performance signaling toward the Kommunebrev's sender and operational overhead without statutory grounding are secondary consequences. **BURDEN DESCRIPTION:** The caseworker or NAV leader must develop and maintain systematic processes for scanning existing caseloads for potential KVP candidates, proactively contacting or reaching out to identified individuals, and providing application assistance. This is an ongoing proactive administrative obligation with no case-triggering event — it must be performed continuously, not in response to a specific user need. In small offices with generalist workforces and low KVP case volumes, this constitutes a structural overload demand with no support from the § 35 circular. The obligation falls outside any framework the circular provides guidance for, meaning caseworkers must define the scope, frequency, and method of compliance without normative reference. **KILL LIST CLASSIFICATION:** Category B — Status Change: The requirement uses advisory language ("bør") in the Kommunebrev but operates in a context where its cumulative effect with other obligations creates binding shadow. The requirement should be reformulated to make explicit that it is permissive and locally discretionary, restoring municipal autonomy on method and scope. The underlying access-to-rights purpose should be retained, but the framing must stop short of creating implicit binding obligation without statutory anchor in § 35. **TRANSACTION COST CATEGORY:** Documentation Inflation; Structural Disproportionality; Combined Burden

---

REQUIREMENT ID: §35-R10 **PROVISION TEXT:** Rett til kvalifiseringsprogram skal vurderes før det stilles vilkår om aktivitet. **SOURCE INSTRUMENT:** Kommunebrev 2025 (PROC-REQ-35.6) **CIRCULAR AUTHORITY:** ABSENT — the § 35 circular contains no mandate on the sequential ordering of KVP assessment relative to activity conditions. Consequence: the binding imperative language ("skal vurderes") operates without support from the primary normative instrument governing § 35. **LEGAL AUTHORITY:** NO within § 35. The Kommunebrev uses binding imperative language ("skal vurderes") but § 35 contains no textual anchor for this procedural sequence. The obligation bears a logical relationship to §§ 29–30 (program eligibility) and the general principle that more favorable legal pathways should be considered before imposing obligations, but the specific sequencing mandate has no § 35 foundation. Finding: Process Inflation PROC-REQ-35.6. **DOUBLE AUTHORITY GAP:** YES — circular authority ABSENT and legal authority NO within § 35. **CATEGORY ERROR:** NO — the sequencing requirement concerns the KVP domain directly and is not borrowed from a foreign legal domain. **SCALE FLAG:** PARTIAL — structurally related to [P] Procedural Continuity mechanism (second most common in Set B, ~18% of findings per Anchor Document Part 2, Section 2). Sequential procedural obligations impose process delays and can create compliance friction in offices where assessment streams are integrated rather than sequential. **PURPOSE:** USER NEED — the sequencing requirement protects users from having activation obligations imposed before the municipality has determined whether they have a right to a more supportive program. This is a substantive procedural protection with direct bearing on the user's legal position. **BURDEN DESCRIPTION:** No internal control transaction cost burden is identified; the obligation protects the user. However, it does impose a procedural constraint on the caseworker's process: activity conditions cannot be set until the KVP assessment is complete, which may extend the timeframe for initiating activity measures. This is a legitimate user-protective cost

with no sludge character. What is problematic is that the binding imperative language ("skal") has no § 35 anchor — the obligation is legitimate in purpose but unauthorized in its current instrument and location. **KILL LIST CLASSIFICATION:** Category B — Status Change: The requirement uses imperative language ("skal vurderes") without any binding authority in § 35. It should be reformulated with explicit reference to its actual statutory basis (§§ 29–30 and the general principle of favorable legal pathway priority) and relocated to the normative instruments governing those provisions. Its appearance in a Kommunebrev without statutory anchor, while using imperative language, constitutes shadow binding that misleads caseworkers about the source and scope of the obligation. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified (user-protective purpose dominates; procedural delay is a legitimate cost of the protection)

CLOSING COMPARATIVE NOTE

Total requirements identified from Process Inflation Findings: 10

Requirements that would have been visible from the circular alone: 5 (R1, R2, R6, R7, R8 — all sourced directly from Rundskriv 35 or the regulation attached to § 35)

Requirements invisible from the circular alone: 5 (R3, R4, R5 from veiledere; R9, R10 from Kommunebrev 2025) This represents **50% of the operative normative landscape** being invisible from the primary regulatory instrument — confirming the analytical value of using Process Inflation Findings as the primary enumeration tool.

Double authority gaps: 5 (R3, R4, R5, R9, R10 — all five requirements that are absent from the circular also lack statutory authority within § 35)

Category errors (requirements belonging to a different legal domain): 2 (R3 — belongs to §§ 17/29; R4 — belongs to § 17 advisory services domain)

Kill List breakdown:

- **Category A — Removal:** 3 (R3, R4, R5)
- **Category B — Status Change:** 2 (R9, R10)
- **Category C — Clarification:** 1 (R1)
- **No Kill List Action:** 4 (R2, R6, R7, R8)

Transaction cost categories by frequency:

- Documentation Inflation: 5 occurrences (R1, R3, R4, R5, R9)
- Reporting Overhead: 2 occurrences (R4, R5)
- Procedural Duplication: 1 occurrence (R3)
- Structural Disproportionality: 1 occurrence (R9)
- Combined Burden: 1 occurrence (R9)
- No Transaction Cost Identified: 5 occurrences (R2, R6, R7, R8, R10)

Summary observation for main report: The § 35 analysis reveals a normative environment where the circular itself is reasonably clean — its five directly grounded requirements are either user-protective or have defensible legal bases — but where a secondary normative layer of veiledere and Kommunebrev documents has deposited five additional requirements onto the § 35 casework environment without any circular anchor and without statutory authority in § 35 itself. Every requirement in this secondary layer has a double authority gap. Three of them (R3, R4, R5) are sourced from instruments that govern different statutory provisions entirely, constituting category misplacements. The two Kommunebrev requirements (R9, R10) use language that ranges from advisory ("bør") to imperative ("skal") while being attached to a paragraph that provides neither. The dominant transaction cost across the Kill List candidates is Documentation Inflation, consistent with the Anchor Document's finding that the [D] Documentation Apparatus mechanism is the single most pervasive volume driver in the entire Norwegian social services supervision dataset. The § 35 sludge burden is concentrated, predictable, and substantially addressable through the removal of category-misplaced requirements and the reformulation of Kommunebrev obligations to reflect their actual advisory rather than binding character.

SLUDGE AUDIT — § 36 REDUKSJON I KVALIFISERINGSSTØNAD VED FRAVÆR

PRELIMINARY METHODOLOGICAL NOTE

Quantitative comparison of requirement visibility:

Starting from the Process Inflation Findings: **18 requirements** are identifiable. Starting from the circular paragraph alone (§ 36 + Forskrift §§ 5–17 + 4.36.1 + 4.36.1.1): **13 requirements** are visible. Requirements with no textual presence in the circular: **5 requirements** — REQ-36-14 through REQ-36-18.

This means the circular paragraph alone would suppress 28% of the total requirement load from analytical view. All five invisible requirements are operationally active and generate caseworker obligations, yet none can be derived from reading the primary normative instrument governing § 36. Any audit beginning and ending with the circular would therefore fail to detect these five obligations entirely.

Source instrument mapping for requirements invisible from the circular:

Requirement	Source instrument	Instrument type
REQ-36-14	Kommunebrev 2025	(a) Kommunebrev
REQ-36-15	Kommunebrev 2025	(a) Kommunebrev
REQ-36-16	Nasjonal veileder kriminalomsorgen/NAV	(b) Veileder
REQ-36-17	Nasjonal veileder kriminalomsorgen/NAV	(b) Veileder
REQ-36-18	Veileder til sosialtjenesteloven § 17	(b) Veileder

All five invisible requirements derive from non-binding or quasi-binding sub-legal guidance instruments — none from the statute, the delegated regulation (forskriften), or the circular itself. This structural observation is analytically decisive: it demonstrates that the normative load attached to § 36 casework significantly exceeds what the circular authorizes or even acknowledges. Two of the five (REQ-36-16, REQ-36-17, REQ-36-18) derive from guidance instruments anchored in entirely different statutory domains (§§ 17, 29–30), raising category error questions before any further analysis is conducted.

STEP 1 — IDENTIFICATION OF ALL REQUIREMENTS

REQ-36-01 *Obligation:* Self-declaration (egenmelding) is defined as written or oral notification to the municipality without presenting a medical certificate. The format of the notification — written or oral — is a valid method of documenting absence. *Source instrument:* Forskrift om kvalifiseringsprogram og kvalifiseringsstønad § 6 (FOR-2011-12-21-1471), restated in circular R-35 Para 4.36.1. Source class: delegated regulation under § 36's explicit statutory delegation. *Explicit or implicit:* Explicit. *Textual presence in circular:* YES — restated from forskriften within the circular framework.

REQ-36-02 *Obligation:* If sickness or injury preventing program participation exceeds three calendar days of self-declaration, the municipality may demand a medical certificate. If the participant fails to produce one, entitlement to support for the self-declaration period lapses. *Source instrument:* Forskrift § 6 (FOR-2011-12-21-1471), restated in circular R-35 Para 4.36.1. *Explicit or implicit:* Explicit. *Textual presence in circular:* YES — restated from forskriften.

REQ-36-03 *Obligation:* The municipality may demand written confirmation of an oral self-declaration after the participant has resumed program participation. Failure to produce this confirmation may result in the support entitlement for the self-declaration period lapsing. *Source instrument:* Forskrift § 7 (FOR-2011-12-21-1471), restated in circular R-35 Para 4.36.1. *Explicit or implicit:* Explicit. *Textual presence in circular:* YES — restated from forskriften.

REQ-36-04 *Obligation:* From the fourth day of a child's or childcarer's sickness, the municipality may require documentation of the sickness with a medical certificate. *Source instrument:* Forskrift § 10 (FOR-2011-12-21-1471), restated in circular R-35 Para 4.36.1. *Explicit or implicit:* Explicit. *Textual presence in circular:* YES — restated from forskriften.

REQ-36-05 *Obligation:* A participant who is pregnant must present a medical certificate attesting that it is better for her to participate in the program in order to resume participation before the mandatory six-week post-birth leave expires. *Source instrument:* Forskrift § 13 (FOR-2011-12-21-1471), restated in circular R-35 Para 4.36.1. *Explicit or implicit:* Explicit (the obligation falls on the participant as a condition for early resumption). *Textual presence in circular:* YES — restated from forskriften.

REQ-36-06 *(substantive legal obligation) Obligation:* Invalid absence (absence not given permission) reduces the support proportionally hour for hour. The child supplement (barnetillegget) is excluded from this reduction. *Source instrument:* R-35 Para 4.36.1, grounded directly in Social Services Act § 36. Substantive legal provision. *Explicit or implicit:* Explicit. *Textual presence in circular:* YES.

REQ-36-07 *Obligation:* Participants in the program shall receive close follow-up (tett oppfølging) from the NAV office. *Source instrument:* R-35 Para 4.36.1 (PROC-REQ-36.2). Circular, not the statute. *Explicit or implicit:* Explicit. *Textual presence in circular:* YES.

REQ-36-08 *Obligation:* The NAV advisor must maintain good collaboration with program organizers, educational institutions, and others to detect a participant's absence and potentially follow up with better facilitation. *Source instrument:* R-35 Para 4.36.1 (PROC-REQ-36.3). Circular, not the statute. *Explicit or implicit:* Explicit. *Textual presence in circular:* YES.

REQ-36-09 *(substantive legal obligation) Obligation:* Approved leave periods shall not be counted in the program's duration. *Source instrument:* R-35 Para 4.36.1, grounded in Social Services Act §§ 32 and 36. Substantive legal provision. *Explicit or implicit:* Explicit. *Textual presence in circular:* YES.

REQ-36-10 *Obligation:* The qualification support is granted in the same administrative decision as the qualification program. *Source instrument:* R-35 Para 4.36.1.1 (PROC-REQ-36.5). Circular. *Explicit or implicit:* Explicit. *Textual presence in circular:* YES.

REQ-36-11 *Obligation:* The decision must inform the user that the support will be reduced as a consequence of invalid absence. *Source instrument:* R-35 Para 4.36.1.1 (DOC-REQ-36.6 / PROC-REQ-36.6). Circular. *Explicit or implicit:* Explicit. *Textual presence in circular:* YES.

REQ-36-12 *Obligation:* Reduction for invalid absence is executed administratively on the authority of this provision and on the basis of registered attendance. The reduction and its justification shall be communicated as a decision subject to appeal to the NAV office. *Source instrument:* R-35 Para 4.36.1.1 (DOC-REQ-36.7 / PROC-REQ-36.7). Circular. Legally ambiguous — the Process Inflation Findings flag this for human legal review regarding whether "gjøres administrativt" improperly displaces individual decision requirements. *Explicit or implicit:* Explicit, with embedded legal ambiguity. *Textual presence in circular:* YES.

REQ-36-13 *Obligation:* The reduction decision and its reasoning must appear in the case file. The same applies to decisions about leave (permisjoner). *Source instrument:* R-35 Para 4.36.1.1 (DOC-REQ-36.8 + DOC-REQ-36.9 / PROC-REQ-36.8). Circular, implementing general administrative law obligations. *Explicit or implicit:* Explicit. *Textual presence in circular:* YES.

REQ-36-14 *(invisible from circular) Obligation:* The right to qualification program must be assessed before any activity conditions under § 20 are imposed on the user. *Source instrument:* Kommunebrev 2025 (PROC-REQ-36.9). Sub-legal administrative communication. *Explicit or implicit:* Explicit. *Textual presence in circular:* NO.

REQ-36-15 *(invisible from circular) Obligation:* The NAV office should actively investigate whether persons in the target group may have the right to a qualification program, and assist with applications where necessary. *Source instrument:* Kommunebrev 2025 (PROC-REQ-36.10). Sub-legal administrative communication. *Explicit or implicit:* Explicit. *Textual presence in circular:* NO.

REQ-36-16 *(invisible from circular) Obligation:* For persons with the right to a qualification program, facilitation of the program can be arranged while the person is in prison, so that it can be implemented upon release. *Source instrument:* Nasjonal veileder kriminalomsorgen/NAV (PROC-REQ-36.11). Veileder — sub-legal guidance. *Explicit or implicit:* Explicit. *Textual presence in circular:* NO.

REQ-36-17 *(invisible from circular) Obligation:* The NAV office must conduct a concrete assessment of whether the preconditions for participation in the qualification program during sentence execution are present in each individual case. *Source instrument:* Nasjonal

veileder kriminalomsorgen/NAV (PROC-REQ-36.12). Veileder — sub-legal guidance. *Explicit or implicit:* Explicit. *Textual presence in circular:* NO.

REQ-36-18 *(invisible from circular) Obligation:* A service measure under sosialtjenesteloven § 17 must be formalized in its own separate decision under § 17, and must not be incorporated into the decision on the qualification program under § 29. *Source instrument:* Veileder til sosialtjenesteloven § 17 (PROC-REQ-36.13). Veileder — sub-legal guidance. *Explicit or implicit:* Explicit. *Textual presence in circular:* NO.

STEP 2 — LEGAL AUTHORITY CHECK

Direction 1 — Circular authority: Is the requirement contained in the circular paragraph in the CONTEXT DOCUMENT? **Direction 2** — Statutory authority: Has this requirement been identified as lacking direct legal authority in the Social Services Act?

REQ-36-01 D1: YES. Restated from Forskrift § 6, which appears within the circular framework. D2: YES. The specific notification format is established by a regulation enacted under § 36's explicit statutory delegation (§§ 30, 32, 35, 36). The authority chain is intact. Double authority gap: NO. Category error: NO.

REQ-36-02 D1: YES. Restated from Forskrift § 6. D2: YES. The three-day threshold for demanding a medical certificate is a regulation enacted under § 36's delegation. The circular restates rather than independently creates this rule. Double authority gap: NO. Category error: NO.

REQ-36-03 D1: YES. Restated from Forskrift § 7. D2: YES. The post-return written confirmation option is a regulation under § 36's delegation. The circular correctly identifies it as permissive (municipality *may* demand). Double authority gap: NO. Category error: NO.

REQ-36-04 D1: YES. Restated from Forskrift § 10. D2: YES. The four-day documentation threshold for child/carer sickness is a regulation under § 36's delegation. Double authority gap: NO. Category error: NO.

REQ-36-05 D1: YES. Restated from Forskrift § 13. D2: YES. The requirement for a medical certificate to resume program participation before the default post-birth leave expires is a regulation under § 36's delegation. Double authority gap: NO. Category error: NO.

REQ-36-06 D1: YES. D2: YES. This is the core substantive rule of § 36 itself, directly grounded in statute. Double authority gap: NO. Category error: NO.

REQ-36-07 D1: YES. Present in circular 4.36.1 ("Deltakere i program skal ha tett oppfølging fra Nav-kontoret"). D2: PARTIAL. As identified in the Process Inflation Findings (PROC-REQ-36.2): "§ 36 solely governs the consequence of absence and its exceptions; it lacks any proper legal basis to impose a mandatory close follow-up duty during program participation." The obligation may derive legitimately from §§ 29–33 governing program

content and participant rights, but the circular attaches it to § 36, which does not authorize it. The statutory basis, if any, lies outside § 36. Double authority gap: NO (circular authority present). However, a first-order statutory misattribution is present: the circular is using § 36 as the anchor for an obligation § 36 does not support. Category error: NO — the obligation is not from a different legal domain, but it is misattributed within the social services framework.

REQ-36-08 D1: YES. Present in circular 4.36.1. D2: NO (under § 36). As identified in the Process Inflation Findings (PROC-REQ-36.3): "§ 36 contains no provision authorizing or requiring inter-institutional collaboration, making the requirement's link to § 36 textually unsupported." The collaboration requirement may have some basis in general program management principles under §§ 29–33, but § 36 provides no authorization. Double authority gap: NO (circular authority present). Statutory misattribution within § 36's framework: YES. Category error: NO — but the legal basis, to the extent it exists, lies outside § 36.

REQ-36-09 D1: YES. D2: YES. The rule that approved leave does not count toward program duration is a direct legal consequence of §§ 32 and 36 read together. Substantive legal provision. Double authority gap: NO. Category error: NO.

REQ-36-10 D1: YES. Present in circular 4.36.1.1 ("Kvalifiseringsstønaden innvilges i samme vedtak som kvalifiseringsprogrammet"). D2: NO (under § 36). As identified in the Process Inflation Findings (PROC-REQ-36.5): "§ 36 governs absence reductions and does not address or authorize procedural rules regarding whether the benefit and program must be bundled into a single joint decision." Any legal basis for this administrative structuring rule would derive from §§ 29–35, forvaltningsloven general provisions, or administrative practice — not from § 36 itself. Double authority gap: NO (circular authority present). Statutory misattribution within § 36's framework: YES. Category error: NO.

REQ-36-11 D1: YES. Present in circular 4.36.1.1. D2: PARTIAL. As identified in the Process Inflation Findings (PROC-REQ-36.6): "§ 36 is entirely silent on granting decision content; any potential legal basis would have to rely on a general administrative law duty (fvl. § 17) rather than § 36 itself." The obligation to inform users of reduction consequences is a plausible general administrative law obligation, but it is not grounded in § 36 specifically. The circular's placement of this requirement under § 36 does not generate statutory authority. Double authority gap: NO (circular authority present, statutory basis PARTIAL via general admin law). Category error: NO.

REQ-36-12 D1: YES. Present in circular 4.36.1.1. D2: PARTIAL. As identified in the Process Inflation Findings (PROC-REQ-36.7), this provision is legally ambiguous: "§ 36 mandates the reduction but does not specify the procedural mechanism, leaving a gap and uncertainty over whether individual decisions are required under general administrative law instead of an ongoing administrative execution." The circular's instruction to execute reductions "administratively" based on attendance records may conflict with forvaltningsloven requirements for individual decisions — a conflict the circular does not resolve. Double authority gap: NO (circular authority present, but statutory basis is uncertain/PARTIAL). Category error: NO. **Flag: recommend human legal review** as flagged in Process Inflation Findings.

REQ-36-13 D1: YES. Present in circular 4.36.1.1. D2: PARTIAL. As identified in the Process Inflation Findings (PROC-REQ-36.8): this requirement "directly implements general administrative law documentation obligations (fvl. §§ 15 and 25) rather than stemming directly from § 36's substantive text." The documentation obligation exists under general administrative law; the circular's inclusion of it under § 36 is not independently authoritative, but neither is it contradicted. Double authority gap: NO (circular authority present, statutory basis PARTIAL via general admin law). Category error: NO.

REQ-36-14 D1: NO. Not present in the circular paragraph. Source is Kommunebrev 2025, an entirely separate instrument. D2: NO (under § 36). As identified in the Process Inflation Findings (PROC-REQ-36.9): "§ 36 does not address pre-conditions for setting activity requirements; the requirement belongs to § 29 and § 20, demonstrating a misattribution of legal basis." The KVP right-before-conditions sequencing requirement belongs properly to §§ 20 and 29, not to § 36 which governs absence consequences. **Double authority gap: YES.** Both circular authority (ABSENT) and § 36 statutory authority (NO) are absent. Category error: YES — this requirement belongs to the §§ 20/29 framework, not to § 36. It has been administratively displaced into the § 36 normative field through the Kommunebrev.

REQ-36-15 D1: NO. Not present in the circular paragraph. Source is Kommunebrev 2025. D2: NO (under § 36). As identified in the Process Inflation Findings (PROC-REQ-36.10): "§ 36 solely governs mid-program benefit reductions and offers no statutory basis for proactive pre-enrolment outreach obligations." Pre-application outreach obligations would belong to §§ 17, 29–30, or general duty-to-assist provisions, not to § 36. **Double authority gap: YES.** Both circular authority (ABSENT) and § 36 statutory authority (NO) are absent. Category error: YES — the outreach obligation derives from a different part of the social services framework and has been misassigned to § 36 through the Kommunebrev instrument.

REQ-36-16 D1: NO. Not present in the circular paragraph. Source is Nasjonal veileder kriminalomsorgen/NAV. D2: NO (under § 36). As identified in the Process Inflation Findings (PROC-REQ-36.11): "§ 36 governs absence from active programs; it lacks authority and provides no basis for pre-release program preparation, which should be anchored in §§ 29–30." Pre-release preparation is a program design and eligibility matter, not an absence-consequence matter. **Double authority gap: YES.** Both circular authority (ABSENT) and § 36 statutory authority (NO) are absent. Category error: YES — this requirement belongs to the §§ 29–30 program establishment and design framework.

REQ-36-17 D1: NO. Not present in the circular paragraph. Source is Nasjonal veileder kriminalomsorgen/NAV. D2: NO (under § 36). As identified in the Process Inflation Findings (PROC-REQ-36.12): "§ 36 handles the financial consequences of program absence and has no legal authority to govern concrete eligibility and participation precondition assessments." The assessment obligation during sentence execution is an eligibility and program design matter, not an absence-reduction matter. **Double authority gap: YES.** Both circular authority (ABSENT) and § 36 statutory authority (NO) are absent. Category error: YES — the assessment of participation preconditions during incarceration is an eligibility matter under §§ 29–30, displaced into the § 36 field by the veileder.

REQ-36-18 D1: NO. Not present in the circular paragraph. Source is Veileder til sosialtjenesteloven § 17 — an instrument anchored in a completely different statutory

provision. D2: NO (under § 36). As identified in the Process Inflation Findings (PROC-REQ-36.13): "§ 36 contains no authority whatsoever over how § 17 measures are formally decided, placing this requirement entirely outside the paragraph's scope." **Double authority gap: YES.** Both circular authority (ABSENT) and § 36 statutory authority (NO) are absent. Category error: YES — the decision-separation requirement is a § 17 / § 29 procedural matter. The instrument generating the obligation (Veileder til § 17) is not even an instrument within the § 36 normative framework. This is the starkest category error in the set: an obligation governed by the § 17 veileder has been attributed to § 36 casework entirely outside its own normative domain.

STEP 3 — SCALE AND PROPORTIONALITY CHECK

Note: The Anchor Document (Volume Driver Findings) is primarily focused on §§ 17, 18, 19, and 20a. It does not directly address § 36 KVP. However, the structural mechanisms identified ([D], [P], [C], [S], [K], [T]) operate across social services domains and apply by structural analogy where the mechanism is visible. Where a direct Anchor Document finding applies, it is cited. Where the structural parallel is strong but not directly cited, this is noted as an analytical inference flagged for verification.

REQ-36-01: Scale flag: NO. The self-declaration format is a simple user-facing procedure requiring no organizational capacity beyond basic case processing.

REQ-36-02: Scale flag: NO. The discretionary authority to demand a medical certificate after three days is structurally simple; it requires no organizational infrastructure beyond a communication channel with the participant.

REQ-36-03: Scale flag: NO. The discretionary authority to demand post-return written confirmation is structurally simple. No organizational threshold is presupposed.

REQ-36-04: Scale flag: NO. Structurally equivalent to REQ-36-02; the four-day threshold for child/carer documentation is a simple administrative trigger.

REQ-36-05: Scale flag: NO. A single documentary requirement (medical certificate) that requires no organizational infrastructure to administer.

REQ-36-06: Scale flag: NO. The hour-for-hour reduction calculation is a substantive legal rule that applies uniformly regardless of organizational scale. No volume threshold is presupposed.

REQ-36-07 (close follow-up): Scale flag: PARTIAL. The Anchor Document's findings on [S] Specialization and [C] Coordination Infrastructure are relevant here. Close follow-up of KVP participants presupposes that a caseworker has sufficient dedicated capacity to maintain individualized contact with each participant — a capacity that is structurally compressed in small generalist offices. The Anchor Document documents the pattern across debt counseling: offices that deliver substantive help still fail on systematic follow-up because there is no back-office capacity to sustain it. The specific Anchor Document finding on

Mechanism [S] — that dedicated specialist roles cannot coexist with mandatory desk-based case processing in small offices — applies structurally to the close follow-up obligation. *However, KVP caseloads are typically smaller than §17 caseloads, which may partially offset this concern. Flag as PARTIAL rather than confirmed.*

REQ-36-08 (collaboration with organizers): Scale flag: PARTIAL. This requirement presupposes an active coordination infrastructure with external actors (tiltaksarrangører, educational institutions). The Anchor Document directly identifies [C] Coordination Infrastructure failures as a major scale-sensitive driver: municipalities are sanctioned for informal, case-by-case coordination rather than systematic formalized collaboration (confirmed findings for Sør-Varanger, Hammerfest, Senja, and others). The obligation to maintain "good collaboration" for absence detection maps onto the same structural pattern. Applicable Anchor Document finding: Cluster 3 (Generalist-Specialist Interface Failure) and the general [C] mechanism findings.

REQ-36-09: Scale flag: NO. Substantive legal rule on program duration calculation; no organizational threshold is presupposed.

REQ-36-10 (joint decision requirement): Scale flag: NO. The procedural requirement to bundle the benefit and program decisions together is a formal administrative structuring rule that does not presuppose volume or organizational capacity beyond what any decision-issuing office already requires.

REQ-36-11 (decision must inform about reduction): Scale flag: NO. A content requirement for an administrative decision. No organizational threshold is presupposed beyond basic decision-drafting capacity.

REQ-36-12 (administrative attendance-based reduction): Scale flag: PARTIAL. This requirement presupposes a functioning attendance registration system. The Anchor Document's [D] Documentation Apparatus findings are directly relevant: documentation obligations attached to program administration are consistently among the most scale-sensitive requirements in the empirical record. The requirement to maintain "registered attendance" (registrert frammøte) as the basis for administrative reductions implies an IT-supported tracking infrastructure that small offices may not maintain reliably. Applicable Anchor Document finding: [D] dominant mechanism, present in virtually every supervision report, documented pattern of formal pipeline failures in small offices (Cluster 1 in §17 memo).

REQ-36-13 (documentation in case file): Scale flag: PARTIAL. The [D] Documentation Apparatus mechanism is the most consistently scale-sensitive driver in the entire empirical record. The Anchor Document states: "Roughly half of all Set B findings involve sanctions for failure to maintain formal written records." The pattern — caseworkers who know more about users' situations than their journals reflect — is directly applicable to the requirement that reduction reasoning and leave decisions appear in the case file. The structural dynamic is identical: small offices with high case loads per caseworker deliver decisions but fail on the formal documentation layer. Anchor Document reference: Dominant [D] mechanism finding across all memos.

REQ-36-14 (KVP before conditions — Kommunebrev): Scale flag: PARTIAL. The sequencing obligation presupposes organizational capacity to conduct a structured two-stage assessment (KVP eligibility first, then activity conditions). In small offices where a single caseworker handles all social services processing, this distinction may not be systematically maintained. The Anchor Document's [P] Procedural Continuity findings are relevant: the inability to maintain a repeatable assessment pipeline is documented across multiple municipalities. However, this specific sequencing is procedurally simpler than the debt counseling pipeline, so the scale flag is PARTIAL rather than YES. The more significant concern is that this requirement has no circular authority, meaning any scale-related burden it imposes is entirely unsupported by the circular framework.

REQ-36-15 (proactive outreach — Kommunebrev): Scale flag: YES. The Anchor Document directly addresses outreach as a latent volume driver (Latent Driver 1 in the §17/§18 memo): "dedicated field roles cannot coexist alongside mandatory desk-bound case processing in small offices." Systematic proactive outreach toward persons who may qualify for KVP requires organizational capacity that small generalist offices structurally cannot sustain alongside reactive caseload obligations. The Anchor Document classifies outreach as potentially having "very high" structural impact if enforced, noting that "the gap between normative expectation and operational reality may be larger here than anywhere else in the dataset." Applicable Anchor Document finding: Latent Driver 1, Tier 3 analysis in §17 memo.

REQ-36-16 (prison preparation — veileder): Scale flag: PARTIAL. This requirement presupposes an active coordination infrastructure with kriminalomsorgen — a specific external institutional relationship requiring formalized protocols. The Anchor Document's [C] Coordination Infrastructure findings confirm that inter-agency coordination obligations impose disproportionate overhead on small offices: "small municipalities rely on informal case-by-case agency coordination rather than written, systematic cooperation agreements." The obligation to prepare program facilitation during a prison sentence adds a coordination layer with an institution (prison) that is entirely external to the NAV system and typically at physical distance from the municipal office. This requirement has no circular authority; any scale-related burden it imposes is therefore entirely unsupported by the § 36 framework.

REQ-36-17 (concrete evaluation during sentence — veileder): Scale flag: PARTIAL. The assessment obligation presupposes caseworker competence in evaluating program participation preconditions in the specific context of sentence execution — a specialized and infrequently triggered assessment. The Anchor Document's [K] Competence Sustainability findings are directly relevant: competence in specific procedural subtasks degrades when encounter frequency is too low to sustain practice-based skill. Municipalities generating very few KVP cases per year that also involve incarcerated participants will have near-zero practical encounter frequency with this specific assessment, making competence maintenance structurally impossible. Anchor Document finding: [K] mechanism pattern across all memos; the specific finding that municipalities processing fewer than 10–15 formal cases per year cannot sustain procedural competence.

REQ-36-18 (§17 separate decision — veileder): Scale flag: PARTIAL. The requirement to maintain a formal separation between § 17 decisions and § 29 decisions presupposes a caseworker with sufficient legal knowledge to distinguish the formal decision structures for different statutory provisions, and sufficient back-office capacity to issue multiple separate

decisions in the same case. The Anchor Document's [D] and [P] findings confirm that decision structuring obligations are among the most scale-sensitive compliance areas. The specific finding from the §17 volume driver memo — that the requirement to issue separate formal vedtak for different service levels generates the highest concentration of sanction findings in the entire dataset — is structurally parallel. This requirement has no circular authority under § 36; any scale-related burden it imposes falls entirely outside the § 36 framework's guidance.

STEP 4 — PURPOSE CLASSIFICATION

REQ-36-01: [USER NEED] — The right to use self-declaration without a medical certificate protects the participant from disproportionate documentation burdens during short-term sickness. The definition of the notification format directly affects the user's ability to exercise their absence rights.

REQ-36-02: [MIXED] — The authority to demand a medical certificate after three days primarily serves the municipality's need to verify the basis for continued support (internal control — verifying entitlement). However, the specific threshold (three days) also protects the user by setting a minimum period before documentation can be required, providing a defined protection against arbitrary demands. *Internal control primary; user protection secondary.*

REQ-36-03: [INTERNAL CONTROL] — The authority to demand post-return written confirmation of an oral notification is a post-hoc administrative record-keeping tool. It serves the municipality's documentation needs for benefit administration records. The user receives no direct benefit from this confirmation; it is a record-keeping mechanism for the administrative file.

REQ-36-04: [MIXED] — Structurally equivalent to REQ-36-02. The four-day threshold for demanding medical documentation of child/carer sickness protects the user by establishing when documentation can be required. The exercise of the authority is an internal control mechanism for verifying the basis for continued support. *Internal control primary; user protection secondary through the threshold structure.*

REQ-36-05: [USER NEED] — The medical certificate requirement for early program resumption after childbirth protects the participant's health by creating a physician-mediated gating mechanism before resumption. This is a safeguard directed at the user's wellbeing, not an administrative reporting function.

REQ-36-06: [USER NEED] — The hour-for-hour reduction calculation with explicit exclusion of the child supplement is a substantive legal rule governing the user's financial entitlement. The specific exclusion of barnetillegget is a protective provision for the user's dependent children. This is a pure substantive user rights provision.

REQ-36-07: [MIXED] — The close follow-up obligation has two distinct functional components. The follow-up serves the user's program quality (better facilitation, early

detection of problems — user need). However, as situated within § 36's absence-reduction framework, the follow-up also serves absence detection for benefit reduction administration (internal control). The circular's language positions this requirement partly as user support ("eventuelt kunne følge opp med bedre tilrettelegging") and partly as administrative detection ("for å fange opp en deltakers fravær"). *User need and internal control are co-equal; the internal control framing is dominant in the § 36 context where absence detection feeds the reduction mechanism.*

REQ-36-08: [INTERNAL CONTROL] — The collaboration requirement with program organizers and educational institutions is primarily directed at absence detection ("for å fange opp en deltakers fravær"). The network is established to enable the NAV office to know when a participant is absent so that the reduction mechanism can be activated or so follow-up can be initiated. While better facilitation is mentioned, the core purpose in the § 36 context is administrative detection of absences for benefit management purposes. The user does not benefit directly from the inter-institutional detection network itself.

REQ-36-09: [USER NEED] — The exclusion of approved leave from program duration is a substantive entitlement protection: it ensures that a participant's total program time is not consumed by legitimate absence periods. This directly governs the user's access to the program and its duration.

REQ-36-10: [INTERNAL CONTROL] — The requirement that the benefit and program be granted in the same administrative decision is a procedural administrative structuring rule. It serves decision-making efficiency and internal coherence within the administrative system. The user's legal position is not materially affected by whether the benefit and program appear in one or two documents; what matters is that the benefit is granted and its conditions are stated.

REQ-36-11: [USER NEED] — The obligation to inform the user in the initial decision that the support will be reduced for invalid absences is a direct legal protection: it ensures the user knows the financial consequence of non-compliance before they are subject to it. This is a fundamental principle of administrative law fairness (predictability and informed consent) that directly serves the user.

REQ-36-12: [INTERNAL CONTROL] — The administrative execution mechanism for absence-based reductions (based on registered attendance rather than individual decisions) is a procedural mechanism for the administrative system. Its purpose is to streamline the administrative execution of reductions without requiring individual case processing for each reduction. The user's legal position under this provision is ambiguous (see Step 2 flagging), but the provision itself describes an internal administrative execution method. *Note: the legal ambiguity around whether this displaces individual decision rights means this provision may inadvertently harm user interests by reducing procedural protection — but that effect is not its stated purpose.*

REQ-36-13: [MIXED] — Documentation of reduction decisions and reasoning in the case file serves both internal control (administrative record for audits, supervisory review, appeals processing) and user protection (the documented reasoning supports an informed appeal right). The appeal function makes this partly a user protection requirement. *Internal control primary; user protection secondary through appeal documentation.*

REQ-36-14: [USER NEED] — The sequencing requirement (KVP before conditions) protects the user from being subjected to activity conditions when they may have a stronger entitlement to a full qualification program. It is a procedural safeguard for the user's rights. *However, this is a § 20/§ 29 obligation displaced into the § 36 field — its user-protection purpose does not cure its category error.*

REQ-36-15: [USER NEED] — Proactive outreach to identify potential KVP participants serves the user's access to the qualification program. It is a user-directed obligation. *However, as with REQ-36-14, the user-protection purpose does not cure the absence of § 36 authority.*

REQ-36-16: [USER NEED] — Pre-release program preparation serves the user's transition from incarceration to program participation, reducing the gap period. This is a user-welfare directed provision. *User-protection purpose does not cure the category error.*

REQ-36-17: [USER NEED] — The concrete eligibility assessment during sentence execution ensures that the user's right to the program is evaluated individually rather than automatically deferred. This is a due process protection for the user. *User-protection purpose does not cure the category error.*

REQ-36-18: [INTERNAL CONTROL] — The requirement that § 17 measures appear in a separate decision from the § 29 program decision is a formal administrative structuring obligation. It serves the internal coherence of the administrative decision record and ensures correct legal framing of different service interventions. No direct user benefit flows from whether these measures appear in one or two documents; the user's entitlement is governed by the substance of each decision, not by whether they are formally separated.

STEP 5 — TRANSACTION COST CHARACTERIZATION

(Requirements classified as [INTERNAL CONTROL] or [MIXED] are characterized here. Requirements classified as [USER NEED] are noted accordingly.)

REQ-36-01: [USER NEED] — No transaction cost burden identified. The definition of self-declaration simplifies rather than burdens administration by establishing a clear format for user notification.

REQ-36-02: [MIXED — internal control primary] — The caseworker must monitor the duration of self-declared absences and, upon exceeding three days, issue a demand for a medical certificate. This requires active tracking of absence duration per participant and a decision on whether to exercise the demand authority. In practice, this is a low-overhead administrative action, but it requires that the caseworker maintain an absence tracking system capable of triggering the three-day threshold accurately. In small offices without dedicated IT-supported attendance tracking, this monitoring is done manually.

REQ-36-03: [INTERNAL CONTROL] — The caseworker must, at the moment a participant returns to the program, decide whether to demand a written confirmation of any prior oral

notification, then document that confirmation in the case file. This creates a post-return administrative checkpoint. The transaction cost is concentrated at the moment of program resumption and requires active decision-making and file documentation. The obligation has no circular guidance on when the municipality *should* exercise this option versus when it may waive it, giving no normative framework for local discretion.

REQ-36-04: [MIXED — internal control primary] — Structurally equivalent to REQ-36-02. The caseworker must track the duration of child/carer absence-based program absences and trigger a medical certificate demand upon reaching day four. Same monitoring and documentation burden applies.

REQ-36-05: [USER NEED] — No transaction cost burden identified for the municipality. The obligation falls on the participant to produce the certificate; the caseworker's role is to receive and process it.

REQ-36-06: [USER NEED] — No transaction cost burden identified as a documentation or procedural overhead. The calculation rule is substantive law; its application requires attendance data but the calculation itself is straightforward.

REQ-36-07: [MIXED — internal control and user need co-equal] — The close follow-up obligation requires the caseworker to maintain ongoing individual contact with each program participant, monitor their attendance and progress, and initiate follow-up action when problems arise. In concrete administrative terms: the caseworker must schedule and document regular check-ins, respond to attendance data from external organizers, and produce case journal entries documenting follow-up activities. The imperative language ("skal ha tett oppfølging") provides no definition of what close follow-up means in practice, no frequency standard, and no documentation format — yet its mandatory framing creates a potential compliance exposure. **This requirement has no direct § 36 statutory basis. Any transaction cost it imposes therefore falls outside any framework the circular validly provides guidance for under § 36 authority. Caseworkers must comply with an obligation that the primary normative instrument for § 36 has included beyond its own statutory mandate.**

REQ-36-08: [INTERNAL CONTROL] — The caseworker must maintain active inter-institutional relationships with all program organizers, educational institutions, and other relevant actors for the purpose of detecting participant absences. In concrete administrative terms: the caseworker must establish and maintain communication channels with each external organizer participating in a given participant's program; respond to notifications from those actors about absences; and follow up with the participant on the basis of that information. This is an ongoing relational and communicative obligation with no defined scope, frequency, or documentation standard in the circular text. For a caseworker managing multiple KVP participants across multiple program organizers, the coordination overhead scales with the number of external relationships maintained. **This requirement has no direct § 36 statutory basis. Any transaction cost it imposes falls outside the § 36 circular's authoritative framework. The caseworker is required to maintain an external coordination infrastructure for which the primary instrument governing their work under § 36 provides no legal grounding.**

REQ-36-09: [USER NEED] — No transaction cost burden identified as administrative overhead. The calculation exclusion is a substantive legal protection that the caseworker must apply but that does not generate independent documentation or procedural obligations.

REQ-36-10: [INTERNAL CONTROL] — The caseworker must ensure that when a qualification program decision is issued, the qualification support is formally bundled into the same document. This requires attention to administrative decision formatting at the point of decision issuance. The transaction cost is concentrated in the initial decision-drafting phase and is low relative to other requirements. However, where a participant's support entitlement changes mid-program, the bundling requirement may create ambiguity about whether a new bundled decision is required, generating downstream administrative work.

REQ-36-11: [USER NEED] — No additional transaction cost burden identified beyond what is already inherent in producing a legally compliant administrative decision. The content requirement (informing of reduction consequences) is addressed through a standard decision template.

REQ-36-12: [INTERNAL CONTROL] — This is the most significant internal control transaction cost in the set for the caseworker and NAV leader. The requirement to execute reductions "administratively based on registered attendance" demands: (a) a functioning, reliable attendance registration system (typically IT-based, e.g., within Arena or a program management module); (b) a defined workflow for translating attendance data into support reduction calculations; (c) a communication mechanism to inform the participant of the reduction and enable appeal; and (d) documentation of the reduction basis and amount in the case file. Each of these sub-requirements demands coordination between the caseworker, the program organizer (who provides the attendance data), and the NAV system. In concrete terms: the caseworker must regularly retrieve attendance data, calculate reductions, produce and dispatch reduction notifications, and file documentation — all without a defined procedural pipeline in the circular. The legal ambiguity about whether this replaces or merely supplements individual decision requirements adds compliance uncertainty. **This provision is grounded in the circular but has only PARTIAL statutory authority under § 36. The caseworker must execute a complex attendance-based administrative procedure for which the statutory basis is contested.**

REQ-36-13: [MIXED — internal control primary] — The caseworker must ensure that (a) each reduction decision and its supporting reasoning is entered into the case file, and (b) each leave (permisjon) decision and its basis is also documented. In concrete administrative terms: every administrative reduction event must generate a case file entry; every leave approval or denial must be separately documented with reasoning. For participants with irregular attendance patterns, this can generate a stream of individual documentation obligations. The documentation burden scales with attendance irregularity and is highest for participants with complex or disputed absence patterns. **This obligation derives from general administrative law (fvl. §§ 15, 25) rather than § 36's substantive text — the circular's placement of it under § 36 does not alter its legal source but does confirm it applies to § 36 proceedings.**

REQ-36-14 (Kommunebrev): [USER NEED] — No transaction cost burden identified as such; the obligation is procedural in that it requires a sequenced assessment. However, the

caseworker must maintain awareness of the KVP eligibility assessment as a prerequisite step before imposing activity conditions. **This requirement has no circular authority under § 36 and no § 36 statutory basis. Any procedural overhead it generates falls entirely outside the framework the circular provides.**

REQ-36-15 (Kommunebrev): [USER NEED — but with internal control overhead for the NAV office] — The proactive identification and application-assistance obligation requires the NAV office to maintain systematic awareness of its target population, to actively screen incoming cases for KVP eligibility, and to offer application assistance. In concrete administrative terms: caseworkers must have time allocated for proactive outreach activities, eligibility screening must be embedded in the intake process, and application assistance must be provided as an ongoing service. This is a significant hidden overhead on caseworker capacity. **This requirement has no circular authority under § 36 and no § 36 statutory basis. Any burden it imposes falls entirely outside the framework the circular provides, yet in framing it as a Kommunebrev requirement associated with § 36, the instrument creates a mandatory expectation without regulatory foundation in the § 36 field.**

REQ-36-16 (Veileder — prison): [USER NEED — but with coordination overhead] — The prison preparation obligation requires the caseworker to: (a) identify KVP-eligible persons in prison in their municipality's catchment area; (b) establish contact with the relevant correctional facility; (c) coordinate a program plan with both kriminalomsorgen and the relevant program organizers; and (d) ensure the plan is ready for implementation upon release. In concrete administrative terms, this is a multi-step inter-agency coordination process involving institutions entirely outside the NAV organizational structure, typically at physical distance from the NAV office, and operating under a different administrative regime (criminal justice). **This requirement has no circular authority under § 36 and no § 36 statutory basis. Any coordination cost it generates falls entirely outside the framework the circular provides.**

REQ-36-17 (Veileder — prison): [USER NEED — but with assessment overhead] — The concrete eligibility assessment during sentence execution requires the caseworker to conduct an individualized, documented assessment of whether the preconditions for KVP participation are met during a prison sentence. This requires specialized knowledge of the intersection between social services eligibility criteria and criminal justice sentence conditions. The low encounter frequency for this specific assessment type — most NAV offices will encounter this situation only rarely — means the competence cannot be maintained through routine practice. **This requirement has no circular authority under § 36 and no § 36 statutory basis. The transaction cost it generates falls entirely outside any framework the circular provides. Caseworkers must comply with an obligation that the primary normative instrument governing their work under § 36 does not address.**

REQ-36-18 (Veileder § 17): [INTERNAL CONTROL] — The caseworker must ensure that where a service measure under § 17 is provided in connection with a KVP program, two separate decisions are produced: one under § 17 for the specific service measure, and one under § 29 for the program. In concrete administrative terms: the caseworker must identify the correct legal basis for each element of the service package, draft two formally correct

decisions referencing different statutory provisions, and maintain both in the case file. This doubles the decision-drafting burden for cases where § 17 and § 29 measures co-occur. **This requirement has no circular authority under § 36, no § 36 statutory basis, and belongs to a different normative domain (§ 17 / § 29). Any transaction cost it generates falls entirely outside the § 36 framework. The caseworker is required to comply with a § 17 veileder obligation attributed to § 36 casework — a pure category error generating an undocumented compliance obligation invisible from the primary normative instrument.**

STEP 6 — CATALOG ENTRIES

REQUIREMENT ID: §36-REQ-01 **PROVISION TEXT:** Self-declaration (egenmelding) is defined as written or oral notification of sickness or injury preventing program participation, without presenting a medical certificate. **SOURCE INSTRUMENT:** Forskrift om kvalifiseringsprogram og kvalifiseringsstønad § 6 (FOR-2011-12-21-1471) — delegated regulation under Social Services Act § 36 authority, restated in Circular R-35 Para 4.36.1. **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — Forskrift enacted under explicit § 36 statutory delegation. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — The notification format definition protects the user from disproportionate documentation demands for short-term absences. **BURDEN DESCRIPTION:** No transaction cost burden identified. The definition simplifies administration. **KILL LIST CLASSIFICATION:** No Kill List Action — requirement has sufficient authority and proportionate burden. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: §36-REQ-02 **PROVISION TEXT:** If sickness exceeds the three-day self-declaration period, the municipality may demand a medical certificate; failure to produce one eliminates entitlement to support for the self-declaration period. **SOURCE INSTRUMENT:** Forskrift § 6 (FOR-2011-12-21-1471) — delegated regulation, restated in Circular R-35 Para 4.36.1. **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — Forskrift under § 36 delegation. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** MIXED — Internal control primary (verifying the basis for ongoing support); user protection secondary (three-day threshold sets a minimum before documentation can be required). **BURDEN DESCRIPTION:** Caseworker must track absence duration per participant and trigger the medical certificate demand when the three-day threshold is exceeded. Requires an absence monitoring mechanism, which may be manual in small offices. The discretionary framing (municipality *may* demand) preserves local judgment. Low individual overhead; manageable in routine casework. **KILL LIST CLASSIFICATION:** No Kill List Action — requirement has sufficient authority, proportionate burden, and preserves local discretion through permissive language. **TRANSACTION COST CATEGORY:** Documentation Inflation (minor — contingent on absence duration)

REQUIREMENT ID: §36-REQ-03 **PROVISION TEXT:** The municipality may demand written confirmation of an oral self-declaration after the participant has resumed program participation. **SOURCE INSTRUMENT:** Forskrift § 7 (FOR-2011-12-21-1471) — delegated regulation, restated in Circular R-35 Para 4.36.1. **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — Forskrift under § 36 delegation. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** INTERNAL CONTROL — Post-hoc written confirmation is a record-keeping tool for the administrative file, not a protection for the user. **BURDEN DESCRIPTION:** Caseworker must, upon participant's return to program, decide whether to request written confirmation of a prior oral notification and document the resulting confirmation. The permissive framing preserves local discretion. The transaction cost is low but concentrated at program resumption and requires a documentation step in the case file. No circular guidance exists on when to exercise the option, leaving the decision entirely to local judgment. No circular authority gap — the provision is properly grounded. **KILL LIST CLASSIFICATION:** Category C — Clarification: the room for maneuver regarding when to exercise the confirmation demand (and when to waive it) should be made explicit to reduce any shadow binding effect of the discretionary authority. **TRANSACTION COST CATEGORY:** Documentation Inflation (minor)

REQUIREMENT ID: §36-REQ-04 **PROVISION TEXT:** From the fourth day of a child's or childcarer's sickness, the municipality may require the sickness to be documented with a medical certificate. **SOURCE INSTRUMENT:** Forskrift § 10 (FOR-2011-12-21-1471) — delegated regulation, restated in Circular R-35 Para 4.36.1. **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — Forskrift under § 36 delegation. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** MIXED — Internal control primary (verifying entitlement basis for child-related absence); user protection secondary (four-day threshold before documentation can be demanded). **BURDEN DESCRIPTION:** Caseworker must monitor duration of child/carer-related absences and trigger a medical certificate demand on day four if the authority is exercised. Structurally equivalent to REQ-36-02; low overhead, preserves discretion through permissive language. **KILL LIST CLASSIFICATION:** No Kill List Action — sufficient authority, proportionate burden, discretionary framing preserved. **TRANSACTION COST CATEGORY:** Documentation Inflation (minor — contingent)

REQUIREMENT ID: §36-REQ-05 **PROVISION TEXT:** A participant who is pregnant must present a medical certificate attesting that it is better for her to participate in the program in order to resume participation before the mandatory post-birth leave expires. **SOURCE INSTRUMENT:** Forskrift § 13 (FOR-2011-12-21-1471) — delegated regulation, restated in Circular R-35 Para 4.36.1. **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — Forskrift under § 36 delegation. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — The medical certificate gating mechanism protects the participant's health by requiring a physician's assessment before early program resumption. **BURDEN DESCRIPTION:** No transaction cost burden identified

for the municipality. The obligation falls on the participant; the caseworker receives and processes the certificate. **KILL LIST CLASSIFICATION:** No Kill List Action — sufficient authority, proportionate burden, directly serves user interest. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: §36-REQ-06 **PROVISION TEXT:** Invalid absence reduces support proportionally hour for hour. The child supplement (barnetillegget) is excluded from this reduction. **SOURCE INSTRUMENT:** Circular R-35 Para 4.36.1 — grounded directly in Social Services Act § 36 and § 35. **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — Direct statutory provision. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — Substantive legal rule governing financial entitlement and specifically protecting the child supplement from reduction. **BURDEN DESCRIPTION:** No transaction cost burden identified as a documentation or procedural overhead beyond what is inherent in applying the calculation rule. The explicit exclusion of barnetillegget is a protective user right. **KILL LIST CLASSIFICATION:** No Kill List Action — core statutory provision. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: §36-REQ-07 **PROVISION TEXT:** Participants in the program shall receive close follow-up (tett oppfølging) from the NAV office. **SOURCE INSTRUMENT:** Circular R-35 Para 4.36.1 — no equivalent provision in Social Services Act § 36 or the delegated Forskrift. **CIRCULAR AUTHORITY:** PRESENT — the obligation appears in the circular. However, the circular attaches it to § 36 which does not authorize it. The circular here exceeds § 36's statutory scope. **LEGAL AUTHORITY:** PARTIAL — § 36 does not provide statutory authority. A possible basis may exist under §§ 29–33 (program management and follow-up obligations), but the circular's placement of this obligation within § 36 creates a misattribution that constitutes a first-order statutory authority gap within § 36's framework. **DOUBLE AUTHORITY GAP:** NO — circular authority is present. **CATEGORY ERROR:** NO — the obligation belongs within the social services framework, but to a different provision (§§ 29–33) rather than § 36. **SCALE FLAG:** PARTIAL — the close follow-up obligation presupposes dedicated caseworker capacity to maintain individualized participant contact. In small generalist offices, this competes with desk-based reactive caseload obligations. Anchor Document: [S] Specialization mechanism — dedicated roles cannot coexist with mandatory desk processing in small offices. **PURPOSE:** MIXED — user need (program quality, facilitation) and internal control (absence detection for benefit reduction administration) are co-equal; internal control framing is primary in the § 36 context. **BURDEN DESCRIPTION:** Caseworker must maintain ongoing individual contact with each program participant, monitor attendance and progress, initiate follow-up actions, and document follow-up activities in the case file. No frequency standard or documentation format is defined in the circular, but the mandatory language ("skal") creates compliance exposure without specifying what compliance looks like. In small offices with limited caseworker capacity, this obligation competes directly with other mandatory case processing tasks. The obligation falls outside § 36's statutory scope, meaning any compliance framework the caseworker relies on derives not from § 36 authority but from unstated other provisions —

caseworkers must comply with an obligation that the primary normative instrument for § 36 attaches without statutory support. **KILL LIST CLASSIFICATION:** Category B — Status Change: the requirement uses mandatory language ("skal") without binding § 36 authority. Reformulation to permissive language ("bør") under the appropriate statutory provision (§§ 29–33) would restore local discretion and correctly locate the obligation within its proper statutory framework. **TRANSACTION COST CATEGORY:** Combined Burden (Documentation Inflation + Procedural Duplication)

REQUIREMENT ID: §36-REQ-08 **PROVISION TEXT:** The NAV advisor must maintain good collaboration with program organizers, educational institutions, and others to detect participant absence and follow up with better facilitation. **SOURCE INSTRUMENT:** Circular R-35 Para 4.36.1 — no equivalent provision in Social Services Act § 36 or the Forskrift. **CIRCULAR AUTHORITY:** PRESENT — appears in the circular, but outside § 36's statutory scope. **LEGAL AUTHORITY:** NO (under § 36). The Process Inflation Findings state: "§ 36 contains no provision authorizing or requiring inter-institutional collaboration." A possible basis may exist in program management provisions (§§ 29–33) but is entirely absent from § 36. **DOUBLE AUTHORITY GAP:** NO — circular authority is technically present. **CATEGORY ERROR:** NO — the obligation is within the social services domain but misattributed to § 36. **SCALE FLAG:** PARTIAL — Anchor Document [C] Coordination Infrastructure findings: "small municipalities rely on informal case-by-case coordination rather than written, systematic cooperation agreements." The requirement to maintain active inter-institutional relationships with all program organizers scales with the number of organizational partners and generates coordination overhead that small offices cannot sustain systematically. **PURPOSE:** INTERNAL CONTROL — the collaboration requirement is primarily directed at absence detection for benefit reduction administration purposes. Better facilitation is mentioned as a secondary goal but is not the framing driver in the § 36 context. **BURDEN DESCRIPTION:** Caseworker must establish and maintain communication channels with all external program organizers, educational institutions, and other relevant actors. Must respond to notifications about absences, document inter-institutional communication, and follow up with participants on the basis of external absence information. No scope, frequency, or documentation standard is defined. Obligation has no § 36 statutory grounding, meaning caseworkers must operate an external coordination infrastructure for which the primary normative instrument governing their § 36 work provides no legal basis. **KILL LIST CLASSIFICATION:** Category B — Status Change: the requirement uses prescriptive ("Det er viktig") language that functions as an imperative without § 36 binding authority. Reformulation to permissive language, relocated to the appropriate program management provisions (§§ 29–33), would restore local discretion and correct the misattribution. **TRANSACTION COST CATEGORY:** Combined Burden (Procedural Duplication + Structural Disproportionality in small offices)

REQUIREMENT ID: §36-REQ-09 **PROVISION TEXT:** Approved leave periods shall not be counted in the program's duration. **SOURCE INSTRUMENT:** Circular R-35 Para 4.36.1 — grounded in Social Services Act §§ 32 and 36. **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — substantive legal protection grounded in §§ 32 and 36. **DOUBLE**

AUTHORITY GAP: NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — The exclusion of approved leave from program duration is a direct entitlement protection for the user. **BURDEN DESCRIPTION:** No transaction cost burden identified as administrative overhead. The caseworker must track approved leave periods separately for program duration calculation purposes, but this is inherent in administering § 36 and generates no independent documentation or procedural overhead. **KILL LIST CLASSIFICATION:** No Kill List Action — core substantive legal provision. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: §36-REQ-10 **PROVISION TEXT:** The qualification support shall be granted in the same administrative decision as the qualification program. **SOURCE INSTRUMENT:** Circular R-35 Para 4.36.1.1 — no equivalent provision in Social Services Act § 36 or the Forskrift. **CIRCULAR AUTHORITY:** PRESENT — appears in the circular as a mandatory instruction. **LEGAL AUTHORITY:** NO (under § 36). The Process Inflation Findings state: "§ 36 governs absence reductions and does not address or authorize procedural rules regarding whether the benefit and program must be bundled into a single joint decision." Any legal basis derives from §§ 29–35 or general administrative law, not from § 36. **DOUBLE AUTHORITY GAP:** NO — circular authority present. **CATEGORY ERROR:** NO — but the obligation belongs to the §§ 29–35 decision-making framework, not § 36. **SCALE FLAG:** NO — no organizational scale threshold is presupposed by this requirement. **PURPOSE:** INTERNAL CONTROL — administrative decision structuring for internal coherence. The user's legal position is not materially affected by whether the benefit and program are bundled or issued separately; the substance of the entitlement is what matters. **BURDEN DESCRIPTION:** Caseworker must ensure that initial decision documents address both the program and the support simultaneously. Minor formatting and drafting obligation concentrated at initial decision issuance. Low overhead. The circular's mandatory framing ("innvilges i samme vedtak") provides no flexibility for cases where separate decisions may be operationally appropriate, but the burden is low in standard cases. **KILL LIST CLASSIFICATION:** Category C — Clarification: the room for maneuver regarding whether separate decisions are ever appropriate (e.g., mid-program support adjustments) should be made explicit to reduce shadow binding from the mandatory framing. **TRANSACTION COST CATEGORY:** Documentation Inflation (minor — concentrated at decision issuance)

REQUIREMENT ID: §36-REQ-11 **PROVISION TEXT:** The decision must inform the user that the support will be reduced as a consequence of invalid absence. **SOURCE INSTRUMENT:** Circular R-35 Para 4.36.1.1 — no equivalent provision in Social Services Act § 36; possible general administrative law basis in fvl. § 17. **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — § 36 is silent on decision content requirements. The obligation may be derivable from forvaltningsloven § 17 (duty to inform of consequences affecting the user's position), but this is a general administrative law obligation, not a § 36 obligation specifically. **DOUBLE AUTHORITY GAP:** NO — circular authority present. **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — Informing the user in advance of the financial consequence of non-compliance is a fundamental principle of procedural fairness and directly serves the user's interest in knowing the consequences of their actions.

BURDEN DESCRIPTION: No additional transaction cost burden identified. The content requirement is addressed through a standard decision template element and is inherent in producing any legally compliant administrative decision under fvl. **KILL LIST CLASSIFICATION:** No Kill List Action — serves user interest, low burden, grounded in general administrative law even if § 36 authority is PARTIAL. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: §36-REQ-12 **PROVISION TEXT:** Reduction for invalid absence is executed administratively on the basis of registered attendance. The reduction and its basis can be appealed to the NAV office. **SOURCE INSTRUMENT:** Circular R-35 Para 4.36.1.1 — § 36 mandates the reduction outcome but does not specify the procedural mechanism. **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — § 36 mandates reductions but is silent on the execution mechanism. There is unresolved legal ambiguity about whether this administrative execution method displaces individual decision requirements under general administrative law. Flag: recommend human legal review (as noted in Process Inflation Findings). **DOUBLE AUTHORITY GAP:** NO — circular authority present. **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — the requirement presupposes a functioning attendance registration system (IT-supported). Anchor Document [D] Documentation Apparatus findings: attendance and documentation tracking systems generate scale-sensitive compliance failures in small offices, particularly where IT infrastructure is fragmented (Compilo/ASYS inaccessibility pattern in Averøy, Giske, Båtsfjord, Nav Hallingdal, Àvjovàrri). **PURPOSE:** INTERNAL CONTROL — the administrative execution mechanism is an internal procedural tool for translating attendance data into benefit adjustments. The user's right to appeal is mentioned but is not the primary purpose of the provision. **BURDEN DESCRIPTION:** Caseworker (or NAV leader) must: (a) access and retrieve attendance registration data from program organizers or internal systems; (b) calculate the reduction amount hour-for-hour; (c) produce and dispatch a reduction notification to the participant; (d) document the reduction and its basis in the case file; and (e) maintain a process for receiving and processing appeals. This requires an integrated administrative pipeline — attendance data to calculation to notification to documentation — that, if not supported by standardized IT tools, must be executed manually. The legal ambiguity about whether this mechanism replaces individual decision requirements means the caseworker operates an unsettled procedure. The circular provides mandatory language but no procedural guidance for the execution pipeline. **KILL LIST CLASSIFICATION:** Category C — Clarification: the legal question of whether administrative execution satisfies or contradicts individual decision requirements under general administrative law must be resolved explicitly. The current formulation creates legal exposure for caseworkers executing reductions on the assumption that no individual decision is required, when general administrative law may demand otherwise. **TRANSACTION COST CATEGORY:** Combined Burden (Documentation Inflation + Procedural Duplication + unresolved legal uncertainty)

REQUIREMENT ID: §36-REQ-13 **PROVISION TEXT:** The reduction decision and its reasoning must appear in the case file. The same applies to decisions on leave

(permisjoner). **SOURCE INSTRUMENT:** Circular R-35 Para 4.36.1.1 — implementing general administrative law obligations (fvl. §§ 15 and 25), not grounded in § 36's substantive text. **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — the general administrative law documentation obligations (fvl. §§ 15, 25) provide the substantive legal basis. § 36 does not independently authorize this requirement; the circular correctly operationalizes a general administrative law obligation in the § 36 context. **DOUBLE AUTHORITY GAP:** NO — circular authority present. **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — Anchor Document [D] Documentation Apparatus: "roughly half of all Set B findings involve sanctions for failure to maintain formal written records." The documentation burden for every reduction event and every leave decision scales with the frequency of such events. For participants with irregular attendance, this generates a stream of individual documentation obligations. The pattern of "caseworkers knowing more about users' situations than their journals reflect" (documented in Nordreisa, Nannestad, Salangen, Målselv, and others) is directly applicable. **PURPOSE:** MIXED — internal control primary (record for audit, supervision, and appeals processing); user protection secondary (documented reasoning supports the participant's ability to exercise the appeal right). **BURDEN DESCRIPTION:** Caseworker must enter a formal case file record for each absence-based reduction event, documenting the reduction amount and its justification, and a separate record for each leave decision with its reasoning. For participants with frequent or irregular absences, this generates ongoing documentation obligations. The burden is manageable in cases with rare events but escalates with attendance complexity. The obligation derives from general administrative law; the circular's inclusion of it under § 36 correctly channels a pre-existing general obligation into the § 36 workflow. **KILL LIST CLASSIFICATION:** No Kill List Action — grounded in general administrative law, serves both user protection and legitimate internal control. **TRANSACTION COST CATEGORY:** Documentation Inflation

---

REQUIREMENT ID: §36-REQ-14 **PROVISION TEXT:** The right to qualification program must be assessed before activity conditions under § 20 are imposed on the user. **SOURCE INSTRUMENT:** Kommunebrev 2025 — (a) a Kommunebrev. Not present in the circular, the statute, or the Forskrift. **CIRCULAR AUTHORITY:** ABSENT — this requirement has no presence in the § 36 circular paragraph. **Consequence: the requirement operates entirely outside the § 36 circular framework. Any procedural burden it imposes is unsupported by the primary normative instrument governing § 36 casework. LEGAL AUTHORITY:** NO (under § 36). Process Inflation Findings: "§ 36 does not address pre-conditions for setting activity requirements; the requirement belongs to § 29 and § 20, demonstrating a misattribution of legal basis." The requirement has a legitimate home in §§ 20/29 but has been displaced into the § 36 field through the Kommunebrev. **DOUBLE AUTHORITY GAP:** YES — both circular authority (ABSENT) and § 36 statutory authority (NO) are absent. **CATEGORY ERROR:** YES — this obligation belongs to the §§ 20/29 normative framework. Its attachment to § 36 through the Kommunebrev constitutes a misattribution of legal domain. The user-protective purpose of the requirement is legitimate; its legal address is wrong. **SCALE FLAG:** PARTIAL — the procedural sequencing presupposes caseworker capacity to conduct a structured two-stage assessment. Anchor Document [P] Procedural Continuity findings are structurally relevant. **PURPOSE:** USER NEED — the sequencing requirement protects the user from being subjected to less

favorable legal treatment (activity conditions) when they may have a stronger entitlement (KVP). **BURDEN DESCRIPTION:** Caseworker must maintain awareness of the KVP eligibility assessment as a mandatory pre-step before imposing activity conditions. This requires procedural knowledge of the relationship between § 20 and §§ 29–30, and active integration of the eligibility screen into intake procedures. The user-protection purpose is legitimate. However: this requirement has no circular authority under § 36 and no § 36 statutory basis. Any procedural overhead it generates falls entirely outside the § 36 normative framework. The Kommunebrev cannot generate binding obligations in the § 36 field; its authority derives from the statutory provisions it properly covers (§§ 20, 29), not from § 36. **KILL LIST CLASSIFICATION:** Category A — Removal from the § 36 normative field: this requirement has no § 36 legal authority and belongs to a different statutory framework. It should be removed from § 36-associated guidance and correctly located in the §§ 20/29 normative instruments where it has legitimate legal standing. **TRANSACTION COST CATEGORY:** Structural Disproportionality (misattribution creates compliance exposure without § 36 regulatory foundation)

REQUIREMENT ID: §36-REQ-15 **PROVISION TEXT:** The NAV office should actively investigate whether persons in the target group may have the right to a qualification program, and assist with applications where necessary. **SOURCE INSTRUMENT:** Kommunebrev 2025 — (a) a Kommunebrev. Not present in the circular, the statute, or the Forskrift. **CIRCULAR AUTHORITY:** ABSENT — not present in the § 36 circular paragraph. **Consequence: any operational burden this requirement generates is entirely unsupported by the § 36 circular framework. LEGAL AUTHORITY:** NO (under § 36). Process Inflation Findings: "§ 36 solely governs mid-program benefit reductions and offers no statutory basis for proactive pre-enrolment outreach obligations." A legitimate legal basis may exist in §§ 17, 29–30, or the general duty to inform and assist, but § 36 does not support it. **DOUBLE AUTHORITY GAP:** YES — both circular authority (ABSENT) and § 36 statutory authority (NO) are absent. **CATEGORY ERROR:** YES — pre-enrolment outreach and application assistance are §§ 17/29–30 obligations, not § 36 obligations. **SCALE FLAG:** YES — Anchor Document directly identifies proactive outreach as a latent volume driver of potentially very high severity: "dedicated field roles cannot coexist alongside mandatory desk-bound case processing in small offices" (Latent Driver 1, §17 memo). The Anchor Document notes that the gap between normative expectation and operational reality for outreach "may be larger here than anywhere else in the dataset." The Kommunebrev uses advisory language ("bør"), but its mandatory framing in the context of a compliance-oriented environment generates shadow binding. **Any scale-related burden this requirement imposes is entirely unsupported by the § 36 circular framework and constitutes disproportionate burden without regulatory foundation in the § 36 field. PURPOSE:** USER NEED — proactive outreach to KVP-eligible persons serves their access to a legal entitlement. The user-protective purpose is legitimate. **BURDEN DESCRIPTION:** The NAV office must maintain systematic capacity to screen incoming cases and existing caseloads for KVP eligibility, proactively contact potential applicants, and provide application assistance. This is a significant organizational capacity obligation requiring dedicated time allocation for outreach activities. Applicable Anchor Document finding: outreach is structurally incompatible with full desk-bound reactive processing in small offices. This obligation has no circular authority under § 36, no § 36 statutory basis, and derives from a

non-binding Kommunebrev — yet the mandatory framing creates operational expectation without any § 36 regulatory foundation. **KILL LIST CLASSIFICATION:** Category A — Removal from the § 36 normative field: this requirement has no § 36 legal authority and belongs in the §§ 17/29–30 normative framework. Its current location in § 36-associated guidance creates a false regulatory connection that lacks legal support. **TRANSACTION COST CATEGORY:** Structural Disproportionality + Combined Burden (no regulatory foundation in § 36 field)

REQUIREMENT ID: §36-REQ-16 **PROVISION TEXT:** For persons with the right to a qualification program, program facilitation can be arranged while the person is in prison so that it can be implemented upon release. **SOURCE INSTRUMENT:** Nasjonal veileder kriminalomsorgen/NAV — (b) a veileder. Not present in the circular, the statute, or the Forskrift. **CIRCULAR AUTHORITY:** ABSENT — not in the § 36 circular paragraph. **Consequence: the obligation is entirely invisible from the primary normative instrument and operates without circular guidance. LEGAL AUTHORITY:** NO (under § 36). Process Inflation Findings: "§ 36 governs absence from active programs; it lacks authority and provides no basis for pre-release program preparation, which should be anchored in §§ 29–30." **DOUBLE AUTHORITY GAP:** YES — both circular authority (ABSENT) and § 36 statutory authority (NO) are absent. **CATEGORY ERROR:** YES — pre-release program preparation is a §§ 29–30 program establishment matter, not a § 36 absence-reduction matter. The veileder governing prison/NAV cooperation introduces this obligation into a § 36 compliance environment where it has no legal standing. **SCALE FLAG:** PARTIAL — requires active inter-agency coordination with kriminalomsorgen, a structurally external institution with its own protocols and physical separation from NAV offices. Anchor Document [C] Coordination Infrastructure findings are directly applicable: inter-agency coordination obligations impose disproportionate overhead on small offices. The requirement has no circular authority under § 36; any scale-related burden it generates falls entirely outside the § 36 framework. **PURPOSE:** USER NEED — pre-release preparation serves the user's smooth transition to program participation and reduces gaps in service. **BURDEN DESCRIPTION:** Caseworker must identify KVP-eligible incarcerated persons, establish contact with the relevant correctional facility, coordinate a program plan with both kriminalomsorgen and program organizers, and ensure readiness for implementation upon release. Multi-step inter-institutional coordination process involving external institutions operating under a different regime. The obligation has no circular authority under § 36, no § 36 statutory basis, and derives from a veileder in a different normative domain. Caseworkers must comply with an obligation that the primary § 36 normative instrument does not address. **KILL LIST CLASSIFICATION:** Category A — Removal from the § 36 normative field: this requirement has no § 36 legal authority and belongs in the §§ 29–30 program design and establishment framework. The veileder correctly identifies the operational need but incorrectly attaches it to the § 36 compliance field. **TRANSACTION COST CATEGORY:** Structural Disproportionality + Combined Burden (no regulatory foundation in § 36 field)

REQUIREMENT ID: §36-REQ-17 **PROVISION TEXT:** The NAV office must conduct a concrete assessment of whether the preconditions for participation in the qualification program during sentence execution are present in each individual case. **SOURCE INSTRUMENT:** Nasjonal veileder kriminalomsorgen/NAV — (b) a veileder. Not present in the circular, the statute, or the Forskrift. **CIRCULAR AUTHORITY:** ABSENT — not in the § 36 circular paragraph. **Consequence: this obligation is invisible from the primary normative instrument and operates without any § 36 regulatory framework. LEGAL AUTHORITY:** NO (under § 36). Process Inflation Findings: "§ 36 handles the financial consequences of program absence and has no legal authority to govern concrete eligibility and participation precondition assessments." **DOUBLE AUTHORITY GAP:** YES — both circular authority (ABSENT) and § 36 statutory authority (NO) are absent. **CATEGORY ERROR:** YES — eligibility and participation precondition assessment during sentence execution is a §§ 29–30 eligibility and program admission matter. **SCALE FLAG:** PARTIAL — the specific assessment of participation preconditions during incarceration requires competence at the intersection of social services eligibility law and criminal justice program conditions. Anchor Document [K] Competence Sustainability findings are directly applicable: competence in specific procedural subtasks degrades when encounter frequency is too low. Most NAV offices will encounter this scenario extremely rarely, making competence maintenance structurally impossible. The requirement has no circular authority under § 36; any scale-related burden it generates falls entirely outside the § 36 framework and constitutes disproportionate burden without regulatory foundation. **PURPOSE:** USER NEED — the individual assessment obligation ensures that the user's right to the program is evaluated on its specific merits rather than automatically deferred. It is a due process protection. **BURDEN DESCRIPTION:** Caseworker must conduct a documented, individualized assessment of whether each KVP program participation condition is satisfied during sentence execution, requiring specialized knowledge of the interaction between program eligibility criteria and prison sentence conditions. Low encounter frequency in most municipalities means this assessment cannot be routinized or practiced to competence. The obligation has no circular authority under § 36, no § 36 statutory basis, and derives from a veileder in a different normative domain. Caseworkers must comply with a complex eligibility assessment procedure for which the primary normative instrument governing their § 36 work provides no guidance whatsoever. **KILL LIST CLASSIFICATION:** Category A — Removal from the § 36 normative field: no § 36 legal authority exists. The requirement should be relocated to §§ 29–30 normative instruments where the eligibility framework is properly housed. **TRANSACTION COST CATEGORY:** Structural Disproportionality + Combined Burden (no regulatory foundation in § 36 field; competence sustainability failure)

REQUIREMENT ID: §36-REQ-18 **PROVISION TEXT:** A service measure under sosialtjenesteloven § 17 must be formalized in its own separate decision under § 17, and must not be incorporated into the § 29 program decision. **SOURCE INSTRUMENT:** Veileder til sosialtjenesteloven § 17 — (b) a veileder. This instrument is anchored in a completely different statutory provision (§ 17), not in § 36. Not present in the § 36 circular, the statute, or the Forskrift. **CIRCULAR AUTHORITY:** ABSENT — this requirement is not addressed anywhere in the § 36 circular framework. **Consequence: the obligation is not only invisible from the primary normative instrument — it derives from an instrument governing an entirely different statutory provision and has been operationally**

attributed to § 36 casework without any legal foundation in the § 36 field. LEGAL AUTHORITY: NO (under § 36). Process Inflation Findings: "§ 36 contains no authority whatsoever over how § 17 measures are formally decided, placing this requirement entirely outside the paragraph's scope." **DOUBLE AUTHORITY GAP:** YES — both circular authority (ABSENT) and § 36 statutory authority (NO) are absent. **CATEGORY ERROR:** YES — this is the clearest category error in the set. The obligation derives from the § 17 veileder, which governs an entirely different statutory provision from a different chapter of the law. It has been operationally attributed to § 36 casework. This is not a misattribution within the § 36 framework; it is a full importation from a different legal domain. **SCALE FLAG:** PARTIAL — the requirement to produce two separate formal decisions for co-occurring § 17 and § 29 measures doubles the decision-drafting obligation in combined cases. Anchor Document [D] Documentation Apparatus and [P] Procedural Continuity findings confirm that formal decision-structuring obligations are among the most scale-sensitive compliance areas. The specific finding from the §17 volume driver memo — that the vedtak requirement for § 17 generates the highest concentration of sanctions in the dataset — is directly relevant. **Any scale-related burden this requirement generates falls entirely outside the § 36 framework and constitutes disproportionate burden without any § 36 regulatory foundation. PURPOSE:** INTERNAL CONTROL — decision separation is a formal administrative structuring obligation serving internal legal coherence. The user's entitlement is determined by the substance of each decision, not by whether they are formally separated. **BURDEN DESCRIPTION:** Caseworker must identify when § 17 service measures co-occur with a § 29 KVP program, correctly attribute each measure to its statutory basis, and draft two separate formal decisions referencing different statutory provisions. This doubles the decision-drafting burden in combined cases and requires precise legal knowledge about the boundary between § 17 and § 29 measures. The obligation derives from the § 17 veileder — an instrument with no authority in the § 36 field — and has no circular authority under § 36, no § 36 statutory basis, and represents a full category error. Caseworkers must comply with a § 17 veileder obligation that has been attributed to § 36 casework: the primary normative instrument governing their § 36 work does not address this obligation, has no authority to address it, and cannot provide guidance on it. **KILL LIST CLASSIFICATION:** Category A — Removal from the § 36 normative field: this requirement derives from a different legal domain (§ 17) and has no legal standing in the § 36 framework. It should be addressed exclusively through § 17 normative instruments and must not be attributed to § 36 casework obligations. **TRANSACTION COST CATEGORY:** Documentation Inflation + Structural Disproportionality (category error generates undocumented compliance obligation in § 36 field)

CLOSING COMPARATIVE NOTE

Total requirements identified from the Process Inflation Findings: 18

Requirements visible from the circular paragraph alone: 13 (REQ-36-01 through REQ-36-13)

Requirements invisible from the circular paragraph: 5 (REQ-36-14 through REQ-36-18) — representing 28% of the total requirement load that is entirely suppressed from view when analysis begins with the circular rather than the Process Inflation Findings.

Double authority gaps (circular authority ABSENT + § 36 statutory authority NO): 5 requirements — REQ-36-14, REQ-36-15, REQ-36-16, REQ-36-17, REQ-36-18. All five correspond precisely to the requirements invisible from the circular, confirming the structural pattern: every requirement that escapes the circular's text also lacks § 36 statutory authority. This is not coincidental — it reflects the dynamic by which sub-legal instruments (Kommunebrev, veiledere) generate obligations that the primary normative instrument for the paragraph cannot support.

Requirements with only PARTIAL statutory authority under § 36 (single authority gap): 4 requirements — REQ-36-07, REQ-36-11, REQ-36-12, REQ-36-13. These requirements are present in the circular but lack a direct § 36 statutory basis, instead drawing on either general administrative law (fvl.) or adjacent program provisions (§§ 29–33). They do not constitute double authority gaps, but each reflects the circular operating beyond § 36's own statutory scope.

Requirements deriving from a different legal domain (category errors): 5 requirements — REQ-36-14 (§§ 20/29), REQ-36-15 (§§ 17/29–30), REQ-36-16 (§§ 29–30), REQ-36-17 (§§ 29–30), REQ-36-18 (§ 17). Every double authority gap also constitutes a category error: all five requirements belong to statutory provisions other than § 36 and have been displaced into the § 36 normative field through sub-legal instruments. REQ-36-18 represents the starkest category error: a § 17 veileder obligation has been operationally attributed to § 36 casework without any legal connection between the two provisions.

Kill List breakdown:

- **Category A — Removal:** 5 requirements — REQ-36-14, REQ-36-15, REQ-36-16, REQ-36-17, REQ-36-18. All lack § 36 legal authority, belong to different statutory frameworks, and should be removed from § 36 normative instruments and correctly located within their proper statutory fields.
- **Category B — Status Change:** 2 requirements — REQ-36-07, REQ-36-08. Both appear in the circular but exceed § 36's statutory scope; both use imperative language without § 36 binding authority and should be reformulated as permissive guidance, relocated to the §§ 29–33 framework.
- **Category C — Clarification:** 3 requirements — REQ-36-03, REQ-36-10, REQ-36-12. REQ-36-03 and REQ-36-10 require explicit statement of local discretion to prevent shadow binding from their mandatory framing; REQ-36-12 requires legal clarification of whether administrative execution satisfies or conflicts with individual decision requirements under forvaltningsloven.
- **No Kill List Action:** 8 requirements — REQ-36-01, REQ-36-02, REQ-36-04, REQ-36-05, REQ-36-06, REQ-36-09, REQ-36-11, REQ-36-13.

Primary transaction cost categories by frequency:

1. **Documentation Inflation** — present in 9 requirements (REQ-36-02, REQ-36-03, REQ-36-04, REQ-36-07, REQ-36-10, REQ-36-12, REQ-36-13, REQ-36-18, and

minor contributions in others). This is the dominant category, consistent with the Anchor Document's finding that [D] Documentation Apparatus is the most pervasive volume driver across all social services domains.

2. **Structural Disproportionality** — present in 6 requirements (REQ-36-07, REQ-36-08, REQ-36-15, REQ-36-16, REQ-36-17, REQ-36-18). All six involve obligations that presuppose organizational capacity (coordination infrastructure, specialist capacity, outreach capacity) that small generalist offices cannot sustain. Notably, four of the six structural disproportionality findings are also double authority gaps — meaning the scale-related burden they impose operates without any § 36 regulatory foundation.
3. **Combined Burden** — present in 5 requirements (REQ-36-07, REQ-36-08, REQ-36-12, REQ-36-15, REQ-36-16, REQ-36-17). These requirements generate multiple overlapping compliance demands that together exceed any individual element.
4. **Procedural Duplication** — present in 3 requirements (REQ-36-07, REQ-36-08, REQ-36-12). Caseworkers must duplicate procedures (attendance tracking, inter-agency coordination, reduction execution) that already exist in adjacent workflows.
5. **Reporting Overhead** — minor presence; no requirement generates pure reporting overhead as its primary transaction cost category.

Key synthesis observation for the main report: The most analytically significant pattern in § 36 is that all five requirements lacking any circular authority also lack any § 36 statutory authority and constitute category errors — they derive from sub-legal instruments (two Kommunebrev, two veiledere, one § 17 veileder) that have operationally colonized the § 36 normative field. These five requirements generate obligations that are entirely invisible from the primary normative instrument, have no legal standing within § 36's framework, belong to different statutory domains, and in several cases impose scale-sensitive coordination burdens on small offices without any regulatory foundation. The circular itself contributes two additional requirements (REQ-36-07 and REQ-36-08) that are present in the text but exceed § 36's statutory mandate — a form of circular overreach that creates mandatory obligations for which the statute provides no authority. Together, these seven requirements (five orphans plus two circular overreaches) represent the core of the § 36 sludge load and constitute the primary Kill List candidates for this paragraph.

SLUDGE AUDIT — § 37 Samordning mellom kvalifiseringsstønad og arbeidsinntekt mv.

PRELIMINARY METHODOLOGICAL NOTE

Requirement count comparison: The Process Inflation Findings (Reference Document) identify **13 requirements** applicable to or analytically associated with § 37. The circular paragraph in the Context Document — comprising the statutory text, section 4.37.1, and section 4.37.1.1 — renders **9 of those requirements visible** to a reader working from the circular alone. The remaining **4 requirements have no textual presence in the circular whatsoever**.

Requirements invisible from the circular:

Requirement	Source Instrument	Instrument Type
Req 10: KVP right must be assessed before activity conditions are set	Kommunebrev 2025	(a) Kommunebrev
Req 11: NAV must actively investigate whether persons in the target group may have a right to KVP	Kommunebrev 2025	(a) Kommunebrev
Req 12: Prison inmates may be granted KVP if confinement is shorter than six months	Nasjonal veileder for kriminalomsorgen	(b) Veileder
Req 13: Advisory services must be decided in a separate vedtak under § 17, not subsumed in the § 29 KVP decision	Veileder til sosialtjenesteloven § 17	(b) Veileder

Structural significance: This means that a caseworker or NAV leader consulting the § 37 circular paragraph to understand their obligations under this provision would encounter only 9 of the 13 operative requirements. Four obligations—including a sequencing mandate, an active investigation duty, an eligibility threshold, and a decision-form requirement—exist in parallel normative layers that the circular gives no indication of. This structural invisibility is analytically central: it confirms that the circular paragraph functions as an incomplete map of the actual normative terrain, and that the Process Inflation Findings are an irreplaceable entry point for a comprehensive audit. Requirements operating outside the circular cannot receive circular guidance, meaning caseworkers subject to them are effectively regulated by instruments their primary normative reference document does not acknowledge.

STEP 1 — IDENTIFICATION OF ALL REQUIREMENTS

Requirement 37.1 *Obligation:* Kvalifiseringsstønaden avkortes time for time hvis deltakeren har inntektsgivende arbeid eller gjennomfører læretid. *Source instrument:* R-35 Para § 37 (innledning); statutory basis in Social Services Act § 37. *Explicit/implicit:* Explicit. *Circular presence:* Present — textually stated in both the statutory extract and section 4.37.1.

Requirement 37.2 *Obligation:* Det skal også gjøres avkortning i barnetillegget. *Source instrument:* R-35 Para § 37 (innledning/beregning); statutory basis in Social Services Act § 37 (stønaden inkludert barnetillegg). *Explicit/implicit:* Explicit. *Circular presence:* Present — stated in section 4.37.1.

Requirement 37.3 *Obligation:* Ved utregning vil det være hensiktsmessig å slå sammen timene til hele dager, som trekkes fra stønaden før utbetaling. *Source instrument:* R-35 Para § 37 (beregningsmetode). *Explicit/implicit:* Explicit as operational guidance; implicit as a procedural obligation (the hensiktsmessig framing creates a normative expectation without formally binding language). *Circular presence:* Present.

Requirement 37.4 *Obligation:* Det skal samordnes time for time uavhengig av om arbeidet foregår på dagtid, kveld, natt eller helg. *Source instrument:* R-35 Para § 37 (beregningsmetode). *Explicit/implicit:* Explicit. *Circular presence:* Present — italicised in the circular, confirming its emphasized status.

Requirement 37.5 *Obligation:* Timer som eventuelt blir til overs og utgjør mindre enn en dag, tas det ikke hensyn til. *Source instrument:* R-35 Para § 37 (beregningsmetode). *Explicit/implicit:* Explicit. *Circular presence:* Present.

Requirement 37.6 *Obligation:* Kvalifiseringsstønaden innvilges i samme vedtak som kvalifiseringsprogrammet. *Source instrument:* R-35 Para 4.37.1.1 (Vedtak og klage — innledning). *Explicit/implicit:* Explicit. *Circular presence:* Present.

Requirement 37.7 *Obligation:* Vedtaket skal opplyse om at stønaden kan samordnes med arbeidsinntekt mv. *Source instrument:* R-35 Para 4.37.1.1 (Vedtak og klage — midten). *Explicit/implicit:* Explicit. *Circular presence:* Present.

Requirement 37.8 *Obligation:* Reduksjon på grunn av inntektsgivende arbeid gjøres administrativt med hjemmel i denne bestemmelsen. Beslutningen kan påklages til Nav-kontoret. *Source instrument:* R-35 Para 4.37.1.1 (Vedtak og klage — midten). *Explicit/implicit:* Explicit. *Circular presence:* Present.

Requirement 37.9 *Obligation:* Reduksjonen og begrunnelsen for den skal fremgå av saken. *Source instrument:* R-35 Para 4.37.1.1 (Vedtak og klage — slutten). *Explicit/implicit:* Explicit. *Circular presence:* Present.

Requirement 37.10 *Obligation:* Rett til kvalifiseringsprogram skal vurderes før det stilles vilkår om aktivitet. *Source instrument:* Kommunebrev 2025. *Explicit/implicit:* Explicit. *Circular presence:* **Absent** — no textual basis in the § 37 circular paragraph.

Requirement 37.11 *Obligation:* Nav-kontoret bør aktivt undersøke om personer som er i målgruppen kan ha rett på kvalifiseringsprogram. *Source instrument:* Kommunebrev 2025. *Explicit/implicit:* Explicit (advisory register, bør). *Circular presence:* **Absent** — no textual basis in the § 37 circular paragraph.

Requirement 37.12 *Obligation:* Innsatte i fengsel kan få innvilget kvalifiseringsprogram hvis oppholdet i fengsel er av kortere varighet enn seks måneder. *Source instrument:* Nasjonal veileder for kriminalomsorgen. *Explicit/implicit:* Explicit. *Circular presence:* **Absent** — no textual basis in the § 37 circular paragraph.

Requirement 37.13 *Obligation:* Tjenesten som tiltak skal fattes i et eget vedtak etter sotjl. § 17, og ikke inngå i vedtaket om kvalifiseringsprogram etter sotjl. § 29. *Source instrument:* Veileder til sosialtjenesteloven § 17. *Explicit/implicit:* Explicit. *Circular presence:* **Absent** — no textual basis in the § 37 circular paragraph.

STEP 2 — LEGAL AUTHORITY CHECK

Requirement 37.1 Direction 1 — Circular authority: **YES.** Textually present in both the statutory extract and section 4.37.1. Direction 2 — Statutory authority: **YES.** The hour-for-hour reduction rule is the core operative content of § 37 itself; it restates the statute. Double authority gap: **NO.** Category error: **NO.**

Requirement 37.2 Direction 1 — Circular authority: **YES.** Present in section 4.37.1. Direction 2 — Statutory authority: **YES.** § 37 explicitly includes barnetillegg in the reduction formula ("stønaden inkludert barnetillegg"). Double authority gap: **NO.** Category error: **NO.**

Requirement 37.3 Direction 1 — Circular authority: **YES.** Present in section 4.37.1 (beregningsmetode). Direction 2 — Statutory authority: **PARTIAL.** § 37 authorizes an hour-based calculation but neither prescribes nor prohibits a day-bundling technique. The Process Inflation Findings (Finding 37.3) note that § 37 "leaves ambiguity regarding whether general administrative authority covers this calculation methodology." The day-bundling method is an administrative operationalization of the statutory formula, not a direct statutory prescription. It may be supported by general administrative authority but this is not beyond doubt. Double authority gap: **NO** (circular authority is present; statutory authority is partial, not absent). Category error: **NO.**

Requirement 37.4 Direction 1 — Circular authority: **YES.** Present and italicised in section 4.37.1. Direction 2 — Statutory authority: **YES.** § 37 establishes hour-for-hour reduction with no time-of-day qualification; this provision clarifies the universal application of that formula, consistent with the statutory text. Double authority gap: **NO.** Category error: **NO.**

Requirement 37.5 Direction 1 — Circular authority: **YES.** Present in section 4.37.1. Direction 2 — Statutory authority: **YES** with a note of interpretive extension. § 37 establishes an hour-based formula; the exclusion of sub-full-day remainders is a computational rule that resolves a gap the statute leaves open. The Process Inflation Findings classify this as a substantive legal obligation that "directly modifies the substantive statutory calculation formula." The resolution favors the user (no deduction for partial hours), which is consistent with the protective purpose of the provision. Statutory authority is adequate. Double authority gap: **NO.** Category error: **NO.**

Requirement 37.6 Direction 1 — Circular authority: **YES.** Present in section 4.37.1.1. Direction 2 — Statutory authority: **NO.** § 37 is a substantive economic coordination rule and, as the Process Inflation Findings (Finding 37.6) state, "grants no authority to regulate decision form, structure, or procedure." The requirement to combine benefit and program in one decision document derives from administrative practice and circular guidance, not from the statute. No provision of § 37 — or, textually, of §§ 29–35 as cited in the cross-references — mandates joint decision form as opposed to separate but coordinated decisions. Forvaltningsloven provides general decision-making rules but does not prescribe joint form for these specific instruments. Double authority gap: **NO** (circular authority is present, but statutory authority is absent). Category error: **NO** — within social services domain.

Requirement 37.7 Direction 1 — Circular authority: **YES.** Present in section 4.37.1.1 with "skal" language. Direction 2 — Statutory authority: **PARTIAL.** § 37 contains no provisions regarding mandatory decision content or information duties. The Process Inflation Findings (Finding 37.7) note that "§ 37 contains no provisions regarding mandatory decision content, creating ambiguity as to whether independent administrative laws are required." Forvaltningsloven § 25 (begrunnelse i vedtak) and the general duty to inform users of their rights under forvaltningsloven § 17 provide partial statutory grounding, but not specific to the coordination content required here. The obligation is partially supported by general administrative law but not by § 37 itself. Double authority gap: **NO** (circular authority present; statutory authority partial). Category error: **NO.**

Requirement 37.8 Direction 1 — Circular authority: **YES.** Present in section 4.37.1.1. Direction 2 — Statutory authority: **PARTIAL.** § 37 establishes the reduction formula but is, as the Process Inflation Findings (Finding 37.8) state, "completely silent on the procedural mechanism, making it legally ambiguous whether the statute implies administrative execution." The choice between administrative implementation and a new formal vedtak for each reduction instance is a procedural specification not resolved by the statute. The circular's choice of administrative execution (with appeal rights to the NAV office) is a defensible interpretation of administrative law, but it is not mandated by § 37. Double authority gap: **NO.** Category error: **NO.**

Requirement 37.9 Direction 1 — Circular authority: **YES.** Present in section 4.37.1.1 with "skal" language. Direction 2 — Statutory authority: **NO** as to § 37 specifically; **PARTIAL** when general administrative law is included. The Process Inflation Findings (Finding 37.9) state that "§ 37 contains no documentation or case-file recording requirements." Forvaltningsloven § 25 and the general principle of case documentation (saksdokumentasjon) under forvaltningsloven § 11 provide a partial basis, but this derives from general administrative law rather than social services law. The "skal fremgå av saken" formulation uses imperative language for an obligation whose § 37 authority is zero; its legitimacy depends entirely on other statutory sources. Double authority gap: **NO** (circular authority present), but the specific § 37 statutory authority is absent. Flagged as **authority gap within § 37** with reliance on general administrative law as the operative source. Category error: **NO.**

Requirement 37.10 Direction 1 — Circular authority: **NO.** The requirement derives from a Kommunebrev and has no textual presence in the § 37 circular paragraph. This constitutes a **first-order authority gap**: the requirement operates entirely outside the circular framework for § 37. Finding 37.10 from the Reference Document confirms that "§ 37 regulates economic coordination only; this sequential obligation has no functional or textual basis in the provision." Direction 2 — Statutory authority: **NO** as to § 37. The sequencing obligation between KVP eligibility assessment and activity conditions may derive from §§ 29/20a read

together, but it is not anchored in § 37. Double authority gap: **YES.** Circular authority is absent and statutory authority in § 37 is absent. Category error: **PARTIAL.** The requirement belongs substantively to the §§ 29/20a framework (program eligibility and activity conditions), not to § 37 (benefit coordination). It has been operationalized through a Kommunebrev associated with § 37 but belongs to a different normative domain within social services law.

Requirement 37.11 Direction 1 — Circular authority: **NO.** Derives from Kommunebrev 2025; no textual presence in § 37 circular. First-order authority gap confirmed. Finding 37.11 from the Reference Document states that "active investigation of program eligibility falls entirely outside § 37's scope." Direction 2 — Statutory authority: **NO** as to § 37. A general duty of proactive investigation could potentially be inferred from § 17 (opplysning, råd og veiledning) or §§ 29/30, but these are different provisions. § 37 confers no such duty. Double authority gap: **YES.** Category error: **PARTIAL.** The investigation duty relates to KVP program eligibility (§§ 29–33 domain) and the general advisory duty (§ 17 domain), not to benefit coordination under § 37.

Requirement 37.12 Direction 1 — Circular authority: **NO.** Derives from the Nasjonal veileder for kriminalomsorgen; no textual presence in the § 37 circular. First-order authority gap. Direction 2 — Statutory authority: **PARTIAL** — but as to §§ 29–30, not § 37. The eligibility threshold for prison inmates is a substantive eligibility rule that properly belongs to the KVP program framework under §§ 29–30. § 37 governs coordination of the benefit once the program is running; it cannot be the statutory home for eligibility thresholds applied before the program commences. Double authority gap: **YES** as to § 37 — both circular authority and § 37 statutory authority are absent. Category error: **YES.** This requirement belongs to the §§ 29–30 program eligibility domain. Its placement in analytical proximity to § 37 via the veileder is a structural misplacement. The requirement may be legally valid in its home domain but cannot derive authority from § 37.

Requirement 37.13 Direction 1 — Circular authority: **NO.** Derives from the Veileder til sosialtjenesteloven § 17; no textual presence in the § 37 circular. First-order authority gap. Direction 2 — Statutory authority: **NO** as to § 37. The Process Inflation Findings (Finding 37.13) confirm that "§ 37 deals exclusively with economic reduction formulas; the structuring and form of advisory service decisions fall entirely outside its bounds." The requirement's proper statutory home is § 17 (advisory services) read in conjunction with forvaltningsloven §§ 2 and 23 (on enkeltvedtak). This is not a § 37 obligation. Double authority gap: **YES.** Category error: **YES.** This requirement belongs to the § 17/§ 29 interface domain. Its appearance in analytical association with § 37 through the veileder constitutes regulatory displacement. It imposes a documentation obligation in the social services domain, but derived from a different statutory provision than § 37.

STEP 3 — SCALE AND PROPORTIONALITY CHECK

The Anchor Document (Volume Driver Findings) covers §§ 17, 18, 19, and 20a directly. It does not analyze § 37 (KVP coordination) as a standalone service domain. Cross-references are therefore structural: findings from analogous mechanisms are carried across where the normative architecture is comparable.

Requirement 37.1: Scale flag: **NO.** The hour-for-hour reduction formula is a direct statutory calculation applied per individual case. It does not presuppose organizational capacity or case volume thresholds.

Requirement 37.2: Scale flag: **NO.** The child supplement reduction is a direct statutory extension of Req 37.1, with no additional organizational demand.

Requirement 37.3: Scale flag: **PARTIAL.** The day-bundling calculation method requires caseworkers to correctly aggregate fractional hours — a procedural step that, while individually modest, must be executed correctly on every coordination calculation. The Anchor Document's analysis of the [P] Procedural Continuity mechanism is relevant: "A pipeline cannot become habitual when triggered fewer than 10–15 times per year." § 37 coordination events are likely low-frequency in small municipalities (few KVP participants at any given time), meaning caseworkers may not encounter this calculation routinely enough to maintain reliable procedural fluency. Anchor finding: Cluster 1 (Documentation-Competence-Specialization Trap) — the interaction between low encounter frequency and procedural specificity produces compliance degradation even for administratively modest requirements.

Requirement 37.4: Scale flag: **NO.** The time-of-day universality rule requires no organizational capacity beyond applying the reduction formula already required by Req 37.1.

Requirement 37.5: Scale flag: **NO.** The partial-hour exclusion rule resolves a calculation edge case in the user's favor. It imposes no additional organizational burden.

Requirement 37.6: Scale flag: **PARTIAL.** The joint decision requirement assumes an administrative workflow capable of simultaneously processing both the program decision (§ 29) and the benefit decision (§ 37) in a single coordinated instrument. In small offices where decision-processing capacity is limited and the maker/checker separation requirement (Anchor Document, Cluster 2, Tier 2 Driver) may already be structurally impossible, the joint decision form adds procedural coordination overhead. However, this burden is modest and the requirement is present in the circular, meaning caseworkers have normative guidance for it.

Requirement 37.7: Scale flag: **NO.** Adding a standard information clause to a decision document does not impose scale-sensitive burden.

Requirement 37.8: Scale flag: **NO.** The administrative execution mechanism (as opposed to a new formal vedtak per reduction) actually reduces procedural burden. This requirement

creates no scale-sensitive problem; if anything, it mitigates one by obviating repeated formal decision-making.

Requirement 37.9: Scale flag: **YES.** The "skal fremgå av saken" documentation requirement directly maps to the [D] Documentation Apparatus mechanism, the single most pervasive volume driver in the Anchor Document. The Anchor Document identifies the core pattern: "caseworkers knew more about the users' situations than the journals reflected." For KVP coordination specifically: when a reduction event occurs (income reported), the caseworker must actively record both the calculated reduction amount and the justification. In small offices managing a handful of KVP participants, this documentation pipeline will be triggered infrequently — Anchor finding: "A municipality processing eight formal § 17 decisions per year faces not just the competence challenge of maintaining level-3 expertise but also the procedural challenge of correctly structuring vedtak it almost never writes." Requirement 37.9 imposes the same low-frequency procedural specificity demand. Since this requirement has **no § 37 statutory authority** (Step 2), the scale burden it imposes falls entirely outside any framework the circular can justify — it is a sub-legal documentation obligation imposed on a low-frequency procedural event.

Requirement 37.10: Scale flag: **YES.** The sequencing obligation — KVP eligibility must be assessed before activity conditions are imposed — requires caseworkers to execute a separate, complete eligibility assessment prior to a different administrative action. The Anchor Document's [P] Procedural Continuity mechanism is directly applicable: "The pipeline assumes a queuing environment where formal prioritization is necessary. In small offices that have the capacity to help users immediately, the pipeline is structurally redundant as an operational tool, but legally mandatory." Requirement 37.10 imposes a mandatory procedural sequence that parallels this pattern. In small municipalities where KVP participants are rare, the caseworker may encounter this sequencing requirement too infrequently to maintain fluency with it. Since this requirement derives from a Kommunebrev with no circular authority for § 37, the scale burden it imposes is **unsupported by the circular framework and therefore constitutes disproportionate burden without regulatory foundation**.

Requirement 37.11: Scale flag: **YES.** Active investigation of potential target groups is the prototypical latent volume driver identified in the Anchor Document. Anchor Document, Latent Driver 1 (oppsøkende virksomhet): "Outreach is inherently a higher-capacity function than reactive desk service, meaning the gap between normative expectation and operational reality may be larger here than anywhere else in the dataset." Requirement 37.11 is structurally identical to that latent driver: it imposes a proactive investigation duty on NAV caseworkers for a function that requires dedicated time, caseload scanning capacity, and organizational bandwidth that small offices do not have alongside their mandatory desk-bound case processing. Since this requirement derives from a Kommunebrev with no circular authority for § 37, the scale burden is again **unsupported by the circular framework**.

Requirement 37.12: Scale flag: **NO** for scale sensitivity in isolation. The prison threshold is a binary eligibility criterion applied per individual case; it does not presuppose organizational capacity. However, it constitutes a category error (Step 2), meaning its presence in the § 37 normative cluster is analytically problematic regardless of scale.

Requirement 37.13: Scale flag: **YES.** The requirement to issue a separate § 17 vedtak for advisory services alongside (and distinct from) the § 29 KVP program decision directly maps to the [D] Documentation Apparatus and Cluster 1 findings in the Anchor Document. The Anchor Document identifies this exact obligation — issuing formal vedtak under § 17 for advice provided in connection with other services — as the most frequently sanctioned element in the entire dataset. "The requirement to issue formal decisions for level 1 (simple budget guidance) is the most frequently sanctioned individual requirement in the corpus. It structurally disadvantages small offices that deliver the same guidance informally and immediately." Requirement 37.13 extends this burden into the KVP interface, requiring a separate § 17 decision precisely when advisory services are delivered as part of a broader program intervention. In small municipalities where KVP is rare, this separate-decision obligation will be triggered infrequently — compounding the [K] competence sustainability problem. Since this requirement has no § 37 circular authority, the scale burden is **unsupported by the circular framework**.

STEP 4 — PURPOSE CLASSIFICATION

Requirement 37.1: [USER NEED]. The hour-for-hour reduction formula is the direct statutory mechanism that protects both the integrity of the benefit (no overcompensation) and the user's right to work. It ensures the user receives accurate economic treatment. Its primary and sole function is correct individual case assessment.

Requirement 37.2: [USER NEED]. The child supplement reduction rule ensures complete and lawful application of the benefit calculation to the user's full entitlement package. No administrative control function is served; the requirement is purely about correct individual economic outcome.

Requirement 37.3: [MIXED]. Primary purpose: administrative calculation standardization (internal operational consistency). Secondary purpose: user benefit — the day-bundling method protects against excessive reduction of fractional hours by establishing a clear rounding convention. The framing in the circular — "hensiktsmessig" (expedient) rather than "skal" (shall) — signals that the primary driver is operational method rather than user right, which is separately protected by Req 37.5 (sub-day remainder exclusion). The administrative standardization function is primary.

Requirement 37.4: [USER NEED]. The time-of-day universality rule clarifies the substantive scope of the reduction formula in a way that directly bears on the user's case outcome — it closes a potential dispute about whether evening or weekend work is treated differently. The user's knowledge of this rule is directly relevant to their planning and behavior. No internal control function is served.

Requirement 37.5: [USER NEED]. The partial-hour exclusion is a substantive rule that favors the user by excluding sub-full-day remainders from reduction. It directly affects the user's benefit amount. No documentation or audit function is served.

Requirement 37.6: [MIXED]. Primary purpose: administrative form (internal organizational logic — synchronizing two related decisions). Secondary purpose: user benefit — receiving program and benefit in one coherent decision document supports the user's understanding of their situation and their ability to appeal. The primary driver is administrative structural logic (decision architecture), not the user's individual case outcome; the benefit outcome is determined by Req 37.1–37.5, not by the decision form requirement. Administrative form is primary, user transparency is secondary.

Requirement 37.7: [USER NEED]. The information duty directly serves the user's legal security: they must be told their benefit can be reduced so they can plan their working activity accordingly. The requirement bears directly on the user's ability to exercise informed choices and appeal rights. No audit or reporting function is served.

Requirement 37.8: [MIXED]. Primary purpose: internal administrative efficiency — the circular establishes that income-related reductions are implemented administratively rather than through repeated formal decisions, reducing procedural overhead for the office. Secondary purpose: user protection — the provision preserves the user's right to contest the reduction by specifying that it can be challenged before the NAV office. The efficiency function is primary (the alternative — a new formal vedtak per reduction — would be operationally burdensome). The appeal rights clause is a user protection secondary element.

Requirement 37.9: [INTERNAL CONTROL]. The requirement to document the reduction amount and its justification in the case file serves case audit, supervisory review, and internal control functions. It has no direct bearing on the user's case outcome: the reduction is already calculated and implemented under Req 37.1, and the user's appeal rights exist under Req 37.8 regardless of what the internal case file contains. The Anchor Document's [D] Documentation Apparatus analysis is precisely applicable: this is a record-keeping obligation that serves the administrative accountability system, not the user's substantive entitlement.

Requirement 37.10: [MIXED]. Primary purpose: user protection — the sequencing rule ensures that a potentially more favorable intervention (KVP program) is considered before a less favorable one (activity conditions). Secondary purpose: procedural control — the sequencing rule imposes a specific administrative order on eligibility assessments. Classified as [MIXED] because both the user-protective function and the procedural control function are significant. However, since this requirement derives from a Kommunebrev with no § 37 authority, it operates without regulatory foundation in this context. Its purpose in relation to § 37 users is classified as: user protection is primary in its substantive aim, but the administrative sequencing mechanism it imposes creates procedural overhead.

Requirement 37.11: [MIXED]. Primary purpose: user benefit through outreach — ensuring that potentially eligible persons who have not self-identified receive program access. Secondary purpose: administrative compliance with a state expectation about proactive service delivery. The outreach function is user-serving in its aim, but the "bør"-language in the Kommunebrev signals that the obligation is not fully binding. The proactive investigation duty is primarily user-serving in intent, but as the Anchor Document establishes for structurally identical obligations, outreach functions in practice serve system capacity and

supervisory compliance as much as individual user needs. Classified as [MIXED] with user benefit as the stated primary purpose but significant internal compliance dimensions.

Requirement 37.12: [USER NEED]. The prison threshold is a substantive eligibility rule that directly determines whether a specific category of users can access the program. It directly serves the user's legal security in terms of program access. However, as established in Step 2, this requirement belongs to the §§ 29–30 domain, not § 37. Its purpose classification in relation to § 37 users is therefore qualified: the requirement is user-serving in its proper domain (§§ 29–30) but is analytically displaced into the § 37 normative cluster.

Requirement 37.13: [INTERNAL CONTROL] in relation to § 37 users. The requirement to issue a separate § 17 vedtak for advisory services delivered alongside KVP primarily serves the formal administrative architecture — maintaining the structural separation between different service types and their respective appeal tracks. The user's substantive benefit from the advisory service is not affected by whether it appears in the § 29 decision or a separate § 17 decision. The separate-vedtak requirement produces administrative documentation overhead for the purpose of structural formalism. In its home domain (§ 17), there is a partial user protection rationale (separate appeal rights), but in the context of § 37 coordination, the primary function is formal decision architecture maintenance, which is an internal control function.

STEP 5 — TRANSACTION COST CHARACTERIZATION

Requirements classified as [USER NEED] (37.1, 37.2, 37.4, 37.5, 37.7, 37.12): **No transaction cost burden is identified for these requirements.** Each directly serves the quality, fairness, or legal security of the user's case assessment and does not impose documentation, reporting, or audit functions beyond what is inherent in substantive case processing.

Requirement 37.3 — [MIXED] The caseworker must aggregate fractional work hours into whole-day units before applying the reduction formula. Concretely: when a KVP participant reports work income, the caseworker must calculate total work hours, divide by the standard daily hours, round down to whole days, and apply the daily benefit rate to those whole days. This is a low-burden individual calculation step. The transaction cost is modest but real: it adds a non-trivial calculation layer to the reduction process that requires both the correct formula and awareness of the day-bundling convention. Given the low frequency of KVP program participation in small municipalities, this calculation will be performed rarely, increasing the risk of procedural error. The circular provides guidance, so the caseworker at least has a normative anchor. **Transaction cost category:** Documentation Inflation (minor calculation overhead).

Requirement 37.6 — [MIXED] The caseworker or NAV leader must ensure that the benefit decision and the program decision are formally issued as one combined vedtak. This requires coordination between the caseworker preparing the § 29 program content and the caseworker or system handling the § 37 benefit component. In offices with very few social services staff, this coordination is likely managed by the same person. The burden is modest in isolation — a matter of document architecture — but it adds a structural constraint to the decision-production workflow: the benefit cannot be issued until the program decision is fully formed, and vice versa. *Note:* This requirement has no § 37 statutory authority (Step 2). The transaction cost it imposes — the structural coordination demand — therefore falls partly outside the framework § 37 can justify, but remains within what the circular expressly addresses. **Transaction cost category:** Procedural Duplication (requires coordinating two decision components into one instrument).

Requirement 37.8 — [MIXED] The caseworker must execute income-based reductions administratively rather than through a new formal vedtak each time income is reported. Concretely: when KVP participants report work income (monthly, weekly, or ad hoc), the caseworker must calculate the reduction and apply it administratively to the benefit payment, recording this action in the system without producing a separate formal decision instrument. This requirement actually reduces transaction cost compared to the alternative (formal vedtak per reduction event). The residual burden is the need to manage the administrative execution correctly within the benefit system and ensure the user can locate and challenge the reduction. *Note:* This requirement has PARTIAL statutory authority. The circular provides guidance, meaning caseworkers have a normative anchor. **Transaction cost category:** No additional transaction cost identified beyond inherent case management — this requirement reduces burden relative to the alternative.

Requirement 37.9 — [INTERNAL CONTROL] The caseworker must actively document in the case file: (a) the specific amount of the reduction calculated, and (b) the factual and legal basis for that reduction. This is a pure case-file documentation obligation. Concretely: after each income-based reduction event, the caseworker must produce a written record — either a journal entry or a case note — stating what was reduced, by how much, and why. This record exists not for the user's benefit (the user receives the administrative decision under Req 37.8) but for the audit trail available to supervisors and appellate reviewers. *Note:* This requirement has **no § 37 statutory authority** (Step 2). The transaction cost it imposes therefore falls outside any framework the § 37 circular provides genuine legal authority for. Caseworkers are obligated to maintain a documentation record that their primary normative instrument does not anchor in statute. In small municipalities where KVP participants are few and reduction events are infrequent, this documentation pipeline will be triggered rarely — increasing the probability of procedural omission without any case-volume floor to sustain routine. **Transaction cost category:** Documentation Inflation.

Requirement 37.10 — [MIXED] The caseworker must, before drafting any activity condition (vilkår) for a social services user, first conduct and document a complete KVP eligibility

assessment under §§ 29–33. Concretely: for every case where activity conditions might otherwise be applied, the caseworker must: (a) identify whether the user falls within the KVP target group; (b) conduct an eligibility assessment against the § 29 criteria; (c) document that assessment; and (d) only then proceed to consider activity conditions if KVP is not applicable. This sequencing obligation duplicates assessment work that may already occur in the ordinary §§ 20a/29 workflow, adding a mandatory checkpoint that must be actively completed and recorded before a parallel administrative action. *Note:* This requirement derives from a Kommunebrev with **no circular authority** for § 37. The transaction cost it imposes — mandatory prior assessment before a different administrative action — falls outside the § 37 circular framework entirely. **Transaction cost category:** Procedural Duplication.

Requirement 37.11 — [MIXED] The caseworker (or NAV office collectively) must proactively scan their active social services caseload to identify individuals who may be eligible for KVP but have not self-referred. Concretely: this requires: (a) regular or systematic review of cases receiving social assistance, economic counseling, or other social services; (b) application of KVP eligibility criteria against those cases; (c) some form of active outreach or internal referral mechanism when potential eligibility is identified. In a small municipality with a generalist caseworker covering hundreds of social assistance cases annually alongside all social services functions, this proactive investigation duty competes directly with mandatory reactive caseload obligations. The Anchor Document identifies structurally identical outreach obligations as creating a gap between normative expectation and operational reality that "may be larger here than anywhere else in the dataset." *Note:* This requirement derives from a Kommunebrev with **no circular authority** for § 37. The investigation burden it imposes falls outside any framework the § 37 circular addresses. Caseworkers must comply with an active investigation obligation that the primary normative instrument governing their work does not acknowledge. **Transaction cost category:** Structural Disproportionality.

Requirement 37.13 — [INTERNAL CONTROL] The caseworker must, when advisory services are provided to a KVP participant as part of their program, produce not only the § 29 program decision but an additional, formally separate vedtak under § 17. Concretely: this means: (a) identifying when advisory services delivered within the KVP context constitute a § 17 service requiring a separate formal decision; (b) drafting a separate enkeltvedtak under § 17 with all required formal elements (start date, legal basis, justification, appeal information); (c) managing the administrative workflow of two simultaneous but formally distinct decision instruments; and (d) ensuring the user understands the relationship between the two decisions. This requirement directly maps to the single most frequently sanctioned documentation obligation in the Anchor Document: the § 17 vedtak requirement for all levels of advice. The Anchor Document confirms: "The documentation for routine advisory work... is generating sanctions across the widest range of municipalities, including those that are otherwise performing well." *Note:* This requirement derives from a Veileder to sosialtjenesteloven § 17, with **no circular authority** for § 37 and **no § 37 statutory authority**. The combined documentation and procedural duplication burden it imposes falls entirely outside the § 37 circular framework. A caseworker consulting § 37 for guidance on

managing KVP benefit coordination would find no indication that a separate § 17 decision is required for advisory services delivered alongside the program. **Transaction cost category:** Combined Burden (Documentation Inflation + Procedural Duplication).

STEP 6 — CATALOG ENTRIES

REQUIREMENT ID: 37.1 **PROVISION TEXT:** Kvalifiseringsstønaden avkortes time for time hvis deltakeren har inntektsgivende arbeid eller gjennomfører læretid. **SOURCE INSTRUMENT:** Circular R-35, § 37 (innledning); statutory restatement of Social Services Act § 37. **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — direct restatement of § 37 statutory text. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED **BURDEN DESCRIPTION:** No transaction cost burden identified. This is a substantive legal obligation that directly determines the user's benefit amount; execution is inherent to any lawful case assessment. **KILL LIST CLASSIFICATION:** No Kill List Action — sufficient authority and proportionate burden. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified.

REQUIREMENT ID: 37.2 **PROVISION TEXT:** Det skal også gjøres avkortning i barnetillegget. **SOURCE INSTRUMENT:** Circular R-35, § 37 (innledning/beregning); statutory basis in § 37 ("stønaden inkludert barnetillegg"). **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — the statutory text of § 37 explicitly includes barnetillegg. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED **BURDEN DESCRIPTION:** No transaction cost burden identified. The child supplement reduction is a direct extension of the hour-for-hour calculation in Req 37.1. **KILL LIST CLASSIFICATION:** No Kill List Action. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified.

REQUIREMENT ID: 37.3 **PROVISION TEXT:** Ved utregning vil det være hensiktsmessig å slå sammen timene til hele dager, som trekkes fra stønaden før utbetaling. **SOURCE INSTRUMENT:** Circular R-35, § 37 (beregningsmetode). **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — § 37 authorizes hour-based calculation but does not prescribe day-bundling as the calculation method. Process Inflation Finding 37.3: "§ 37 authorizes an hour-based calculation but neither prescribes nor prohibits a day-bundling technique." **DOUBLE AUTHORITY GAP:** NO (circular authority present). **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — low encounter frequency in small municipalities risks procedural unfamiliarity with this calculation step. Anchor Document Cluster 1: low-frequency procedural requirements fail to become habitual routines. **PURPOSE:** MIXED — primary: administrative calculation standardization; secondary: user benefit through consistent treatment. **BURDEN DESCRIPTION:** Caseworker must aggregate fractional work hours into whole-day units before applying the reduction formula. Modest calculation overhead. The "hensiktsmessig" framing suggests permissive rather than binding intent, but

in practice functions as the operative method. The circular provides guidance, so normative coverage is adequate. **KILL LIST CLASSIFICATION:** Category C — Clarification. The permissive framing ("hensiktsmessig") should be explicitly marked as discretionary method guidance rather than binding procedure, so caseworkers understand alternative calculation methods are permissible where equally accurate. This reduces shadow binding. **TRANSACTION COST CATEGORY:** Documentation Inflation (minor).

REQUIREMENT ID: 37.4 **PROVISION TEXT:** Det skal samordnes time for time uavhengig av om arbeidet foregår på dagtid, kveld, natt eller helg. **SOURCE INSTRUMENT:** Circular R-35, § 37 (beregningsmetode). **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — consistent with and clarifying the universal scope of the § 37 formula. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — closes potential dispute about differential treatment of work performed at different times; directly affects user's case outcome. **BURDEN DESCRIPTION:** No transaction cost burden identified. This clarifies the reach of the substantive calculation rule; no additional administrative step is required. **KILL LIST CLASSIFICATION:** No Kill List Action. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified.

REQUIREMENT ID: 37.5 **PROVISION TEXT:** Timer som eventuelt blir til overs og utgjør mindre enn en dag, tas det ikke hensyn til. **SOURCE INSTRUMENT:** Circular R-35, § 37 (beregningsmetode). **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — resolves a statutory gap in the user's favor, consistent with the provision's protective purpose. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — substantive rule that benefits the user by excluding partial-hour remainders from reduction. **BURDEN DESCRIPTION:** No transaction cost burden identified. This rule simplifies calculation by excluding a residual category. **KILL LIST CLASSIFICATION:** No Kill List Action. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified.

REQUIREMENT ID: 37.6 **PROVISION TEXT:** Kvalifiseringsstønaden innvilges i samme vedtak som kvalifiseringsprogrammet. **SOURCE INSTRUMENT:** Circular R-35, Para 4.37.1.1. **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** NO as to § 37. Process Inflation Finding 37.6: "§ 37 is strictly a substantive economic coordination rule and grants no authority to regulate decision form, structure, or procedure." Forvaltningsloven provides general decision-making rules but does not mandate joint form for these instruments specifically. **DOUBLE AUTHORITY GAP:** NO (circular authority present; statutory authority is absent only as to § 37 — general administrative law provides partial support). **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — joint decision production adds workflow coordination overhead in small offices, though modest. **PURPOSE:** MIXED — primary: administrative form standardization; secondary: user transparency (single coordinated decision). **BURDEN DESCRIPTION:** Caseworker or NAV leader must ensure both program and benefit components are issued as one formal instrument. Requires workflow coordination between decision elements. Modest overhead. The circular provides

guidance. The absence of § 37 statutory authority means this obligation rests on administrative practice and circular guidance; caseworkers comply with a form requirement that the statute does not mandate. **KILL LIST CLASSIFICATION:** Category C — Clarification. The room for maneuver — whether procedurally separate but substantively coordinated decisions could satisfy the same purpose — should be made explicit, particularly for situations where timing or IT system constraints make joint issuance difficult. **TRANSACTION COST CATEGORY:** Procedural Duplication (minor).

REQUIREMENT ID: 37.7 **PROVISION TEXT:** Vedtaket skal opplyse om at stønaden kan samordnes med arbeidsinntekt mv. **SOURCE INSTRUMENT:** Circular R-35, Para 4.37.1.1. **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — § 37 contains no provisions regarding mandatory decision content. Forvaltningsloven §§ 17 and 25 provide partial grounding through general information and reasoning duties, but not for this specific coordination content. **DOUBLE AUTHORITY GAP:** NO (circular authority present). **CATEGORY ERROR:** NO **SCALE FLAG:** NO — adding a standard clause to a decision template imposes no scale-sensitive burden. **PURPOSE:** USER NEED — the information clause directly serves the user's right to know that their benefit can be reduced, supporting informed behavior and exercise of appeal rights. **BURDEN DESCRIPTION:** No transaction cost burden identified for this requirement. Adding a standardized information clause to the decision template is a one-time drafting step with negligible ongoing burden. **KILL LIST CLASSIFICATION:** No Kill List Action — user-serving, circular authority present, general administrative law partially supports. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified.

REQUIREMENT ID: 37.8 **PROVISION TEXT:** Reduksjon på grunn av inntektsgivende arbeid gjøres administrativt med hjemmel i denne bestemmelsen. Beslutningen kan påklages til Nav-kontoret. **SOURCE INSTRUMENT:** Circular R-35, Para 4.37.1.1. **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — § 37 establishes the reduction formula but is silent on whether execution should be administrative or through a new formal vedtak. Process Inflation Finding 37.8: "§ 37 establishes the reduction formula but is completely silent on the procedural mechanism." Forvaltningsloven provides general principles but does not resolve this specific procedural choice. **DOUBLE AUTHORITY GAP:** NO. **CATEGORY ERROR:** NO **SCALE FLAG:** NO — this requirement reduces transaction cost. **PURPOSE:** MIXED — primary: administrative efficiency (avoiding repeated formal vedtak per reduction event); secondary: user protection (preserved appeal rights to NAV office). **BURDEN DESCRIPTION:** This requirement does not add transaction cost; it reduces it by permitting administrative execution rather than requiring formal decision-making for each reduction event. The residual obligation is to manage the administrative execution correctly and communicate it to the user. The absence of clear § 37 statutory authority for this specific procedural mechanism means caseworkers operate on the basis of circular guidance alone — but the burden direction is reduction, not addition. **KILL LIST CLASSIFICATION:** Category C — Clarification. The basis for administrative execution versus formal vedtak should be made legally transparent so caseworkers understand both the source of the permission and the limits of the administrative route (e.g., when the appeal

mechanism to the NAV office is activated and what that entails). **TRANSACTION COST CATEGORY:** No Transaction Cost Identified (burden-reducing provision).

REQUIREMENT ID: 37.9 **PROVISION TEXT:** Reduksjonen og begrunnelsen for den skal fremgå av saken. **SOURCE INSTRUMENT:** Circular R-35, Para 4.37.1.1. **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** NO as to § 37. PARTIAL when general administrative law is included (forvaltningsloven general documentation principles). Process Inflation Finding 37.9: "§ 37 contains no documentation or case-file recording requirements, meaning authority must be evaluated against general administrative duties elsewhere." **DOUBLE AUTHORITY GAP:** NO (circular authority present). **CATEGORY ERROR:** NO **SCALE FLAG:** YES — directly maps to the [D] Documentation Apparatus, the dominant volume driver across the Anchor Document. Low-frequency KVP coordination events in small municipalities risk producing intermittent documentation compliance failures. Anchor Document Cluster 1: "The documentation requirement presupposes back-office capacity proportional to caseload." **PURPOSE:** INTERNAL CONTROL — the case-file recording obligation serves audit, supervisory review, and internal quality assurance. It does not affect the user's benefit outcome, which is determined by the calculation (Req 37.1) and communicated through the administrative decision (Req 37.8). The requirement exists for the administrative accountability system. **BURDEN DESCRIPTION:** After each income-based reduction event, the caseworker must produce a written case-file record documenting the reduction amount and the justification. This is a documentation task that follows the substantive administrative execution under Req 37.8 and adds a distinct record-keeping obligation. The burden is modest per event but structurally problematic in low-frequency environments where the routine never stabilizes. The absence of § 37 statutory authority means this documentation obligation rests entirely on circular guidance and general administrative law — caseworkers comply with a record-keeping requirement whose § 37 authority is zero, relying on general administrative norms that the circular implies without stating. **KILL LIST CLASSIFICATION:** Category B — Status Change. The "skal fremgå av saken" formulation uses imperative language for a requirement that has no § 37 statutory anchor. Given that the same purpose (auditability) could be achieved through less prescriptive case-management guidance, and that the obligation can be satisfied in various forms (administrative system log, journal note, or annotation in the vedtak), the imperative framing should be reformulated as guidance on adequate documentation practice, restoring local discretion over the specific recording method. **TRANSACTION COST CATEGORY:** Documentation Inflation.

REQUIREMENT ID: 37.10 **PROVISION TEXT:** Rett til kvalifiseringsprogram skal vurderes før det stilles vilkår om aktivitet. **SOURCE INSTRUMENT:** Kommunebrev 2025. **CIRCULAR AUTHORITY:** ABSENT — consequence: this requirement operates entirely outside the § 37 circular framework. Caseworkers consulting § 37 for normative guidance receive no indication that this sequencing obligation exists. **LEGAL AUTHORITY:** NO as to § 37. Process Inflation Finding 37.10: "§ 37 regulates economic coordination only; this sequential obligation has no functional or textual basis in the provision." A partial basis may exist in §§ 29/20a, but this is a different normative domain. **DOUBLE AUTHORITY GAP:** YES — both

circular authority (absent) and § 37 statutory authority (absent). **CATEGORY ERROR:** PARTIAL — this requirement belongs substantively to the §§ 29/20a eligibility and activity conditions domain. Its operational association with § 37 via the Kommunebrev is a regulatory displacement. **SCALE FLAG:** YES — sequencing obligations that are triggered infrequently fail to become habitual routines in small offices. Anchor Document [P] Procedural Continuity mechanism: "A pipeline cannot become habitual when triggered fewer than 10–15 times per year." Since this burden has no circular authority, it constitutes disproportionate procedural burden without regulatory foundation in § 37. **PURPOSE:** MIXED — primary: user protection (ensures more favorable intervention considered first); secondary: administrative procedure compliance. **BURDEN DESCRIPTION:** Caseworkers must execute a complete KVP eligibility assessment before drafting activity conditions in any social services case. This requires active caseload-screening, application of §§ 29–33 eligibility criteria, and documentation of the assessment result — all prior to a different administrative action. The sequencing obligation creates workflow overhead that duplicates assessment work that may occur through other pathways. The caseworker must comply with an obligation that the primary normative instrument for § 37 does not address; compliance rests entirely on knowledge of and access to the Kommunebrev. **KILL LIST CLASSIFICATION:** Category A — Removal from the § 37 normative framework. This requirement has no legal or circular authority in § 37. It should be removed from the § 37 normative cluster and relocated to its proper normative home (§§ 29/20a) where it can be evaluated on its own merits with appropriate statutory grounding. **TRANSACTION COST CATEGORY:** Procedural Duplication.

REQUIREMENT ID: 37.11 **PROVISION TEXT:** Nav-kontoret bør aktivt undersøke om personer som er i målgruppen kan ha rett på kvalifiseringsprogram. **SOURCE INSTRUMENT:** Kommunebrev 2025. **CIRCULAR AUTHORITY:** ABSENT — consequence: this active investigation duty operates entirely outside the § 37 circular framework. The advisory register (bør) does not eliminate this as an operational expectation but does signal that it is below the binding threshold. **LEGAL AUTHORITY:** NO as to § 37. A general proactive duty could be inferred from § 17 (advisory service) or §§ 29–33 (program eligibility), but not from § 37. **DOUBLE AUTHORITY GAP:** YES — both circular authority (absent) and § 37 statutory authority (absent). **CATEGORY ERROR:** PARTIAL — investigation of KVP program eligibility belongs to the §§ 29–33 domain, not to § 37 benefit coordination. **SCALE FLAG:** YES — directly mirrors the latent outreach volume driver identified in the Anchor Document (Latent Driver 1: oppsøkende virksomhet). Anchor Document: "outreach is inherently a higher-capacity function than reactive desk service." Active target-group investigation competes with mandatory desk-bound case processing in small offices. Since this requirement has no circular authority, the scale burden is unsupported by the § 37 circular framework. **PURPOSE:** MIXED — stated purpose is user benefit through proactive outreach; operational effect includes administrative compliance with Kommunebrev expectations. **BURDEN DESCRIPTION:** The NAV office must systematically scan its active social services caseload to identify individuals who may be KVP-eligible but have not self-referred. This requires dedicated time, criteria-application across a broad population, and some form of active follow-up. In small offices managing diverse caseloads, this investigation duty competes directly with reactive obligations and cannot be routinized in the absence of dedicated capacity. Caseworkers must comply with a

proactive obligation that the primary normative instrument for § 37 does not address — they must locate the Kommunebrev independently and interpret its bør-language. **KILL LIST CLASSIFICATION:** Category B — Status Change. The "bør" language signals advisory intent, but the Kommunebrev framing creates a shadow-binding effect (caseworkers read it as an expectation and feel obligated to comply). The advisory register should be explicitly preserved and the conditions under which active investigation is feasible should be clarified to restore local discretion over method and frequency. **TRANSACTION COST CATEGORY:** Structural Disproportionality.

REQUIREMENT ID: 37.12 **PROVISION TEXT:** Innsatte i fengsel kan få innvilget kvalifiseringsprogram hvis oppholdet i fengsel er av kortere varighet enn seks måneder. **SOURCE INSTRUMENT:** Nasjonal veileder for kriminalomsorgen. **CIRCULAR AUTHORITY:** ABSENT — no textual presence in the § 37 circular paragraph. First-order authority gap. **LEGAL AUTHORITY:** PARTIAL — this requirement has potential statutory grounding in §§ 29–30 (program eligibility), not in § 37. As a substantive eligibility rule for a specific population group, it could be valid in its proper statutory context. Its absence of authority is specific to § 37. **DOUBLE AUTHORITY GAP:** YES — both circular authority (absent) and § 37 statutory authority (absent). In its proper §§ 29–30 domain, legal authority may be PARTIAL or YES, but that is outside the scope of this § 37 audit. **CATEGORY ERROR:** YES — this requirement belongs to the §§ 29–30 program eligibility domain. The six-month prison threshold is an eligibility condition applied before program commencement; it has no functional relationship to the benefit coordination formula in § 37 that applies after program commencement. Its analytical proximity to § 37 via the veileder is a structural misplacement. **SCALE FLAG:** NO — this is a binary eligibility criterion applied per individual case; it does not presuppose organizational capacity thresholds. **PURPOSE:** USER NEED — in its proper domain, this is a substantive eligibility rule that directly determines program access for a specific user group. **BURDEN DESCRIPTION:** No transaction cost burden attributable to § 37 — the requirement belongs to the §§ 29–30 eligibility framework and should be assessed there. Its displacement into the § 37 normative cluster creates navigational confusion for caseworkers but does not impose additional administrative burden beyond what the proper normative home would entail. **KILL LIST CLASSIFICATION:** Category A — Removal from the § 37 normative framework. This requirement is a category error in the § 37 context. It should be removed from the § 37 normative cluster and evaluated within its proper §§ 29–30 normative home, where its authority and proportionality can be correctly assessed. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified (as to § 37 specifically).

REQUIREMENT ID: 37.13 **PROVISION TEXT:** Tjenesten som tiltak skal fattes i et eget vedtak etter sotjl. § 17, og ikke inngå i vedtaket om kvalifiseringsprogram etter sotjl. § 29. **SOURCE INSTRUMENT:** Veileder til sosialtjenesteloven § 17. **CIRCULAR AUTHORITY:** ABSENT — no textual presence in the § 37 circular paragraph. This requirement operates entirely outside the circular framework for § 37. Consequence: caseworkers consulting § 37 receive no indication that advisory services delivered alongside KVP require a separate § 17 decision. **LEGAL AUTHORITY:** NO as to § 37. Process Inflation Finding 37.13: "§ 37 deals exclusively with economic reduction formulas; the structuring and form of advisory service

decisions fall entirely outside its bounds." The § 17 veileder may provide partial authority for this requirement in its proper domain, but § 37 cannot be that domain. **DOUBLE AUTHORITY GAP:** YES — both circular authority (absent) and § 37 statutory authority (absent). **CATEGORY ERROR:** YES — this requirement belongs to the § 17/§ 29 interface domain. The question of whether advisory services must be formally separated from the KVP program decision is a matter of § 17 vedtak architecture, not § 37 coordination calculation. **SCALE FLAG:** YES — directly and extensively confirmed by the Anchor Document. The § 17 vedtak requirement for advisory services is the single most frequently sanctioned element in the entire supervision corpus, generating findings across more than 35 municipalities. Anchor Document Tier 2 Driver: "The requirement to issue formal decisions for level 1 (simple budget guidance) is the most frequently sanctioned individual requirement in the corpus." Requirement 37.13 extends this compliance burden into the KVP interface by requiring an additional separate § 17 decision alongside the already complex § 29 program decision. Since this requirement has no circular authority for § 37, the scale burden it imposes is entirely unsupported by the § 37 circular framework. **PURPOSE:** INTERNAL CONTROL — in relation to § 37 users. The requirement to issue a separate § 17 decision alongside the § 29 KVP decision serves formal decision-architecture maintenance (preserving the structural distinction between service types and their respective appeal pathways). The user's substantive benefit from advisory services is not affected by whether those services appear in the § 29 decision or a separate § 17 decision. The primary function is administrative formalism, not individual case quality. **BURDEN DESCRIPTION:** When advisory services are delivered to a KVP participant as part of their program activities, the caseworker must produce a second formal vedtak under § 17, distinct from the § 29 program decision. This requires: identifying the § 17 trigger point; drafting a formally complete enkeltvedtak with all required elements (legal basis, start date, justification, appeal information); managing two simultaneous decision instruments; and ensuring the user understands the relationship between them. The Anchor Document confirms this is the most burdensome documentation obligation in the social services domain empirically. Since the requirement has no § 37 circular authority, caseworkers subject to it must locate and interpret the § 17 veileder independently — the primary normative instrument for their work (§ 37 circular) gives them no guidance. **KILL LIST CLASSIFICATION:** Category A — Removal from the § 37 normative framework. This requirement is both a category error (belongs to § 17/§ 29 domain) and lacks any § 37 legal authority. It should be removed from the § 37 normative cluster. Its merits as a § 17 decision-form requirement should be assessed separately in the § 17 normative review, where it is currently the subject of active audit and legal uncertainty (Anchor Document: "Whether every instance of § 17 guidance legally requires an enkeltvedtak, or whether the circular imposes a stricter documentation standard than the statute mandates... is a high-priority question for Track A"). **TRANSACTION COST CATEGORY:** Combined Burden (Documentation Inflation + Procedural Duplication).

CLOSING COMPARATIVE NOTE

Requirements identified from Process Inflation Findings: 13 **Requirements visible from circular paragraph alone:** 9 **Requirements invisible from circular (sub-legal normative instruments only):** 4 (Reqs 37.10, 37.11, 37.12, 37.13)

Double authority gaps (both circular authority ABSENT and § 37 statutory authority ABSENT or NO): 4 — Reqs 37.10, 37.11, 37.12, 37.13

Category errors (requirement belongs to a different legal/normative domain): 3 — Req 37.12 (§§ 29–30 eligibility domain), Req 37.13 (§ 17/§ 29 vedtak architecture domain); Req 37.10 is a PARTIAL category error (§§ 29/20a domain). Full category errors: 2 (Reqs 37.12 and 37.13).

Kill List breakdown:

Category	Count	Requirements
Category A — Removal	3	37.10 (from § 37 cluster), 37.12, 37.13
Category B — Status Change	2	37.9, 37.11
Category C — Clarification	3	37.3, 37.6, 37.8
No Kill List Action	5	37.1, 37.2, 37.4, 37.5, 37.7

Primary transaction cost categories by frequency:

Category	Count	Requirements
Documentation Inflation	2	37.3, 37.9
Procedural Duplication	2	37.6, 37.10
Structural Disproportionality	1	37.11
Combined Burden	1	37.13
No Transaction Cost Identified	7	37.1, 37.2, 37.4, 37.5, 37.7, 37.8, 37.12

Analytical synthesis:

The § 37 normative cluster is structurally bifurcated. Its substantive core — requirements 37.1 through 37.5 — is well-founded, user-serving, and imposes no disproportionate burden. These five requirements directly execute the statutory coordination formula and constitute the legitimate regulatory content of § 37. No Kill List action is warranted for any of them.

The procedural and decision-form layer — requirements 37.6 through 37.9 — introduces obligations that have circular authority but weak or absent § 37 statutory authority. The

burden here is modest in isolation, but the imperative language in several provisions (particularly "skal fremgå av saken" in Req 37.9) creates shadow binding for obligations whose normative foundation is administrative practice and general law, not § 37 itself. Status change and clarification actions are warranted.

The most analytically significant finding concerns the four requirements invisible from the circular: all four constitute double authority gaps, meaning they impose obligations on caseworkers that neither the circular nor § 37 can justify. Two of these (Reqs 37.12 and 37.13) are full category errors — they belong to entirely different normative domains and their presence in the § 37 normative cluster is a structural misplacement. Req 37.13 is additionally confirmed by the Anchor Document as the most empirically burdensome documentation obligation in the social services domain. Its presence in the § 37 normative cluster without any circular authority or statutory grounding in § 37 means it imposes the heaviest documented compliance burden in the dataset through a normative channel that gives caseworkers no guidance whatsoever. This constitutes the primary sludge finding for § 37.

The overall Kill List yield — 3 Category A removals, 2 Category B status changes, 3 Category C clarifications — out of 13 total requirements represents a substantial normative reduction opportunity: 8 of 13 requirements (62%) warrant some form of Kill List action, all concentrated in the procedural, documentation, and sub-legal normative layers rather than in the statutory substantive core.

SLUDGE AUDIT — § 38: SAMORDNING MELLOM KVALIFISERINGSSTØNAD OG ANDRE OFFENTLIGE YTELSER

PRELIMINARY METHODOLOGICAL NOTE

Comparative enumeration: Starting from the Process Inflation Findings in the Reference Document, **8 requirements** are visible and enumerable. Starting from the circular paragraph in the Context Document alone, only **6 requirements** would be visible. The two requirements invisible from the circular are Requirements 7 and 8, which originate in sub-legal instruments attached to § 38 in the analytical mapping but carrying no textual presence in the circular paragraph itself.

Requirements with no textual presence in the circular:

Requirement 7 — Source instrument: Kommunebrev 2025. Instrument type: **(a) Kommunebrev.** This is a municipal letter issued to NAV offices, not a binding normative circular. Its attachment to § 38 in the process inflation mapping is a classification by functional proximity, not by formal anchor. The obligation it imposes — procedural sequencing of KVP eligibility assessment before activity conditions — belongs substantively to the §§ 20a/29 framework and is wholly invisible from § 38's text.

Requirement 8 — Source instrument: Veileder Kriminalomsorg. Instrument type: **(b) Veileder.** This is a guidance document concerning the correctional services interface with NAV. It imposes an assessment obligation regarding programme participation during incarceration, a subject § 38 addresses nowhere. Its attachment to § 38 reflects thematic adjacency in the operational mapping but has no normative anchor in the circular paragraph.

Structural observation: The two requirements invisible from the circular represent a methodologically significant finding. They demonstrate that the Process Inflation Findings surface obligations that operate entirely outside the normative framework that purports to govern this paragraph. A circular-only reading of § 38 would produce a normative map containing six requirements and zero sub-legal obligations. The Process Inflation Findings reveal that two additional obligations — one from a Kommunebrev, one from a Veileder — are operational demands on caseworkers and NAV leaders that exist outside the circular framework entirely. This gap between what the circular says and what the normative system demands is the core analytical value of using the Process Inflation Findings as the reference document.

Both source instruments identified above are carried forward into Step 2.

STEP 1 — IDENTIFICATION OF ALL REQUIREMENTS

Requirement 38.1

- **Exact obligation:** "skal kvalifiseringsstønaden reduseres krone for krone" — the benefit must be reduced crown for crown when the participant receives dagpenger under arbeidsløshet, sykepenger, or foreldrepenger.
- **Source instrument:** R-35 Para 38, seksjon 4.38.1 (Circular — Rundskriv 35)
- **Explicit or implicit:** Explicit (mandatory language: *skal*)
- **Textual presence in circular:** PRESENT

Requirement 38.2

- **Exact obligation:** "kan kommunen kreve hel eller delvis refusjon i det beløpet som skal etterbetales" — the municipality may claim full or partial refusion in back-paid amounts.
- **Source instrument:** R-35 Para 38, seksjon 4.38.1 (Circular — Rundskriv 35)
- **Explicit or implicit:** Explicit (permissive language: *kan*, but the option is formally defined)
- **Textual presence in circular:** PRESENT

Requirement 38.3

- **Exact obligation:** "må det foretas en konkret vurdering av om det er saklig grunn til midlertidig å avbryte eller avslutte programmet og stanse utbetaling av kvalifiseringsstønad" — a concrete assessment must be made as to whether there is an objective basis to temporarily interrupt or terminate the programme and halt payment, when a participant applies for uføretrygd.
- **Source instrument:** R-35 Para 38, seksjon 4.38.1 midtre del (Circular — Rundskriv 35)
- **Explicit or implicit:** Explicit (mandatory language: *må*)
- **Textual presence in circular:** PRESENT (in italics in the circular text)

Requirement 38.4

- **Exact obligation:** "må det foretas en konkret vurdering på tilsvarende måte som for uføretrygd" — a concrete assessment must be made in the same manner as for uføretrygd when a participant applies for AAP or overgangsstønad.
- **Source instrument:** R-35 Para 38, seksjon 4.38.1 midtre del (Circular — Rundskriv 35)
- **Explicit or implicit:** Explicit (mandatory language: *må*)
- **Textual presence in circular:** PRESENT (in italics in the circular text)

Requirement 38.5

- **Exact obligation:** "Vedtaket skal opplyse om at stønaden kan samordnes med andre offentlige ytelser" — the administrative decision must inform the recipient that the benefit may be coordinated with other public benefits.
- **Source instrument:** R-35 Para 38, seksjon 4.38.1.1 (Circular — Rundskriv 35)
- **Explicit or implicit:** Explicit (mandatory language: *skal*)
- **Textual presence in circular:** PRESENT

Requirement 38.6

- **Exact obligation:** "Reduksjonen og begrunnelsen for den skal fremgå av saken" — the reduction and the justification for it must be visible in the case file.
- **Source instrument:** R-35 Para 38, seksjon 4.38.1.1 (Circular — Rundskriv 35)
- **Explicit or implicit:** Explicit (mandatory language: *skal*)
- **Textual presence in circular:** PRESENT

Requirement 38.7

- **Exact obligation:** "Rett til kvalifiseringsprogram skal vurderes før det stilles vilkår om aktivitet" — the right to the qualification programme must be assessed before activity conditions are imposed on social assistance.
- **Source instrument:** Kommunebrev 2025 (attached to § 38 in the analytical mapping)
- **Explicit or implicit:** Explicit (mandatory language: *skal*)
- **Textual presence in circular:** ABSENT — wholly invisible from the circular paragraph

Requirement 38.8

- **Exact obligation:** "må Nav-kontoret foreta en konkret vurdering av om forutsetningene for deltakelse i kvalifiseringsprogram under straffegjennomføring er til stede" — the NAV office must conduct a concrete assessment of whether the preconditions for programme participation during the execution of a prison sentence are present.
- **Source instrument:** Veileder Kriminalomsorg (attached to § 38 in the analytical mapping)
- **Explicit or implicit:** Explicit (mandatory language: *må*)
- **Textual presence in circular:** ABSENT — wholly invisible from the circular paragraph

---

STEP 2 — LEGAL AUTHORITY CHECK

Requirement 38.1

- **Direction 1 — Circular authority:** YES. The requirement derives from both the statutory text of § 38 first paragraph and is restated in section 4.38.1. The circular gives effect to a statutory mandate.
- **Direction 2 — Statutory authority:** YES. Section 38 of Sosialtjenesteloven explicitly establishes the mandatory krone-for-krone reduction for dagpenger, sykepenger, and foreldrepenger. This is the core substantive rule of the provision.
- **Double authority gap:** NO
- **Category error:** NO

Requirement 38.2

- **Direction 1 — Circular authority:** YES. The refusion right is established in the statutory text of § 38 second paragraph and elaborated in 4.38.1. The circular accurately reflects the statute.
- **Direction 2 — Statutory authority:** YES. Section 38 second paragraph explicitly grants the municipality the right to claim refusion in back-paid amounts. The "kan" language in the statute is appropriately carried through to the circular.
- **Double authority gap:** NO
- **Category error:** NO

Requirement 38.3

- **Direction 1 — Circular authority:** YES, technically — the requirement appears in the italic text of 4.38.1 of the circular. Circular authority is formally present.
- **Direction 2 — Statutory authority:** PARTIAL. As identified in the Process Inflation Findings (PROC-REQ 38.3), § 38 strictly limits its scope to the financial consequences of overlapping benefits — the krone-for-krone reduction and the refusion mechanism. Section 38 contains no textual mandate to assess programme interruption or termination. That authority, to the extent it exists at all, would derive from §§ 29–33 (provisions governing the qualification programme's content, management, and conclusion), not from § 38. The circular's placement of the assessment obligation within the § 38 commentary thus creates a statutory mis-anchoring: the obligation operates in the circular under a provision that does not support it in the statute.
- **Double authority gap:** NO (circular authority present) / PARTIAL legal authority gap identified
- **Category error:** NO, but a statutory mis-anchoring is present

Requirement 38.4

- **Direction 1 — Circular authority:** YES — the requirement appears in the italic text of 4.38.1.
- **Direction 2 — Statutory authority:** PARTIAL. As identified in PROC-REQ 38.4, § 38 provides no mandate to assess programme participation status when AAP or overgangsstønad is applied for. The statute addresses these benefits only to explain why they are absent from § 38 (because recipients of AAP and overgangsstønad have no right to the programme in the first place). The circular then turns this absence into an assessment obligation — the inverse of what the statutory structure implies. The obligation may have partial grounding in §§ 29–33 as a general programme management principle, but it has no anchor in § 38's text.
- **Double authority gap:** NO (circular authority present) / PARTIAL legal authority gap
- **Category error:** NO, but statutory mis-anchoring is structurally more severe here than for Requirement 38.3

Requirement 38.5

- **Direction 1 — Circular authority:** YES — the requirement is explicitly stated in section 4.38.1.1 of the circular.
- **Direction 2 — Statutory authority:** PARTIAL. As identified in PROC-REQ 38.5, § 38 is exclusively substantive and contains no provision governing the content of the

administrative decision. The closest statutory foundation is the general forvaltningslov duty to provide sufficient information in decisions (forvaltningsloven §§ 25, 27), but those provisions do not require the specific content specified here. The circular adds a prescription — mandatory inclusion of coordination notice — that goes beyond what either § 38 or the general administrative framework independently mandates.
- **Double authority gap:** NO (circular authority present) / PARTIAL legal authority gap
- **Category error:** NO

Requirement 38.6

- **Direction 1 — Circular authority:** YES — present in section 4.38.1.1.
- **Direction 2 — Statutory authority:** PARTIAL. As identified in PROC-REQ 38.6, § 38 creates the substantive duty to reduce the benefit but contains no text addressing case-file documentation or record-keeping. General archiving obligations exist under forvaltningsloven and arkivloven, and the begrunnelse requirement derives from forvaltningsloven § 24, but these are not § 38 obligations. The specific instruction that the reduction and its justification "shall appear from the case" is a circular construction without a § 38 statutory anchor.
- **Double authority gap:** NO (circular authority present) / PARTIAL legal authority gap
- **Category error:** NO

Requirement 38.7

- **Direction 1 — Circular authority:** NO. This requirement originates in Kommunebrev 2025 and has no textual presence in the § 38 circular paragraph. This constitutes a first-order authority gap: the requirement operates entirely outside the circular framework for § 38.
- **Direction 2 — Statutory authority:** NO relative to § 38. The obligation to assess KVP eligibility before imposing activity conditions is substantively a §§ 20a/29 matter — it concerns the interface between vilkår om aktivitet under § 20a and the qualification programme under § 29. Section 38 deals exclusively with financial coordination and refusion once a person is already in the programme. The Kommunebrev imposes a procedural sequencing obligation anchored in the wrong paragraph of the statute.
- **Double authority gap:** YES — circular authority ABSENT and statutory authority NO relative to § 38
- **Category error:** YES — this requirement belongs to the § 20a/§ 29 normative framework, not to § 38. Its attachment to § 38 in the operational mapping constitutes a legal domain misclassification.

Requirement 38.8

- **Direction 1 — Circular authority:** NO. This requirement originates in Veileder Kriminalomsorg and has no textual presence in the § 38 circular paragraph. First-order authority gap confirmed.
- **Direction 2 — Statutory authority:** NO relative to § 38. The assessment of preconditions for programme participation during incarceration is a programme eligibility and management question governed by §§ 29–33, not a financial

coordination question governed by § 38. The Veileder imposes an assessment obligation on the NAV office that has no anchor in the provision under which it is operationally mapped.
- **Double authority gap:** YES — circular authority ABSENT and statutory authority NO relative to § 38
- **Category error:** YES — this requirement belongs to the §§ 29–33 programme management framework. Its attachment to § 38 constitutes a legal domain misclassification. Additionally, the correctional services interface may engage arbeidsmiljøloven and kriminalomsorgslov principles, adding a further domain-crossing dimension.

STEP 3 — SCALE AND PROPORTIONALITY CHECK

Cross-referencing against the Anchor Document (Volume Driver Findings).

Requirement 38.1

- **Scale flag:** NO. The krone-for-krone reduction is a mathematical calculation applied upon confirmed receipt of an overlapping benefit. It requires no specialist competence to sustain, generates no procedural pipeline, and creates no coordination overhead. The Anchor Document's volume-sensitive mechanisms ([S], [K], [D], [P], [C]) do not apply to a computational rule of this nature.

Requirement 38.2

- **Scale flag:** NO. The refusion claim is a discretionary municipal decision triggered only when back-payment is confirmed. While pursuing a refusion claim requires some administrative capacity, the "kan" framing means the obligation is permissive and the trigger is event-specific rather than routine. No Anchor Document finding maps to this structure.

Requirement 38.3

- **Scale flag:** PARTIAL. The Anchor Document confirms that concrete assessment obligations — particularly those requiring specific procedural knowledge applied to relatively rare trigger events — interact with the [K] Competence Sustainability mechanism. As documented across multiple supervision reports, caseworkers in small offices who encounter complex programme management scenarios infrequently cannot maintain the procedural fluency required to reliably execute and document such assessments. The specific finding from the Anchor Document most applicable here is the [K] mechanism cluster: municipalities generating fewer than approximately 10–15 formal decisions per year in a domain show competence decay in executing the required assessments correctly. An office processing very few KVP cases per year — the norm for small municipalities — will encounter the specific scenario of a participant applying for uføretrygd while on programme rarely enough that the assessment obligation lacks the frequency needed for procedural

internalization. Since this requirement also lacks full § 38 statutory authority (Step 2), any scale-related burden it imposes is unsupported by a clear circular framework anchor.

Requirement 38.4

- **Scale flag:** PARTIAL. The same [K] mechanism applies as for Requirement 38.3, compounded by the additional legal complexity created by the statutory exclusion of AAP and overgangsstønad from § 38's scope. Caseworkers must apply an analogical assessment framework to a scenario that the statute explicitly treats as outside § 38's domain. This creates a combined competence sustainability problem ([K]) and procedural continuity problem ([P]): not only is the trigger scenario rare, but the normative basis for the assessment is less transparent than for Requirement 38.3. The Anchor Document's general finding that caseworkers in small offices "could not consistently include legally required elements" in decisions they process infrequently applies structurally here.

Requirement 38.5

- **Scale flag:** NO. The requirement to include a coordination notice in the vedtak is a drafting obligation — a standard content requirement that can be addressed through a decision template. Template-based compliance does not require sustained caseload to maintain. No [K], [P], or [S] mechanism from the Anchor Document applies.

Requirement 38.6

- **Scale flag:** NO. The requirement to document the reduction and its justification in the case file is a basic documentation obligation. It is individually manageable and does not presuppose specialist competence or high caseload frequency. The Anchor Document's [D] Documentation Apparatus concerns the cumulative burden of multiple simultaneous documentation obligations; for a single, discrete case-file entry requirement like this one, the scale interaction is not significant in isolation.

Requirement 38.7

- **Scale flag:** YES. This requirement is a procedural sequencing obligation — a [P] Procedural Continuity mechanism in Anchor Document terminology. The Anchor Document identifies [P] as the second most prevalent volume driver in Set B, with approximately 25–32 findings, and explicitly documents that procedural pipelines cannot become habitual when triggered too infrequently to internalize. Requirement 38.7 demands that caseworkers assess KVP eligibility before imposing activity conditions — a sequencing step that presupposes reliable recognition of when the trigger applies, a legal judgment requiring familiarity with both § 20a and § 29. In small municipalities where the overlap between social assistance applicants under 30 and KVP-eligible populations may be encountered only a few times per year, this sequencing obligation faces a [P] + [K] combined failure risk. The Anchor Document's finding from Nav Vestby (2025) — that a municipality that lost its own activity programme struggled to maintain timely condition-setting — illustrates the structural

vulnerability of sequencing requirements in thin operational environments. Since this requirement also has no circular authority under § 38, any scale-related burden it imposes is entirely unsupported by the primary normative framework for this paragraph.

Requirement 38.8

- **Scale flag:** PARTIAL. The assessment of preconditions for programme participation during incarceration is a specialist knowledge domain ([K] mechanism) requiring familiarity with the interface between kriminalomsorgslov, execution conditions, and KVP programme management rules. The Anchor Document documents that assessment obligations requiring specific, rarely-exercised legal competence degrade rapidly in small offices where the scenario is rarely encountered. For virtually all municipalities — since the population of KVP participants who are simultaneously serving prison sentences is very small — this assessment scenario will arise too infrequently to sustain operational competence. The Anchor Document's general finding on [K] decay below threshold caseloads applies directly. Since this requirement also has no circular authority under § 38, the scale-related burden it imposes falls outside any framework the circular provides guidance for.

STEP 4 — PURPOSE CLASSIFICATION

Requirement 38.1

- **Classification:** [USER NEED]
- **Justification:** The krone-for-krone reduction directly governs the financial integrity of the user's case assessment. The statutory language of § 38 and the circular's restatement in 4.38.1 both frame the reduction as a consequence of overlapping income replacement entitlements. The rule ensures the user does not receive double income replacement, which is a fairness principle serving the structural integrity of the benefit scheme. No element of this requirement serves audit, reporting, or internal control functions — it determines what the user receives.

Requirement 38.2

- **Classification:** [MIXED]
- **Primary function:** Municipal/institutional financial protection — the refusion mechanism recovers municipal expenditure when the statutory scheme makes such recovery appropriate. This is a resource management function for the municipality rather than a direct service quality function for the user.
- **Secondary function:** Systemic fairness — the refusion mechanism ensures that public resources are not expended twice for the same purpose and period, which protects the integrity of the social services budget that funds services for all users.
- **Justification:** The "kan" language in both the statute and the circular reflects a genuine institutional discretion; the primary operative purpose is municipal financial recovery, not user welfare directly.

Requirement 38.3

- **Classification:** [MIXED]
- **Primary function:** [USER NEED] — the concrete assessment requirement ensures that a participant applying for uføretrygd receives an individualized review of their programme status rather than an automatic interruption. The framing "saklig grunn" is a user-protective standard that prevents arbitrary programme termination.
- **Secondary function:** [INTERNAL CONTROL] — the assessment creates a documented decision trail for the programme management record and for any subsequent appeal or supervisory review.
- **Justification:** The italic formatting in the circular for this requirement signals a procedural norm intended to protect due process. The assessment serves the user's interest in continued programme participation primarily; the documentation serves the institutional record secondarily.

Requirement 38.4

- **Classification:** [MIXED]
- **Primary function:** [USER NEED] — analogous to Requirement 38.3, the assessment protects the user's programme status when they apply for a benefit that does not, strictly speaking, give rise to § 38 coordination at all. The assessment ensures participants are not wrongly interrupted from a programme they are entitled to remain in.
- **Secondary function:** [INTERNAL CONTROL] — documented assessment creates an institutional record.
- **Justification:** The statutory oddity here — that § 38 does not actually address AAP or overgangsstønad but the circular extends the assessment obligation to those scenarios — means the user-protective function is real but operates without clear statutory grounding.

Requirement 38.5

- **Classification:** [MIXED]
- **Primary function:** [USER NEED] — informing the recipient in the vedtak that the benefit may be coordinated serves the user's right to information, enabling them to anticipate potential financial consequences and exercise appeal rights if coordination occurs. The forvaltningslov information duty is user-oriented.
- **Secondary function:** [INTERNAL CONTROL] — the documented notification creates an audit trail establishing that the user was informed, protecting the municipality against claims of inadequate notification in subsequent appeals.
- **Justification:** The notification is user-protective in intent but also functions as a documentation safeguard for the institution. The balance tips slightly toward user need given the forvaltningslov grounding in user information rights.

Requirement 38.6

- **Classification:** [INTERNAL CONTROL]
- **Justification:** The requirement that "the reduction and the justification for it shall appear from the case" is entirely a case-file documentation obligation. The reduction

itself serves the user and the statute; documenting it in the file serves supervisors, appeal bodies, and the Statsforvalteren. The reduction has already been applied before the documentation obligation arises — the documentation does not change the user's situation. Its primary audience is internal: future reviewers, auditors, and appeal decision-makers. The source language in 4.38.1.1 uses "fremgå av saken" — a standard case-file audit formulation targeting the administrative record rather than the user's understanding.

Requirement 38.7

- **Classification:** [USER NEED]
- **Justification:** The requirement to assess KVP eligibility before imposing activity conditions protects users from being subjected to a less appropriate intervention when the more structured, rights-based programme (KVP) may be available to them. This is a user-protective procedural sequence that ensures the most beneficial pathway is considered first. Its purpose is to prevent caseworkers from defaulting to the more easily applicable § 20a condition mechanism without considering the more resource-intensive but potentially more user-appropriate KVP option. This classification is made in relation to the user's position within the social services system, not in relation to the Kommunebrev's institutional context.

Requirement 38.8

- **Classification:** [USER NEED]
- **Justification:** The assessment of preconditions for programme participation during incarceration serves the user's potential entitlement to continue receiving KVP services during their prison sentence. Without this assessment, a user who is structurally eligible for programme continuation during incarceration might be administratively excluded. The user-protective function is the stated purpose of the Veileder Kriminalomsorg instruction. This classification is made in relation to the user's social services access rights, notwithstanding the fact that the instrument originates in a different legal domain.

STEP 5 — TRANSACTION COST CHARACTERIZATION

Requirement 38.1 — [USER NEED] No transaction cost burden is identified. The krone-for-krone reduction is a direct substantive outcome of the benefit calculation, not a procedural overlay. Caseworkers apply a mathematical rule as a direct legal consequence of confirmed overlapping benefit receipt. There is no documentation obligation, reporting requirement, or procedural layer beyond the calculation itself.

Requirement 38.2 — [MIXED] The discretionary refusion claim requires the municipality to: (1) identify when a back-payment has occurred; (2) calculate the overlap between the back-payment period and the period of KVP benefit; (3) make an administrative decision on whether to exercise the refusion right; and (4) issue an enkeltvedtak on refusion (which is appealable to the Statsforvalteren per section 4.38.1.1). The burden is event-specific and

triggered by back-payment, so it does not operate as a standing compliance overhead. The "kan" framing preserves municipal discretion and limits the mandatory burden. Transaction cost is moderate and proportionate to the financial stakes involved.

Requirement 38.3 — [MIXED] Caseworkers must: (1) monitor active programme participants for uføretrygd applications, which may come through parallel NAV channels not automatically visible to the social services caseworker; (2) upon identification of such an application, execute a documented concrete assessment of whether "saklig grunn" exists to interrupt or terminate the programme; (3) record this assessment in the case file in a form that will withstand appeal and supervisory scrutiny; (4) issue or refrain from issuing an administrative decision on programme interruption/termination; and (5) return to the programme assessment if the uføretrygd application is unsuccessful. This assessment obligation falls under § 38 in the circular but its normative authority in the statute derives from §§ 29–33. **Caseworkers must therefore comply with a programme management obligation that the primary normative instrument governing § 38 does not address in terms of its statutory source, creating a situation where the circular creates an obligation exceeding the statute it interprets.**

Requirement 38.4 — [MIXED] The transaction cost structure is identical to Requirement 38.3 but is compounded by the legal ambiguity involved. The Anchor Document finds that caseworkers in small offices who process complex programme management scenarios infrequently cannot reliably maintain the procedural knowledge needed to distinguish § 38 financial coordination from §§ 29–33 programme management. Here, the circular asks caseworkers to apply the § 38 assessment framework to a scenario (AAP/overgangsstønad applications) that § 38 itself explicitly treats as outside its scope. **The transaction cost includes the cognitive burden of applying an analogical assessment framework whose statutory grounding in § 38 is absent.** Caseworkers must comply with an obligation that the governing circular addresses by cross-reference to another provision's logic, without that logic being formally anchored in § 38's statute text.

Requirement 38.5 — [MIXED] Caseworkers must ensure that every enkeltvedtak granting KVP benefit contains a prescribed content element — the coordination notice. The administrative demand is: drafting review to confirm the notice is present in every grant decision. In practice this functions as a template requirement, imposing a one-time drafting investment rather than ongoing per-case overhead. The burden is low in absolute terms, though the imperative "shall" language in section 4.38.1.1 creates compliance exposure if the notice is omitted. The primary audience for this requirement is the user (notification) and secondarily the appeal body (documented notice).

Requirement 38.6 — [INTERNAL CONTROL] Caseworkers must: (1) document in the case file the fact and amount of every benefit reduction; (2) state the justification for the reduction in writing, including the legal basis (§ 38) and the calculation basis. The audience for this documentation is exclusively internal: supervisors conducting quality reviews, Statsforvalteren conducting inspections, and appeal bodies reviewing contested decisions. The Anchor Document's [D] Documentation Apparatus mechanism applies to this requirement in structural terms. **Since the statutory anchor for this specific documentation obligation is not § 38 but general forvaltningslov archiving and begrunnelse principles, caseworkers must comply with a case-file requirement that**

the primary normative instrument for § 38 presents as a § 38 obligation without § 38 providing that authority. The documentation is imposed by the circular commentary without the statute supporting it.

Requirement 38.7 — [USER NEED] Although classified as [USER NEED], the transaction cost dimension cannot be ignored here because this requirement has no circular authority under § 38 and derives from a Kommunebrev operating outside the circular framework. The administrative demand on caseworkers is: (1) identify every social assistance case where a person under the qualifying age threshold might be eligible for KVP; (2) complete a formal KVP eligibility assessment before proceeding to any § 20a vilkår consideration; (3) document that this sequencing has been followed in a way that is traceable if inspected. **Since the Kommunebrev imposing this obligation is invisible in the § 38 circular, caseworkers operating from the circular alone have no signal that this sequencing obligation exists. The transaction cost falls outside any framework the § 38 circular provides guidance for.** For small municipalities, the [P] + [K] combined mechanism identified in the Anchor Document means that even well-intentioned compliance efforts will face competence decay and pipeline failure.

Requirement 38.8 — [USER NEED] As with Requirement 38.7, the user-protective purpose does not eliminate the transaction cost dimension for caseworkers. The demand on a NAV office is: (1) maintain awareness of the Veileder Kriminalomsorg assessment framework; (2) when a KVP participant enters or is facing incarceration, activate a specific assessment of the preconditions for continued programme participation under those conditions; (3) document the assessment in the case file. **The Veileder source is entirely invisible in the § 38 circular, meaning caseworkers must comply with an obligation they cannot derive from the primary normative instrument for this paragraph.** The Anchor Document's [K] Competence Sustainability mechanism confirms that specialist knowledge domains engaged infrequently — which the correctional services interface certainly is — are structurally vulnerable to competence decay in small offices. Caseworkers in small municipalities may encounter a KVP participant facing incarceration so rarely that the specific assessment framework cannot be reliably recalled when needed.

STEP 6 — CATALOG ENTRIES

REQUIREMENT ID: § 38 — Requirement 1

PROVISION TEXT: The qualification benefit must be reduced crown for crown to the extent the participant receives dagpenger under unemployment, sykepenger, or foreldrepenger.

SOURCE INSTRUMENT: Circular — Rundskriv 35, paragraph 38, section 4.38.1 (restating Sosialtjenesteloven § 38 first paragraph)

CIRCULAR AUTHORITY: PRESENT. The requirement accurately restates the statutory text and is fully grounded in both the circular paragraph and the provision it interprets.

LEGAL AUTHORITY: YES. Section 38 of Sosialtjenesteloven establishes this rule directly in the statutory text. No interpretive gap exists.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: NO. Scale-neutral mathematical calculation; no Anchor Document mechanism applies.

PURPOSE: USER NEED

BURDEN DESCRIPTION: No transaction cost burden identified. The requirement is a direct legal consequence of confirmed overlapping benefit receipt, applied as a mathematical calculation. No documentation obligation, reporting requirement, or procedural pipeline attaches to the rule itself.

KILL LIST CLASSIFICATION: No Kill List Action. Requirement has full statutory authority, is proportionate, and directly serves the user's case assessment.

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: § 38 — Requirement 2

PROVISION TEXT: The municipality may claim full or partial refusion in back-paid amounts (uføretrygd or overlapping income benefits) to cover expenditure for the same purpose and same period.

SOURCE INSTRUMENT: Circular — Rundskriv 35, paragraph 38, section 4.38.1 (restating Sosialtjenesteloven § 38 second paragraph)

CIRCULAR AUTHORITY: PRESENT. The refusion right is stated in both the statutory text and the circular commentary, and the discretionary "kan" framing is preserved accurately.

LEGAL AUTHORITY: YES. Section 38 second paragraph explicitly grants this right. The circular correctly characterizes it as discretionary ("kan").

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: NO. Event-specific discretionary decision; no sustained caseload required to maintain competence. No Anchor Document mechanism applies.

PURPOSE: MIXED. Primary: municipal financial protection and resource recovery. Secondary: systemic fairness in allocation of public resources.

BURDEN DESCRIPTION: The municipality must assess whether to exercise the refusion right upon confirmed back-payment, calculate the overlap period, and if exercising the right,

issue an enkeltvedtak subject to appeal. Burden is proportionate and event-triggered, not a standing compliance demand.

KILL LIST CLASSIFICATION: No Kill List Action. Full authority, proportionate structure, permissive framing preserved.

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: § 38 — Requirement 3

PROVISION TEXT: When a programme participant applies for uføretrygd (disability pension), a concrete assessment must be made of whether there is an objective basis to temporarily interrupt or terminate the programme and halt payment of the qualification benefit.

SOURCE INSTRUMENT: Circular — Rundskriv 35, paragraph 38, section 4.38.1, middle section (italic passage on uføretrygd)

CIRCULAR AUTHORITY: PRESENT. The requirement is stated in the circular text. However, it is placed within a provision (§ 38) whose statutory scope is limited to financial coordination and refusion. The circular extends into programme management territory that § 38 does not govern.

LEGAL AUTHORITY: PARTIAL. As identified in PROC-REQ 38.3, § 38 provides no statutory authority to require assessment of programme interruption or termination — that authority derives from §§ 29–33. The circular maps a programme management obligation onto a financial coordination provision, creating a statutory mis-anchoring. The obligation is real and has some legal basis (§§ 29–33) but lacks the specific legal authority of § 38 under which it is presented.

DOUBLE AUTHORITY GAP: NO (circular authority present). PARTIAL legal authority gap noted.

CATEGORY ERROR: NO — the subject matter (KVP programme management) belongs to social services law. The error is one of intra-statutory mis-anchoring, not cross-domain category error.

SCALE FLAG: PARTIAL. The [K] Competence Sustainability mechanism from the Anchor Document applies: small offices processing very few KVP cases per year will encounter this trigger scenario (uføretrygd application by an active programme participant) too infrequently to maintain the procedural competence needed to execute the assessment correctly. Since this requirement also lacks full § 38 statutory authority, any scale-related burden it imposes is unsupported by the provision framework.

PURPOSE: MIXED. Primary: USER NEED — protects the participant's programme status through individualized assessment rather than automatic interruption. Secondary: INTERNAL CONTROL — creates a documented programme management decision trail.

BURDEN DESCRIPTION: Caseworkers must: monitor participants for uføretrygd applications (potentially via parallel state channels); execute a documented concrete assessment of "saklig grunn" for interruption/termination; record this assessment for appeal and supervisory review; and issue or withhold an administrative decision accordingly. The obligation operates under § 38 in the circular but its normative programme management authority lies in §§ 29–33, meaning caseworkers apply a programme management obligation through a financial coordination framework that does not support it.

KILL LIST CLASSIFICATION: Category C — Clarification. The assessment obligation is substantively legitimate and serves user need but is anchored in the wrong statutory provision. The room for maneuver — specifically, the threshold of "saklig grunn" and the procedural steps required — needs to be made explicit within the correct normative framework (§§ 29–33) to reduce the risk of shadow binding via § 38.

TRANSACTION COST CATEGORY: Procedural Duplication (the obligation should belong to the §§ 29–33 framework; its placement under § 38 creates normative duplication and caseworker confusion about authority)

REQUIREMENT ID: § 38 — Requirement 4

PROVISION TEXT: When a programme participant applies for AAP or overgangsstønad, a concrete assessment must be made in the same manner as for uføretrygd regarding programme status.

SOURCE INSTRUMENT: Circular — Rundskriv 35, paragraph 38, section 4.38.1, middle section (italic passage on AAP/overgangsstønad)

CIRCULAR AUTHORITY: PRESENT. The requirement appears in the circular text. However, the statutory structure is paradoxical: the circular identifies these benefits as outside § 38's scope precisely because recipients have no right to the programme — and then immediately creates an assessment obligation for the scenario where a programme participant applies for them.

LEGAL AUTHORITY: PARTIAL. As identified in PROC-REQ 38.4, § 38 provides no mandate to assess programme participation status when AAP or overgangsstønad is applied for. The statute explicitly notes these benefits are absent from § 38 because their recipients are ineligible for the programme. The circular transforms this statutory exclusion into the trigger for a parallel assessment obligation, without any § 38 statutory anchor for doing so. Some grounding may exist in §§ 29–33 as a general programme management principle, but the statutory mis-anchoring is more severe here than for Requirement 38.3 because the statute affirmatively signals exclusion from § 38.

DOUBLE AUTHORITY GAP: NO (circular authority technically present). PARTIAL legal authority gap — more severe than for Requirement 38.3.

CATEGORY ERROR: NO — intra-statutory mis-anchoring, not cross-domain.

SCALE FLAG: PARTIAL. Same [K] + [P] combined mechanism as Requirement 38.3, compounded by the additional legal complexity of the analogical assessment framework. The Anchor Document's finding on caseworker confusion about legal boundary distinctions in infrequently triggered procedural frameworks applies here.

PURPOSE: MIXED. Primary: USER NEED — protects the participant's programme status during a legally ambiguous transition scenario. Secondary: INTERNAL CONTROL — documented decision trail for programme management.

BURDEN DESCRIPTION: Caseworkers must apply an analogical assessment framework derived from the uføretrygd scenario to an entirely different benefit category, for which § 38 affirmatively notes exclusion. The normative basis is opaque. Caseworkers must comply with an obligation that the governing circular acknowledges arises outside § 38's scope (by cross-reference), without the provision providing any statutory grounding for the assessment it requires. The circular instructs caseworkers to look to a different provision (§ 26) for analogical guidance while remaining under § 38 as the operative provision.

KILL LIST CLASSIFICATION: Category C — Clarification. The assessment obligation may be substantively defensible on programme management grounds but is placed under the wrong statutory anchor and articulated through an analogical reference that creates interpretive uncertainty. The obligation and its precise procedural scope should be explicitly relocated to the §§ 29–33 framework and the room for maneuver clearly defined.

TRANSACTION COST CATEGORY: Procedural Duplication; Combined Burden (Procedural Duplication + Documentation Inflation for the analogical assessment record)

REQUIREMENT ID: § 38 — Requirement 5

PROVISION TEXT: The administrative decision (vedtak) granting the qualification benefit must inform the recipient that the benefit may be coordinated with other public benefits.

SOURCE INSTRUMENT: Circular — Rundskriv 35, paragraph 38, section 4.38.1.1 (Vedtak og klage)

CIRCULAR AUTHORITY: PRESENT. The requirement is stated in section 4.38.1.1 of the circular with mandatory "shall" language.

LEGAL AUTHORITY: PARTIAL. As identified in PROC-REQ 38.5, § 38 is exclusively substantive and contains no provision governing vedtak content. The closest legal basis is the general information duty under forvaltningsloven (§§ 17, 25, 27), which requires that affected parties be given adequate information about their legal position. However, forvaltningsloven does not prescribe the specific content element — the coordination notice — that the circular mandates. The circular introduces a specific drafting obligation that neither § 38 nor forvaltningsloven independently requires in this precise form.

DOUBLE AUTHORITY GAP: NO (circular authority present). PARTIAL legal authority gap — requirement derives from general administrative law, not from § 38.

CATEGORY ERROR: NO

SCALE FLAG: NO. Template-addressable drafting obligation; no sustained caseload required.

PURPOSE: MIXED. Primary: USER NEED — informs the recipient of coordination rules enabling anticipation of financial consequences and informed exercise of appeal rights. Secondary: INTERNAL CONTROL — documented notification record protecting the municipality in appeal proceedings.

BURDEN DESCRIPTION: Caseworkers must ensure every KVP grant decision contains the prescribed notice element. In practice, this is a template compliance requirement — manageable through standardized decision templates. The burden is low per-case but creates compliance exposure if omitted, since the circular's "shall" language establishes a mandatory standard without clear § 38 statutory grounding.

KILL LIST CLASSIFICATION: Category B — Status Change. The requirement uses mandatory "shall" language without clear § 38 statutory authority. The information principle it embodies is legitimate and user-protective, but the imperative formulation goes beyond what the statutory provision supports. Reformulation to permissive guidance language ("the decision should inform...") would preserve the user-protective purpose while accurately reflecting the absence of direct § 38 authority, restoring local drafting discretion without eliminating the good practice recommendation.

TRANSACTION COST CATEGORY: Documentation Inflation (mandatory vedtak content requirement exceeding the statutory provision's scope)

REQUIREMENT ID: § 38 — Requirement 6

PROVISION TEXT: The reduction in the benefit and the justification for it must appear from the case file.

SOURCE INSTRUMENT: Circular — Rundskriv 35, paragraph 38, section 4.38.1.1 (Vedtak og klage, closing sentence)

CIRCULAR AUTHORITY: PRESENT. The requirement appears in the circular commentary with mandatory "shall" language.

LEGAL AUTHORITY: PARTIAL. As identified in PROC-REQ 38.6, § 38 creates the substantive duty to reduce the benefit but contains no text addressing case-file documentation or record-keeping obligations. The closest legal basis is forvaltningsloven § 24 (duty to state grounds for decisions) read with general archivloven obligations. The circular introduces a specific case-file documentation mandate that § 38 does not support.

DOUBLE AUTHORITY GAP: NO (circular authority present). PARTIAL legal authority gap — derives from general administrative law, not § 38.

CATEGORY ERROR: NO

SCALE FLAG: NO. Discrete per-case documentation obligation; scale-neutral in isolation.

PURPOSE: INTERNAL CONTROL. The reduction has already been applied and communicated to the user before this documentation obligation operates. The audience is exclusively internal: supervisors, appeal bodies, and Statsforvalteren conducting inspections. The language "fremgå av saken" is a standard audit-readiness formulation targeting the administrative record.

BURDEN DESCRIPTION: Caseworkers must document in the case file: (a) the fact and amount of the benefit reduction; (b) the legal basis (§ 38); and (c) the factual basis (the overlapping benefit received). This documentation is for supervisors conducting quality reviews, Statsforvalteren conducting inspections, and appeal bodies. The reduction itself serves the user; the documentation serves institutional review functions. Since § 38 provides no statutory authority for this specific documentation obligation — it derives from general forvaltningslov principles — caseworkers must comply with a case-file requirement that the governing circular presents as a § 38 obligation without § 38 supporting it.

KILL LIST CLASSIFICATION: Category B — Status Change. The mandatory "shall" language imposes an internal control documentation obligation without § 38 statutory authority. The underlying principle — that reductions should be traceable — is legitimate and derives from general administrative law, but its formulation as a mandatory § 38-specific obligation overstates the provision's reach. Reformulation to guidance language ("the reduction and its justification should be documented in the case file in accordance with general archiving obligations") would accurately reflect the legal basis and restore appropriate discretion about documentation format.

TRANSACTION COST CATEGORY: Documentation Inflation; Reporting Overhead (documentation serves supervisory audit functions rather than user need)

REQUIREMENT ID: § 38 — Requirement 7

PROVISION TEXT: The right to the qualification programme must be assessed before activity conditions are imposed on social assistance.

SOURCE INSTRUMENT: Kommunebrev 2025 — attached to § 38 in the operational mapping

CIRCULAR AUTHORITY: ABSENT. This requirement has no textual presence in the § 38 circular paragraph. It operates entirely outside the circular framework governing this provision. **Consequence:** A caseworker working from Rundskriv 35's § 38 commentary has no signal that this procedural sequencing obligation exists. The obligation is real in the operational system but invisible in the normative instrument purporting to govern this paragraph.

LEGAL AUTHORITY: NO relative to § 38. The procedural sequencing between KVP eligibility assessment and § 20a vilkår imposition is a matter governed by §§ 20a and 29 of Sosialtjenesteloven, not by § 38. Section 38 addresses financial coordination for existing

programme participants — it has no bearing on the procedural sequence by which a person enters or is diverted from the programme. The Kommunebrev's attachment to § 38 in the operational mapping is a category error relative to the statutory structure.

DOUBLE AUTHORITY GAP: YES. Circular authority is ABSENT and statutory authority relative to § 38 is NO. This requirement operates without either circular or § 38 statutory grounding.

CATEGORY ERROR: YES. This requirement belongs to the §§ 20a/29 normative framework governing the activation and eligibility assessment process. Its attachment to § 38 in the operational mapping constitutes a legal domain misclassification within social services law. It does not engage a different legal domain (no labor law / arbeidsmiljølov dimension) but is systematically misplaced within the social services statutory structure.

SCALE FLAG: YES. The [P] Procedural Continuity mechanism from the Anchor Document applies directly. The Anchor Document identifies [P] as the second most prevalent volume driver (approximately 25–32 findings in Set B), with the core finding being that procedural sequencing obligations cannot become habitual in small offices where the specific trigger scenario is encountered too infrequently. The requirement to assess KVP eligibility before imposing activity conditions — involving cross-provision legal judgment about §§ 20a and 29 simultaneously — will face competence decay ([K]) in small offices processing very few relevant cases per year. Since this requirement has no circular authority under § 38, any scale-related burden it imposes is entirely unsupported by the primary normative framework for this paragraph.

PURPOSE: USER NEED. The sequencing obligation protects users from being subjected to a less appropriate benefit/activation mechanism when the more structured and rights-laden KVP programme may be available to them. Its purpose, assessed in relation to the user's position in the social services system, is to ensure the most beneficial pathway is considered before a more restrictive condition is imposed.

BURDEN DESCRIPTION: Caseworkers must: (1) identify every social assistance case where the applicant may be KVP-eligible; (2) complete a formal KVP eligibility assessment before proceeding to any § 20a vilkår consideration; (3) document the sequencing in a traceable form. This obligation is invisible in the § 38 circular, meaning caseworkers applying the circular in good faith will not be aware of the sequencing requirement and may be sanctioned for non-compliance with an obligation that the primary normative instrument for this provision does not address. The transaction cost falls entirely outside any framework the § 38 circular provides guidance for. The [P] + [K] compound mechanism from the Anchor Document predicts systematic pipeline failure in small offices below threshold KVP caseloads.

KILL LIST CLASSIFICATION: Category A — Removal from the § 38 normative framework. This requirement lacks both circular authority under § 38 and statutory authority in § 38. It is a candidate for formal relocation to the §§ 20a/29 normative framework where it has substantive grounding, and for removal from any § 38-adjacent operational mapping. Repeal from the § 38 social services normative framework does not mean elimination of the underlying obligation — it means that obligation should be explicitly anchored in the correct provisions.

TRANSACTION COST CATEGORY: Structural Disproportionality (obligation invisible in governing circular; [P] + [K] scale interaction without regulatory foundation under § 38)

REQUIREMENT ID: § 38 — Requirement 8

PROVISION TEXT: The NAV office must conduct a concrete assessment of whether the preconditions for participating in the qualification programme during the execution of a prison sentence are present.

SOURCE INSTRUMENT: Veileder Kriminalomsorg — attached to § 38 in the operational mapping

CIRCULAR AUTHORITY: ABSENT. This requirement has no textual presence in the § 38 circular paragraph. It operates entirely outside the circular framework governing this provision. **Consequence:** Caseworkers working from Rundskriv 35's § 38 commentary have no signal that this assessment obligation exists. The obligation is imposed by a guidance document in a different institutional domain (correctional services / kriminalomsorg) and is wholly invisible in the primary normative instrument for § 38.

LEGAL AUTHORITY: NO relative to § 38. Section 38 addresses financial coordination (reduction of the benefit due to overlapping entitlements) and refusion in back-paid benefits. It has no bearing on programme participation conditions during incarceration. Assessment of preconditions for continued programme participation during incarceration is governed by §§ 29–33 (programme content and management provisions) and potentially by the interface between sosialtjenesteloven and the relevant kriminalomsorgslov framework. Section 38 provides no legal authority for this obligation.

DOUBLE AUTHORITY GAP: YES. Circular authority is ABSENT and statutory authority relative to § 38 is NO. This requirement operates without either circular or § 38 statutory grounding.

CATEGORY ERROR: YES. This requirement belongs to the §§ 29–33 programme management framework. Additionally, it engages the kriminalomsorgslov / correctional services legal domain in a way that § 38 (a financial coordination provision) cannot support. The Veileder Kriminalomsorg is a guidance document from a different legal domain that has been mapped onto § 38 through operational proximity, creating both an intra-statutory mis-anchoring and a cross-domain category error.

SCALE FLAG: PARTIAL. The [K] Competence Sustainability mechanism from the Anchor Document applies. Assessing programme participation conditions during incarceration requires familiarity with the interface between KVP programme management, execution conditions under kriminalomsorgslov, and the specific spatial and organizational preconditions for programme activities in custodial settings. This is a specialist knowledge domain ([K]) that will be encountered with extreme rarity in most municipalities. The Anchor Document's finding that competence in specialist assessment domains decays rapidly when encounter frequency falls below threshold applies directly. Since this requirement also has

no circular authority under § 38, any scale-related burden it imposes is entirely unsupported by the governing framework.

PURPOSE: USER NEED. The assessment protects the user's potential entitlement to continued KVP participation during incarceration. Without this assessment, an eligible user might be administratively excluded from a programme they could benefit from during their sentence. The user-protective function is real but is misplaced relative to § 38.

BURDEN DESCRIPTION: The NAV office must maintain awareness of the Veileder Kriminalomsorg framework; recognize when an active KVP participant enters or faces incarceration; activate a specific assessment of the preconditions for programme continuation under those conditions (spatial availability of programme activities, institutional cooperation with kriminalomsorgen, legal compliance with execution conditions); and document the assessment. The Veileder source is entirely invisible in the § 38 circular, requiring caseworkers to comply with an obligation they cannot derive from the primary normative instrument. The [K] mechanism from the Anchor Document predicts that caseworkers in small municipalities will encounter this scenario so rarely that the specific assessment framework cannot be reliably recalled when needed. The cross-domain complexity (correctional services interface) adds a further competence sustainability risk not addressed anywhere in the § 38 framework.

KILL LIST CLASSIFICATION: Category A — Removal from the § 38 normative framework. This requirement lacks both circular authority under § 38 and statutory authority in § 38. It is a candidate for formal relocation to the §§ 29–33 normative framework and for clarification of its relationship to the kriminalomsorgslov domain. Removal from § 38 does not eliminate the substantive obligation — it requires that obligation to be properly anchored in the provisions that actually govern programme management.

TRANSACTION COST CATEGORY: Structural Disproportionality (obligation invisible in governing circular; [K] specialist domain without regulatory foundation under § 38; cross-domain complexity); Combined Burden (Structural Disproportionality + Documentation Inflation for the assessment record)

CLOSING COMPARATIVE NOTE

Requirements identified from Process Inflation Findings: 8

Requirements visible from circular paragraph alone: 6

Requirements invisible from circular alone: 2 (Requirements 7 and 8 — both identified as double authority gaps)

Double authority gaps: 2 (Requirements 7 and 8 — circular authority absent AND no statutory authority in § 38)

Requirements with partial legal authority gaps (circular authority present but statutory authority partial): 4 (Requirements 3, 4, 5, and 6)

Category errors (requirements belonging to a different legal domain or different statutory provision): 2 (Requirements 7 and 8)

- Requirement 7: intra-statutory category error (belongs to §§ 20a/29, not § 38)
- Requirement 8: intra-statutory category error (belongs to §§ 29–33) AND cross-domain category error (engages kriminalomsorgslov framework)

Kill List breakdown:

- **Category A — Removal:** 2 requirements (38.7 and 38.8) — both lacking circular and § 38 statutory authority; both category errors requiring removal from the § 38 normative framework and relocation to their correct statutory provision
- **Category B — Status Change:** 2 requirements (38.5 and 38.6) — both using mandatory "shall" language beyond the provision's statutory scope; candidates for reformulation to permissive guidance language
- **Category C — Clarification:** 2 requirements (38.3 and 38.4) — both substantively legitimate but mis-anchored in § 38; the room for maneuver needs explicit articulation and the obligations should be formally re-anchored in §§ 29–33
- **No Kill List Action:** 2 requirements (38.1 and 38.2)

Primary transaction cost categories by frequency:

1. **Documentation Inflation** — 2 requirements (38.5, 38.6)
2. **Structural Disproportionality** — 2 requirements (38.7, 38.8)
3. **Procedural Duplication** — 2 requirements (38.3, 38.4)
4. **Combined Burden** — 2 requirements (38.4, 38.8, overlapping with above)
5. **No Transaction Cost Identified** — 2 requirements (38.1, 38.2)

Synthesis observation for main report and Kill List:

The § 38 audit reveals a provision whose statutory core is clean and well-grounded — the krone-for-krone reduction and the refusion mechanism are fully authorized and proportionate — but whose circular commentary has accumulated four requirements with partial authority gaps and whose operational mapping has attracted two requirements (via Kommunebrev and Veileder) that have no circular or § 38 statutory grounding whatsoever. The two Category A requirements represent the clearest sludge profile in this paragraph: they impose real administrative obligations on caseworkers through sub-legal instruments that are invisible in the governing circular, derive their operative authority from different provisions of the statute, and in one case (Requirement 8) engage a different legal domain entirely. Their presence under § 38 in the operational system creates both hidden compliance demands and legal confusion about the provision's scope. The two Category B requirements (38.5, 38.6) represent a milder but structurally important pattern: legitimate administrative principles encoded as § 38-specific mandatory obligations that exceed the provision's statutory reach, creating binding force without statutory foundation. The two Category C requirements (38.3, 38.4) represent the most common pattern across the circular system — programme management obligations that have migrated into a financial coordination provision and need explicit re-anchoring in the programme management framework (§§ 29–33) to function with appropriate legal clarity.

SLUDGE AUDIT — § 39 KVALIFISERINGSSTØNAD: UTBETALING

Legal-Administrative Analysis | NAV Circular R-35

PRELIMINARY METHODOLOGICAL NOTE

Comparative enumeration: The Process Inflation Findings (Reference Document) identify **14 requirements** attributable to or mapped onto § 39. Working from the circular paragraph in the Context Document alone, a reader would identify at most **8 requirements** — those contained within the statutory text of § 39 and the explanatory paragraph at § 4.39.1 of the circular. Six requirements are therefore structurally invisible from the circular.

Requirements with no textual presence in the circular:

Requirement	Source Instrument	Classification
Req 9: KVP right assessed before activity conditions	Kommunebrev 2025	(a) Kommunebrev
Req 10: Proactive identification of target group, application assistance	Kommunebrev 2025	(a) Kommunebrev
Req 11: Programme facilitation during incarceration	Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav	(b) Veileder
Req 12: Service as measure issued as separate decision under § 17	Veileder til sosialtjenesteloven § 17	(b) Veileder
Req 13: Programme granted even with uncertain work outcome	Veileder økonomisk stønad 2022	(b) Veileder
Req 14: No exclusion for inability to achieve full-time work	Veileder økonomisk stønad 2022	(b) Veileder

Structural observation: Two-thirds of the invisible requirements derive from veiledere — advisory guidance documents — while one-third derive from Kommunebrev. This source distribution is analytically significant because veiledere occupy a particularly ambiguous normative position: formally advisory, yet consistently treated as operationally binding in supervision practice. The Process Inflation Findings expose a normative layer operating

entirely below and outside the circular framework that governs payment administration under § 39. No analysis beginning from the circular could detect these requirements. This confirms that the Process Inflation Findings constitute the necessary primary analytical instrument for this audit.

STEP 1 — IDENTIFICATION OF ALL REQUIREMENTS

Requirement 1

- **Obligation:** Utbetaling av kvalifiseringsstønad skjer etterskuddsvis på grunnlag av registrert frammøte. Payment of the qualification benefit is made in arrears on the basis of registered attendance.
- **Source instrument:** Circular R-35, § 4.39.1 (also statutory: § 39 sosialtjenesteloven)
- **Explicit/Implicit:** Explicit
- **Circular presence:** YES

Requirement 2

- **Obligation:** Stønaden må være opptjent først. The benefit must have been accrued before it can be paid.
- **Source instrument:** Circular R-35, § 4.39.1
- **Explicit/Implicit:** Explicit
- **Circular presence:** YES

Requirement 3

- **Obligation:** Opptjening skjer ved deltakelse i programmet og frammøtet skal registreres. Accrual occurs through participation, and attendance shall be registered.
- **Source instrument:** Circular R-35, § 4.39.1
- **Explicit/Implicit:** Explicit
- **Circular presence:** YES

Requirement 4

- **Obligation:** Ugyldig fravær fører til reduksjon i stønaden. Invalid absence results in reduction of the benefit.
- **Source instrument:** Circular R-35, § 4.39.1 (cross-reference: § 36 sosialtjenesteloven)
- **Explicit/Implicit:** Explicit
- **Circular presence:** YES

Requirement 5

- **Obligation:** Kommunen beslutter hvordan og til hvilke tidspunkter utbetaling skal skje. The municipality determines how and when payment is to be made.
- **Source instrument:** Circular R-35, § 4.39.1 (also statutory: § 39 sosialtjenesteloven)
- **Explicit/Implicit:** Explicit

- **Circular presence:** YES

Requirement 6

- **Obligation:** Det kan være nødvendig å sikre deltakeren livsopphold fram til første utbetaling. It may be necessary to secure the participant's subsistence prior to the first payment.
- **Source instrument:** Circular R-35, § 4.39.1 (cross-reference: § 18 sosialtjenesteloven)
- **Explicit/Implicit:** Explicit
- **Circular presence:** YES

Requirement 7

- **Obligation:** Det skal gis skattefritak for juni og halvt trekk i desember. A tax exemption shall be given for June and a half deduction applied in December.
- **Source instrument:** Circular R-35, § 4.39.1 (cross-reference: Skatteforskriften § 5-7-2 tredje ledd)
- **Explicit/Implicit:** Explicit
- **Circular presence:** YES

Requirement 8

- **Obligation:** Trygdeavgift for stønaden betales med mellomsats etter folketrygdloven. National insurance contributions on the benefit are paid at the intermediate rate under the National Insurance Act.
- **Source instrument:** Circular R-35, § 4.39.1 (cross-reference: Folketrygdloven)
- **Explicit/Implicit:** Explicit
- **Circular presence:** YES

Requirement 9

- **Obligation:** Rett til kvalifiseringsprogram skal vurderes før det stilles vilkår om aktivitet. The right to the qualification programme shall be assessed before activity conditions are imposed.
- **Source instrument:** Kommunebrev 2025
- **Explicit/Implicit:** Explicit
- **Circular presence:** NO — entirely absent from § 4.39.1 and the statutory text of § 39

Requirement 10

- **Obligation:** Nav-kontoret bør aktivt undersøke om personer som er i målgruppen kan ha rett på kvalifiseringsprogram, og gi hjelp til å søke der det er nødvendig. The NAV office should actively investigate whether persons in the target group may have a right to the qualification programme, and provide application assistance where necessary.
- **Source instrument:** Kommunebrev 2025
- **Explicit/Implicit:** Explicit
- **Circular presence:** NO — entirely absent from § 4.39.1

Requirement 11

- **Obligation:** For persons with a right to the qualification programme, programme facilitation should be arranged during incarceration so it can be implemented upon release.
- **Source instrument:** Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav
- **Explicit/Implicit:** Explicit
- **Circular presence:** NO — entirely absent from § 4.39.1

Requirement 12

- **Obligation:** Tjenesten som tiltak skal fattes i et eget vedtak etter sotjl. § 17, og ikke inngå i vedtaket om kvalifiseringsprogram etter sotjl. § 29. The service as a measure shall be issued as a separate administrative decision under § 17, not incorporated into the qualification programme decision under § 29.
- **Source instrument:** Veileder til sosialtjenesteloven § 17
- **Explicit/Implicit:** Explicit
- **Circular presence:** NO — entirely absent from § 4.39.1

Requirement 13

- **Obligation:** Programmet skal innvilges selv om det ved oppstart er usikkert om deltakeren kan komme i arbeid etter avsluttet program. The programme shall be granted even if it is uncertain at the outset whether the participant will be able to enter employment after completing the programme.
- **Source instrument:** Veileder økonomisk stønad 2022
- **Explicit/Implicit:** Explicit
- **Circular presence:** NO — entirely absent from § 4.39.1

Requirement 14

- **Obligation:** Ved behandling av søknad om kvalifiseringsprogram skal ingen utelukkes med den begrunnelse at deltakelse ikke vil føre til varig heltidsarbeid. No applicant shall be excluded on the grounds that participation will not lead to permanent full-time employment.
- **Source instrument:** Veileder økonomisk stønad 2022
- **Explicit/Implicit:** Explicit
- **Circular presence:** NO — entirely absent from § 4.39.1

STEP 2 — LEGAL AUTHORITY CHECK

Requirement 1

- Direction 1 (Circular authority): YES — expressly contained in § 4.39.1 and the statutory text.

- Direction 2 (Statutory authority): YES — § 39 sosialtjenesteloven is the direct statutory basis.
- Double authority gap: NO
- Category error: NO

Requirement 2

- Direction 1: YES
- Direction 2: YES — the accrual principle is the logical presupposition of the statutory post-arrears payment rule.
- Double authority gap: NO
- Category error: NO

Requirement 3

- Direction 1: YES — "frammøtet skal registreres" is present in § 4.39.1.
- Direction 2: YES — the registration requirement is the statutory presupposition of payment on the basis of registered attendance under § 39.
- Double authority gap: NO
- Category error: NO

Requirement 4

- Direction 1: YES — stated in § 4.39.1; governed substantively by § 36.
- Direction 2: YES — § 36 sosialtjenesteloven is the direct statutory basis.
- Double authority gap: NO
- Category error: NO

Requirement 5

- Direction 1: YES — contained in both the statutory text of § 39 and § 4.39.1.
- Direction 2: YES — § 39 explicitly grants this discretion to municipalities.
- Double authority gap: NO
- Category error: NO

Requirement 6

- Direction 1: YES — stated in § 4.39.1 as a practical consequence of post-arrears payment.
- Direction 2: PARTIAL — the obligation to provide interim subsistence derives from § 18 sosialtjenesteloven, not from § 39 itself. The Process Inflation Finding (PROC-REQ-39.6) links this to § 18. The § 39 circular paragraph signals the need without constituting the legal basis.
- Double authority gap: NO (circular authority is PRESENT; statutory authority is PARTIAL but exists in the § 18 cross-reference system)
- Category error: NO

Requirement 7

- Direction 1: YES — stated in § 4.39.1 with cross-reference to Skatteforskriften § 5-7-2.
- Direction 2: YES — derives from Skatteforskriften, which is binding law. However, the obligation falls on Skatteetaten (the Tax Administration) and on payroll processing, not directly on the NAV caseworker's case assessment. The circular paragraph notes this as informational context.
- Double authority gap: NO
- Category error: PARTIAL — the operative legal obligation is a tax law obligation (Skatteforskriften § 5-7-2), not a social services obligation. The circular correctly identifies this as cross-domain context. The NAV administrative obligation is implementation-adjacent: ensuring the correct tax code is applied in the disbursement system. This is not a full category error but a domain-adjacent obligation.

Requirement 8

- Direction 1: YES — stated in § 4.39.1.
- Direction 2: YES — derives from Folketrygdloven, which is binding primary law.
- Double authority gap: NO
- Category error: PARTIAL — same observation as Requirement 7. The substantive obligation rests in Folketrygdloven, not sosialtjenesteloven. The circular paragraph records this as informational cross-reference for NAV administrators implementing the benefit.

Requirement 9

- Direction 1 (Circular authority): NO — § 4.39.1 contains no reference to sequencing between KVP eligibility assessment and activity conditions. This constitutes a first-order authority gap: the requirement operates entirely outside the circular framework for § 39.
- Direction 2 (Statutory authority): PARTIAL — The Process Inflation Finding (PROC-REQ-39.9) establishes MANGLER_HJEMMEL, noting this requirement belongs to eligibility under § 29 and lacks any statutory basis under § 39's payment-administration framework. There is no statutory provision in § 39 that grants authority over the sequencing of eligibility assessments.
- Double authority gap: YES — circular authority ABSENT; statutory authority PARTIAL (belongs to § 29, not § 39)
- Category error: NO — remains within the social services framework, but is misallocated to the § 39 payment provision

Requirement 10

- Direction 1: NO — § 4.39.1 contains no reference to proactive outreach or application assistance obligations. First-order authority gap confirmed.
- Direction 2: NO — The Process Inflation Finding (PROC-REQ-39.10) establishes MANGLER_HJEMMEL, identifying this as a programme-access issue falling entirely outside § 39's payment-method and payment-timing authority. There is no statutory provision in § 39 authorizing the imposition of proactive investigation duties on NAV offices.

- Double authority gap: YES — circular authority ABSENT; statutory authority NO
- Category error: NO — this is a social services programme-access obligation but assigned to the wrong statutory provision

Requirement 11

- Direction 1: NO — § 4.39.1 contains no reference to inter-agency coordination with kriminalomsorgen or programme facilitation during incarceration. First-order authority gap confirmed.
- Direction 2: NO — The Process Inflation Finding (PROC-REQ-39.11) establishes MANGLER_HJEMMEL: § 39 grants no authority over programme setup or pre-release facilitation. This requirement derives from an inter-agency coordination veileder governing the relationship between criminal justice and NAV — a distinct regulatory domain.
- Double authority gap: YES — circular authority ABSENT; statutory authority NO
- Category error: YES — the Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav governs a different legal domain (criminal justice administration and the coordination obligations of the criminal justice system). Insofar as it imposes requirements attributed to § 39's normative space, this is a category error: it introduces obligations from a different legal domain into the social services payment framework.

Requirement 12

- Direction 1: NO — § 4.39.1 contains no reference to decision-structuring or the separation of § 17 decisions from § 29 decisions. First-order authority gap confirmed.
- Direction 2: NO — The Process Inflation Finding (PROC-REQ-39.12) establishes MANGLER_HJEMMEL: § 39 grants no authority over administrative decision structuring. The proper statutory bases (§ 17 and § 29) are absent from the § 39 normative framework.
- Double authority gap: YES — circular authority ABSENT; statutory authority NO in § 39's framework
- Category error: NO — this is a social services documentation obligation, but one that belongs to §§ 17 and 29, not to § 39

Requirement 13

- Direction 1: NO — § 4.39.1 contains no reference to the eligibility standard for programme admission. First-order authority gap confirmed.
- Direction 2: PARTIAL — The Process Inflation Finding (PROC-REQ-39.13) analyzes this as a substantive legal threshold governing programme admission. As such, it belongs to § 29 (admission to the qualification programme), not to § 39 (payment of the qualification benefit). The obligation exists in the social services statutory framework but is misallocated to the § 39 normative space.
- Double authority gap: YES — circular authority ABSENT in § 39 context; statutory authority PARTIAL (belongs to § 29, not § 39)
- Category error: NO

Requirement 14

- Direction 1: NO — § 4.39.1 contains no reference to eligibility non-discrimination. First-order authority gap confirmed.
- Direction 2: PARTIAL — same analysis as Requirement 13. This obligation belongs to the § 29 eligibility framework. The Process Inflation Finding (PROC-REQ-39.14) identifies this as a substantive non-discrimination obligation governing eligibility assessment. In § 39's normative context, it has no statutory anchor.
- Double authority gap: YES — circular authority ABSENT; statutory authority PARTIAL (belongs to § 29, not § 39)
- Category error: NO

STEP 3 — SCALE AND PROPORTIONALITY CHECK

Preliminary note on anchor document scope: The Volume Driver Findings (Anchor Document) cover §§ 17, 18, 19, 20a and the internal control framework. The Anchor Document explicitly notes that "Housing / KVP" is "Not represented in Set B as provided." Direct empirical confirmation of volume-driven failures specific to § 39 KVP payment administration is therefore absent from the anchor corpus. Where scale findings are identified below, they draw on structurally analogous mechanisms documented in other service domains. This limitation is noted per requirement.

Requirement 1

- Scale flag: NO — post-arrears payment is a binary administrative rule applicable uniformly regardless of municipality size or caseload volume. No volume driver finding applies.

Requirement 2

- Scale flag: NO — accrual principle is a legal threshold, not a procedural apparatus.

Requirement 3

- Scale flag: PARTIAL — The attendance registration requirement presupposes an operational system for systematic recording. In municipalities with very few KVP participants (1–3 active participants), establishing and maintaining a dedicated registration infrastructure may be disproportionate. The Anchor Document's findings on the Documentation Apparatus [D] mechanism confirm that small offices struggle to sustain formal registration routines when trigger frequency is too low to make them habitual. Relevant finding: *"A pipeline cannot become habitual when triggered fewer than 10–15 times per year"* (Anchor Document, Section 2, Dominant Mechanisms, [P]). This structural observation applies by analogy. The requirement lacks circular guidance on what form registration must take, leaving small municipalities to construct administrative systems without normative support.

Requirement 4

- Scale flag: NO — the benefit-reduction rule is a legal consequence, not a procedural apparatus. It applies uniformly.

Requirement 5

- Scale flag: PARTIAL — The delegation of payment scheduling to the municipality presupposes that the municipality has administrative capacity to design and operate a payment system. The Anchor Document notes that internal control and coordination infrastructure failures cluster in small offices precisely because they lack the administrative back-office capacity to sustain formalized systems (Cluster 2, Internal Control Apparatus). A small municipality with one or two KVP participants may need to maintain a payment system used extremely rarely. This constitutes mild structural disproportionality — not a severe volume driver, but a real overhead cost.

Requirement 6

- Scale flag: NO — the signal that interim subsistence may be required is a legal consequence, not a procedural burden on the municipality's scale.

Requirement 7

- Scale flag: NO — the tax treatment obligation falls on Skatteetaten and on the payroll system, not on the municipality as a procedural burden that scales with case volume.

Requirement 8

- Scale flag: NO — same analysis as Requirement 7.

Requirement 9

- Scale flag: YES — This requirement, which has no circular authority, imposes a mandatory procedural sequence on caseworkers (assess KVP eligibility before setting activity conditions). The Anchor Document confirms that procedural sequencing requirements [P] are volume-sensitive: *"A pipeline cannot become habitual when triggered fewer than 10–15 times per year"* (Section 2). Caseworkers in small municipalities who rarely encounter KVP-adjacent cases will struggle to maintain this sequencing rule as an internalized routine. Because this requirement lacks circular authority (Step 2), the scale-related burden it imposes is unsupported by the circular framework and therefore constitutes disproportionate burden without regulatory foundation.

Requirement 10

- Scale flag: YES — Proactive outreach to identify potential KVP target group members is structurally analogous to the oppsøkende virksomhet requirement analyzed in the Anchor Document under Latent Driver 1 (§ 17 outreach work). The Anchor Document identifies this as *"inherently a higher-capacity function than reactive desk service"* and notes that *"dedicated field roles cannot coexist with mandatory desk-bound case processing in small offices"* (Part 1, 1b, Latent Driver 1).

This requirement has no circular authority, making the scale-related burden imposed without regulatory foundation.

Requirement 11

- Scale flag: YES — Coordinating programme facilitation with kriminalomsorgen during a participant's incarceration requires sustained inter-agency coordination capacity. The Anchor Document identifies Coordination Infrastructure [C] as the third-most-frequent mechanism in supervision findings, including failures to maintain formal cooperation with external agencies. In municipalities that rarely or never have incarcerated KVP participants, sustaining this coordination competence is structurally impossible. Relevant finding: *"The requirement for systematic, written inter-agency coordination... produces sanctions when small municipalities rely on informal case-by-case contact"* (Section 2, [C] Coordination Infrastructure). Because this requirement has no circular authority and constitutes a category error (Step 2), the scale burden it imposes is entirely without regulatory foundation.

Requirement 12

- Scale flag: YES — The requirement to issue two separate administrative decisions (one under § 17, one under § 29) for a single service package doubles the documentation workload per participant. The Anchor Document identifies the Documentation Apparatus [D] as the dominant volume driver, present in virtually every supervision report, and notes that it imposes particular burden on small offices. The requirement is present in a veileder with no § 39 circular authority, making the documentation burden imposed without regulatory foundation in the § 39 framework.

Requirement 13

- Scale flag: NO — this is a substantive eligibility standard, not a procedural apparatus. Its application is uniform regardless of scale. However, the Anchor Document notes that the § 19 discretionary standard illustrates how substantive legal thresholds can become scale-sensitive in practice when competence to apply them decays through low encounter frequency. A mild analogous risk exists here for small offices rarely handling KVP applications.

Requirement 14

- Scale flag: NO — same analysis as Requirement 13.

STEP 4 — PURPOSE CLASSIFICATION

Requirement 1 — **[USER NEED]** Justification: The post-arrears payment rule establishes the legal basis and timing of the user's entitlement. The source instrument's language ("utbetaling skjer... på grunnlag av registrert frammøte") directly determines what the participant receives and when. No administrative intermediary purpose is served.

Requirement 2 — **[USER NEED]** Justification: The accrual principle establishes the legal threshold for entitlement to payment. It directly defines the legal standard governing the user's right to receive the benefit.

Requirement 3 — **[MIXED]** Primary purpose: USER NEED — attendance registration is the statutory basis for payment, directly determining the participant's entitlement quantum. Secondary purpose: INTERNAL CONTROL — the requirement for systematic registration also serves as a documentation and audit function, enabling administrative verification and supervisory review of whether payments are correctly computed. The primary purpose is user-serving; the secondary administrative-control function is operationally necessary but derivative.

Requirement 4 — **[USER NEED]** Justification: The benefit-reduction rule establishes a legal consequence with direct bearing on the participant's case outcome. The source language ("ugyldig fravær fører til reduksjon") specifies a substantive legal standard governing the user's entitlement.

Requirement 5 — **[INTERNAL CONTROL]** Justification: The municipal discretion to determine payment methods and timing is a delegated administrative procedure. The source instrument ("Kommunen beslutter hvordan og til hvilke tidspunkter utbetaling skal skje") addresses the municipality's internal administrative organization, not the user's entitlement. The user's legal right is fixed by § 39; this requirement governs the administrative machinery for implementing it.

Requirement 6 — **[USER NEED]** Justification: The signal that interim subsistence may need to be secured directly protects the user's right to a dignified existence during the gap before first payment. The language ("nødvendig å sikre deltakeren livsopphold") directly serves the user's legal security and material welfare.

Requirement 7 — **[MIXED]** Primary purpose: USER NEED — the specific tax treatment (exemption June, half December) protects the user from disproportionate tax burden that would otherwise arise from treating the benefit as ordinary wage income distributed over 10.5 months. Secondary purpose: INTERNAL CONTROL — the requirement imposes an administrative implementation obligation on the municipality's payroll system, requiring active setup and maintenance of correct tax codes. The primary purpose is user-protective; the secondary administrative-implementation purpose is real but derivative.

Requirement 8 — **[USER NEED]** Justification: The specification of intermediate trygdeavgift directly determines the user's national insurance contribution obligations and pension-accrual rights. The language derives from Folketrygdloven and governs a substantive dimension of the user's social insurance position.

Requirement 9 — **[MIXED]** Primary purpose: USER NEED — ensuring KVP eligibility is assessed before activity conditions are imposed protects the user's right to receive the programme rather than being subjected to less favorable measures. The sequencing rule directly serves the legal security of the participant's case assessment. Secondary purpose: INTERNAL CONTROL — operationally, this functions as a procedural gate that caseworkers must navigate in sequence, creating a documentation and compliance trail. The Process Inflation Finding classifies this as [SEQUENCE] — an inter-NAV procedural sequencing

obligation — and identifies MANGLER_HJEMMEL. In the § 39 normative context, the administrative compliance function dominates, since the user-protection purpose belongs to the § 29 framework where it is actually anchored. Assessed in relation to § 39's social services users, the secondary internal-control character is primary in this misallocated context.

Requirement 10 — **[INTERNAL CONTROL]** Justification: The duty to proactively investigate potential target group membership and assist with applications is framed as an administrative process directive for NAV offices ("bør aktivt undersøke"). It does not govern any individual user's case outcome directly; it governs NAV's population-level outreach behavior. The Process Inflation Finding classifies this as [ASSESS-PROC]. In relation to § 39's social services users, this is an internal administrative process obligation with no direct bearing on an individual participant's payment calculation or benefit entitlement.

Requirement 11 — **[INTERNAL CONTROL]** Justification: Pre-release programme facilitation in coordination with kriminalomsorgen is an inter-agency administrative setup procedure. The source (Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav) governs NAV's coordination obligations with external public institutions. The Process Inflation Finding classifies this as [REFERRAL-COORD]. The direct beneficiary (the incarcerated person) is a future potential participant, not a current § 39 participant; the requirement governs NAV's organizational capacity, not an individual user's payment entitlement. In relation to § 39's social services framework, this is entirely an internal coordination requirement.

Requirement 12 — **[INTERNAL CONTROL]** Justification: The requirement that the service measure be issued as a separate administrative decision under § 17 rather than incorporated into the § 29 decision is purely a documentation-form obligation. It has no bearing on the user's substantive entitlements — they receive the same service and the same benefit regardless of whether it is structured in one or two decision documents. The Process Inflation Finding classifies this as [DOC-REQ] and identifies MANGLER_HJEMMEL. This requirement exists exclusively to serve administrative clarity and legal traceability functions internal to the system.

Requirement 13 — **[USER NEED]** Justification: The obligation to grant the programme even where employment outcome is uncertain directly protects the participant from exclusion based on prognostic speculation. The source language ("skal innvilges selv om det... er usikkert") establishes a substantive eligibility standard that directly determines whether a user receives the programme at all. The Process Inflation Finding classifies this as a substantive legal threshold governing programme admission.

Requirement 14 — **[USER NEED]** Justification: The non-exclusion obligation directly protects users from discriminatory eligibility decisions. The source language ("ingen utelukkes med den begrunnelse") establishes a binding substantive non-discrimination standard with direct bearing on whether individual users receive the programme. The Process Inflation Finding classifies this as a substantive non-discrimination obligation.

STEP 5 — TRANSACTION COST CHARACTERIZATION

Requirement 1 — [USER NEED] — No transaction cost burden identified for this requirement. The post-arrears payment rule is a legal standard governing the user's entitlement; it does not impose administrative overhead beyond the underlying attendance registration system addressed in Requirement 3.

Requirement 2 — [USER NEED] — No transaction cost burden identified. The accrual principle is a legal threshold, not a procedural demand on caseworkers.

Requirement 3 — [MIXED] — The attendance registration obligation requires the municipality to establish, operate, and maintain a formal system for recording daily programme attendance for each participant. In concrete administrative terms: a caseworker or programme coordinator must record each participant's presence or absence on each scheduled programme day; the record must be accurate and retrievable for payment calculation purposes; and the record must be available for supervisory review. For municipalities with very few KVP participants, this requires maintaining a registration infrastructure that is rarely used. The circular provides no guidance on the form or minimum requirements for registration systems, leaving municipalities to construct administrative procedures without normative support for the documentation standard to be applied.

Requirement 4 — [USER NEED] — No transaction cost burden identified. The benefit-reduction rule is a legal consequence applied when invalid absence is established. The identification of whether absence is valid or invalid is addressed within the broader programme-management framework.

Requirement 5 — [INTERNAL CONTROL] — The payment-system delegation requires the municipality's NAV office to design and operate a payment schedule, establish arrangements with the municipal treasury or banking systems, and ensure disbursements occur at the determined intervals. Concretely: the NAV leader must determine the payment frequency and timing; coordinate with the municipal payroll or finance function; ensure the payment infrastructure is maintained even during periods of low or zero programme participation; and document the administrative decision on payment modality. In small municipalities, this function falls on the same person who manages all other social services functions. The circular provides the delegation but no minimum-standard guidance on what constitutes an adequate payment administration system.

Requirement 6 — [USER NEED] — No transaction cost burden identified as primary. The signal that interim subsistence may be required prompts an assessment under § 18, which carries its own procedural requirements, but those belong to the § 18 normative framework, not to § 39.

Requirement 7 — [MIXED] — The tax-treatment obligation requires the municipality's payroll or disbursement function to correctly configure the tax codes applied to KVP payments: ensure Skatteetaten's calculation of tax as if distributed over 10.5 months is properly implemented; apply tax exemption for the June payment; apply half-deduction in December. In concrete administrative terms: the municipality must actively coordinate with Skatteetaten (or the relevant payroll system) to ensure these configurations are in place;

must verify they are correctly applied each year; and must update configurations if tax legislation changes. This imposes an ongoing administrative maintenance obligation that, for municipalities with one or two KVP participants, is disproportionate to its scale — though its legal basis (Skatteforskriften) is outside the circular's normative domain.

Requirement 8 — [USER NEED] — No transaction cost burden identified as primary. The trygdeavgift specification is an informational cross-reference to Folketrygdloven governing the user's national insurance contributions. Implementation falls on the payment system rather than on caseworkers' decision-making.

Requirement 9 — [MIXED] — The sequencing requirement demands that caseworkers follow a mandatory procedural gate before imposing activity conditions: they must assess KVP eligibility, document that assessment, and conclude it before proceeding to set conditions under any other provision. In concrete administrative terms: the caseworker must affirmatively document whether KVP eligibility has been considered and what conclusion was reached; this documentation must exist in the case file before any activity-condition decision is issued; and the caseworker must be sufficiently familiar with the KVP eligibility criteria to conduct this gate assessment reliably. This requirement has no circular authority in § 39 — caseworkers must comply with an obligation that the primary normative instrument governing payment administration does not address. The transaction cost falls on every caseworker who processes activity-condition cases, regardless of whether KVP is ultimately relevant to that case.

Requirement 10 — [INTERNAL CONTROL] — The proactive investigation obligation requires the NAV office to allocate caseworker or social worker time to systematic outreach: identifying potential KVP target group members who are not actively seeking help; investigating whether they meet eligibility criteria; and providing tailored application assistance. In concrete administrative terms: the NAV leader must establish a system or process for identifying the target group; caseworkers must be assigned outreach time that competes with reactive desk-based caseload; and NAV must document the outreach activity undertaken. This requirement has no circular authority in § 39, meaning caseworkers must comply with an outreach obligation that the primary normative instrument for § 39 payment administration does not address or resource. The Anchor Document confirms this burden type as a latent volume driver that assumes higher-capacity office functions than small municipalities can sustain alongside mandatory desk-bound processing.

Requirement 11 — [INTERNAL CONTROL] — The prison-coordination obligation requires NAV to establish and maintain an active working relationship with kriminalomsorgen (prison administration) at the local or regional level; designate a caseworker or coordinator to manage pre-release programme planning; initiate contact and plan programme content for individual incarcerated persons; and document the coordination activity and planning decisions. In concrete administrative terms: the NAV office must maintain awareness of incarcerated persons in the KVP target group within its geographic jurisdiction; coordinate with an external institution operating under a different legal and operational framework; and sustain this coordination capacity even when cases are rare or zero. This requirement has no circular authority in § 39 and constitutes a category error. Caseworkers must comply with an inter-agency coordination obligation that the primary normative instrument for § 39 payment administration does not address and that derives from a different legal domain.

Requirement 12 — [INTERNAL CONTROL] — The separate-decision requirement demands that caseworkers issue two distinct administrative decisions for participants receiving both a service measure (§ 17) and a qualification programme (§ 29): drafting, issuing, and archiving a separate § 17 decision document in addition to the § 29 programme decision; ensuring the two decisions are structurally separated in the case file; applying the correct legal basis, appeals information, and formal elements to each decision independently; and maintaining two parallel documentation chains for what may be a single integrated service package. This doubles the formal decision-writing burden per participant. The requirement has no circular authority in § 39, meaning caseworkers must comply with a documentation-form obligation that the primary normative instrument for § 39 payment administration does not address. The Anchor Document identifies duplicate documentation requirements as a component of the dominant Documentation Apparatus [D] mechanism.

Requirement 13 — [USER NEED] — No transaction cost burden identified. This requirement functions as a substantive eligibility standard protecting users from arbitrary exclusion. Its administrative implementation does not generate documentation overhead beyond what the underlying § 29 assessment would require.

Requirement 14 — [USER NEED] — No transaction cost burden identified. Same analysis as Requirement 13.

STEP 6 — CATALOG ENTRIES

REQUIREMENT ID: § 39-R1

PROVISION TEXT: Payment of the qualification benefit is made in arrears on the basis of registered attendance.

SOURCE INSTRUMENT: Circular R-35, § 4.39.1 / sosialtjenesteloven § 39

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — § 39 sosialtjenesteloven is the direct statutory basis.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: NO

PURPOSE: USER NEED

BURDEN DESCRIPTION: No transaction cost burden identified. This is a statutory payment standard governing the user's entitlement.

KILL LIST CLASSIFICATION: No Kill List Action — full statutory and circular authority; proportionate.

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: § 39-R2

PROVISION TEXT: The benefit must have been accrued before it can be paid.

SOURCE INSTRUMENT: Circular R-35, § 4.39.1

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — logical presupposition of § 39 sosialtjenesteloven.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: NO

PURPOSE: USER NEED

BURDEN DESCRIPTION: No transaction cost burden identified.

KILL LIST CLASSIFICATION: No Kill List Action

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: § 39-R3

PROVISION TEXT: Accrual occurs through programme participation, and attendance shall be registered.

SOURCE INSTRUMENT: Circular R-35, § 4.39.1

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — statutory presupposition of § 39's payment-on-registered-attendance framework.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: PARTIAL — the obligation to operate a formal attendance registration system is volume-sensitive in small municipalities with very few participants. The Anchor Document's [D] mechanism findings confirm that formal registration pipelines cannot become

habitual when triggered too infrequently. The circular provides no guidance on the minimum form of the registration system.

PURPOSE: MIXED — primary: USER NEED (basis for entitlement calculation); secondary: INTERNAL CONTROL (documentation and audit function)

BURDEN DESCRIPTION: The municipality must establish and maintain an attendance registration system. A caseworker or programme coordinator must record participant presence and absence on each scheduled programme day, ensure the record is accurate and retrievable for payment calculation, and make it available for supervisory review. For municipalities with very few KVP participants, this requires maintaining an administrative infrastructure used rarely. Circular guidance on the minimum standard for registration is absent.

KILL LIST CLASSIFICATION: Category C — Clarification: the circular does not specify what form attendance registration must take. The room for maneuver on registration methods should be made explicit to reduce shadow-binding and allow scale-appropriate administrative solutions.

TRANSACTION COST CATEGORY: Documentation Inflation (mild; scale-conditional)

REQUIREMENT ID: § 39-R4

PROVISION TEXT: Invalid absence results in reduction of the benefit.

SOURCE INSTRUMENT: Circular R-35, § 4.39.1 / sosialtjenesteloven § 36

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — § 36 sosialtjenesteloven is the direct statutory basis.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: NO

PURPOSE: USER NEED

BURDEN DESCRIPTION: No transaction cost burden identified. This is a legal consequence, not a procedural apparatus.

KILL LIST CLASSIFICATION: No Kill List Action

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: § 39-R5

PROVISION TEXT: The municipality determines how and when payment is to be made.

SOURCE INSTRUMENT: Circular R-35, § 4.39.1 / sosialtjenesteloven § 39

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — § 39 explicitly delegates this discretion to municipalities.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: PARTIAL — the obligation to design and operate a payment administration system imposes a mild disproportionate burden on very small municipalities with one or two participants. The Anchor Document identifies coordination infrastructure failures [C] as volume-sensitive in small offices generally. Maintaining a formalized payment system for a service with near-zero participation generates structural overhead without substantive service benefit.

PURPOSE: INTERNAL CONTROL — governs the municipality's internal administrative organization of payment disbursement, not the user's entitlement standard.

BURDEN DESCRIPTION: The NAV leader must determine the payment frequency and timing, coordinate with the municipal treasury or finance function, ensure disbursements occur at determined intervals, and maintain this infrastructure even during periods of low or zero programme participation. The circular provides delegation but no minimum-standard guidance on adequate payment administration, leaving municipalities to construct systems without normative support.

KILL LIST CLASSIFICATION: Category C — Clarification: while the permissive delegation is appropriate in principle, the absence of any minimum-standard guidance on payment administration generates uncertainty for small municipalities. Making the scope of permissible administrative arrangements explicit would reduce compliance anxiety without restricting local discretion.

TRANSACTION COST CATEGORY: Structural Disproportionality (mild; scale-conditional)

REQUIREMENT ID: § 39-R6

PROVISION TEXT: It may be necessary to secure the participant's subsistence prior to the first payment.

SOURCE INSTRUMENT: Circular R-35, § 4.39.1 (cross-reference: § 18 sosialtjenesteloven)

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: PARTIAL — the obligation to provide interim subsistence derives from § 18, not § 39. The Process Inflation Finding (PROC-REQ-39.6) links this to § 18. The circular's § 39 paragraph signals the need without constituting the legal basis.

DOUBLE AUTHORITY GAP: NO (circular authority PRESENT; statutory authority PARTIAL but exists in § 18 cross-reference)

CATEGORY ERROR: NO

SCALE FLAG: NO

PURPOSE: USER NEED — directly protects the participant's material welfare during the gap before first payment.

BURDEN DESCRIPTION: No transaction cost burden identified as arising from § 39 itself. The underlying § 18 assessment carries its own procedural obligations addressed in the § 18 normative framework.

KILL LIST CLASSIFICATION: No Kill List Action — appropriate informational provision within the circular; the cross-reference is useful navigation guidance.

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: § 39-R7

PROVISION TEXT: A tax exemption shall be given for June, and a half tax deduction applied in December.

SOURCE INSTRUMENT: Circular R-35, § 4.39.1 / Skatteforskriften § 5-7-2 tredje ledd

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — Skatteforskriften § 5-7-2 is binding law. However, the operative obligation rests in tax law, not in sosialtjenesteloven.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: PARTIAL — the substantive obligation is a tax law obligation (Skatteforskriften). The circular correctly identifies this as cross-domain context. The NAV administrative obligation is implementation-adjacent: ensuring correct tax treatment in the disbursement system. This is a domain-adjacent obligation rather than a full category error, as it is operationally necessary for NAV to implement correctly.

SCALE FLAG: NO

PURPOSE: MIXED — primary: USER NEED (protects user from over-taxation); secondary: INTERNAL CONTROL (imposes an administrative configuration obligation on the municipality's payroll or disbursement system)

BURDEN DESCRIPTION: The municipality's payroll or disbursement function must configure tax codes correctly for each KVP payment: ensuring tax exemption for June and half-deduction in December, coordinating with Skatteetaten's calculation methodology, and verifying configurations are maintained annually. For municipalities with very few KVP participants, this administrative configuration must be maintained for rare or zero uses. The operative legal basis is Skatteforskriften, not the circular — the circular serves as an informational bridge.

KILL LIST CLASSIFICATION: No Kill List Action — the circular's reference to the tax treatment is appropriate informational guidance. The operative obligations are correctly anchored in Skatteforskriften.

TRANSACTION COST CATEGORY: No Transaction Cost Identified (tax obligation falls primarily on Skatteetaten and payroll systems)

REQUIREMENT ID: § 39-R8

PROVISION TEXT: National insurance contributions on the benefit are paid at the intermediate rate under the National Insurance Act.

SOURCE INSTRUMENT: Circular R-35, § 4.39.1 / Folketrygdloven

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — Folketrygdloven is primary law. The circular correctly identifies the applicable rate.

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: PARTIAL — same structural observation as Requirement 7. The substantive obligation derives from Folketrygdloven, not sosialtjenesteloven. The circular's reference is informational navigation, not the source of the obligation.

SCALE FLAG: NO

PURPOSE: USER NEED — determines the user's national insurance contribution obligations and social insurance position.

BURDEN DESCRIPTION: No transaction cost burden identified as arising from § 39's normative framework. Implementation falls on the payment and national insurance systems.

KILL LIST CLASSIFICATION: No Kill List Action — appropriate informational cross-reference.

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: § 39-R9

PROVISION TEXT: The right to the qualification programme shall be assessed before activity conditions are imposed on the participant.

SOURCE INSTRUMENT: Kommunebrev 2025 (category (a) — Kommunebrev)

CIRCULAR AUTHORITY: ABSENT — § 4.39.1 contains no reference to sequencing between KVP eligibility assessment and activity conditions. Consequence: this requirement operates entirely outside the circular framework that governs § 39 payment administration. Caseworkers must comply with an obligation that the primary normative instrument for their payment-administration work does not address.

LEGAL AUTHORITY: PARTIAL — the Process Inflation Finding (PROC-REQ-39.9) establishes MANGLER_HJEMMEL in the § 39 context. The sequencing obligation belongs to the § 29 eligibility framework. § 39 grants no authority over the sequencing of eligibility assessments.

DOUBLE AUTHORITY GAP: YES — circular authority ABSENT; statutory authority PARTIAL (belongs to § 29, not § 39)

CATEGORY ERROR: NO

SCALE FLAG: YES — the Anchor Document confirms that procedural sequencing requirements [P] are volume-sensitive: pipelines cannot become habitual when triggered infrequently. Caseworkers in small municipalities rarely encountering KVP-adjacent cases will struggle to maintain this sequencing rule as an internalized routine. The burden is imposed without circular guidance or regulatory foundation in § 39.

PURPOSE: MIXED — primary in social services context: USER NEED (protects user's right to KVP assessment); but in the § 39 normative context, operationally functions as a procedural compliance gate for caseworkers. The Process Inflation Finding classifies this as [SEQUENCE] — a procedural sequencing obligation.

BURDEN DESCRIPTION: Caseworkers must follow a mandatory procedural gate before imposing activity conditions: affirmatively assess KVP eligibility, document that assessment, and conclude it before proceeding to any activity-condition decision. This documentation must exist in the case file. The caseworker must be sufficiently familiar with KVP eligibility criteria to conduct this gate assessment reliably. The transaction cost falls on every caseworker who processes activity-condition cases, regardless of whether KVP is relevant. No circular guidance for § 39 addresses this obligation — caseworkers comply with a sequencing requirement the primary normative instrument does not acknowledge.

KILL LIST CLASSIFICATION: Category A — Removal from the § 39 normative framework: this requirement lacks circular authority in § 39 and lacks statutory authority under § 39's payment-administration rules. It belongs to the § 29 eligibility framework where it has substantive legal value. Its presence in the § 39 normative space, introduced through a Kommunebrev, constitutes an unsupported extension of the § 39 circular's scope. The obligation should be formally relocated to the § 29 normative framework.

TRANSACTION COST CATEGORY: Procedural Duplication; Structural Disproportionality (small municipalities)

REQUIREMENT ID: § 39-R10

PROVISION TEXT: The NAV office should actively investigate whether persons in the target group may have a right to the qualification programme, and provide application assistance where necessary.

SOURCE INSTRUMENT: Kommunebrev 2025 (category (a) — Kommunebrev)

CIRCULAR AUTHORITY: ABSENT — § 4.39.1 contains no reference to proactive outreach or target-group investigation. Consequence: this requirement operates entirely outside the circular framework for § 39. Caseworkers must comply with an outreach obligation that the primary normative instrument for payment administration does not address.

LEGAL AUTHORITY: NO — the Process Inflation Finding (PROC-REQ-39.10) establishes MANGLER_HJEMMEL: this is a programme-access obligation falling entirely outside § 39's payment-method and payment-timing authority. No statutory provision in § 39 authorizes the imposition of proactive investigation duties.

DOUBLE AUTHORITY GAP: YES — circular authority ABSENT; statutory authority NO

CATEGORY ERROR: NO — remains within the social services framework, but is wholly misallocated to the § 39 normative space.

SCALE FLAG: YES — proactive outreach is structurally analogous to oppsøkende virksomhet identified as a latent volume driver in the Anchor Document (Part 1, 1b, Latent Driver 1). The Anchor Document identifies this as *"inherently a higher-capacity function than reactive desk service"* that *"cannot coexist with mandatory desk-bound case processing in small offices."* The burden imposed has no circular foundation in § 39.

PURPOSE: INTERNAL CONTROL — an administrative process directive governing NAV's population-level outreach behavior. It does not govern any individual participant's payment entitlement under § 39.

BURDEN DESCRIPTION: NAV offices must establish a system for identifying potential KVP target group members not actively seeking assistance; allocate caseworker time to outreach competing with reactive caseload; investigate eligibility for individuals who may not have applied; provide tailored application assistance; and document outreach activity undertaken. In small municipalities, this function falls on the same person handling all social services. The obligation is stated in advisory language ("bør") in the Kommunebrev but operates as a compliance expectation. No circular guidance for § 39 addresses this obligation — caseworkers comply with an outreach burden the primary normative instrument does not acknowledge or resource.

KILL LIST CLASSIFICATION: Category A — Removal from the § 39 normative framework: this requirement lacks both circular and statutory authority in § 39. It was introduced through

a Kommunebrev without normative foundation in the circular. If the proactive investigation obligation is substantively appropriate (which may be debated), it should be anchored in the § 29 eligibility framework and accompanied by the resources and guidance necessary for its implementation.

TRANSACTION COST CATEGORY: Reporting Overhead; Structural Disproportionality; Combined Burden

---

REQUIREMENT ID: § 39-R11

PROVISION TEXT: For persons with a right to the qualification programme, programme facilitation should be arranged during incarceration so that it can be implemented upon the participant's release.

SOURCE INSTRUMENT: Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav (category (b) — Veileder)

CIRCULAR AUTHORITY: ABSENT — § 4.39.1 contains no reference to inter-agency coordination with kriminalomsorgen or pre-release programme facilitation. Consequence: this requirement operates entirely outside the circular framework for § 39. Caseworkers must comply with an inter-agency coordination obligation that the primary normative instrument does not address and that derives from a different legal and institutional domain.

LEGAL AUTHORITY: NO — the Process Inflation Finding (PROC-REQ-39.11) establishes MANGLER_HJEMMEL: § 39 grants no authority over programme setup or pre-release facilitation.

DOUBLE AUTHORITY GAP: YES — circular authority ABSENT; statutory authority NO

CATEGORY ERROR: YES — the Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav governs the institutional relationship between criminal justice administration and NAV, a domain governed by kriminalomsorgens own legal framework (straffegjennomføringsloven and related instruments). Insofar as this veileder's requirements are attributed to § 39's normative space, this introduces obligations from the criminal-justice coordination domain into the social services payment framework. The category error arises because the primary normative and regulatory home of this obligation is criminal justice administration, not sosialtjenesteloven § 39.

SCALE FLAG: YES — sustaining inter-agency coordination capacity with kriminalomsorgen requires an established working relationship with an external institution operating under a different legal framework. The Anchor Document identifies Coordination Infrastructure [C] failures as systematically arising in small offices that rely on informal, person-to-person contact rather than formalized protocols. For municipalities that rarely or never have incarcerated persons in the KVP target group, maintaining this coordination capacity is structurally impossible. The obligation imposed is doubly without foundation: no circular authority and a category error.

PURPOSE: INTERNAL CONTROL — a coordination procedure governing NAV's institutional relationship with kriminalomsorgen. It addresses the future state of a potential participant's programme, not a current § 39 payment entitlement.

BURDEN DESCRIPTION: NAV must establish and maintain an active working relationship with kriminalomsorgen at local or regional level; designate a caseworker or coordinator to manage pre-release programme planning; initiate and document coordination for individual incarcerated persons; sustain this capacity even when such cases are rare or zero; and navigate a different institutional culture and legal framework. No circular guidance for § 39 addresses this obligation. Caseworkers comply with an obligation the primary normative instrument does not acknowledge and that derives from a different legal domain.

KILL LIST CLASSIFICATION: Category A — Removal: this requirement lacks circular authority in § 39, lacks statutory authority under § 39, and constitutes a category error by introducing criminal-justice coordination obligations into the social services payment framework. The coordination obligation, if substantively appropriate, should be addressed in the correct normative home (the inter-agency veileder) and not attributed to the § 39 payment-administration framework.

TRANSACTION COST CATEGORY: Reporting Overhead; Structural Disproportionality; Combined Burden

---

REQUIREMENT ID: § 39-R12

PROVISION TEXT: The service as a measure shall be issued as a separate administrative decision under § 17, not incorporated into the qualification programme decision under § 29.

SOURCE INSTRUMENT: Veileder til sosialtjenesteloven § 17 (category (b) — Veileder)

CIRCULAR AUTHORITY: ABSENT — § 4.39.1 contains no reference to decision-structuring, the separation of § 17 and § 29 decisions, or documentary form requirements. Consequence: this requirement operates entirely outside the circular framework for § 39. Caseworkers must comply with a documentation-form obligation that the primary normative instrument for § 39 does not address.

LEGAL AUTHORITY: NO — the Process Inflation Finding (PROC-REQ-39.12) establishes MANGLER_HJEMMEL: § 39 grants no authority over administrative decision structuring. The proper statutory bases (§ 17 and § 29) are absent from the § 39 normative framework.

DOUBLE AUTHORITY GAP: YES — circular authority ABSENT; statutory authority NO in § 39's framework

CATEGORY ERROR: NO — this is a social services documentation obligation, but one that belongs to the normative frameworks of §§ 17 and 29, not to § 39.

SCALE FLAG: YES — requiring two separate administrative decisions for a single integrated service package doubles the formal decision-writing burden per participant. The Anchor Document identifies duplicate documentation as a component of the dominant

Documentation Apparatus [D] mechanism, confirmed as generating compliance failures across municipalities of all sizes. For small municipalities with few participants, this doubles a pipeline that is already rarely triggered. The burden is imposed without circular foundation in § 39.

PURPOSE: INTERNAL CONTROL — a documentation-form obligation serving administrative clarity and legal traceability internal to the system. The user receives the same substantive service and entitlement regardless of whether it is packaged in one or two decision documents.

BURDEN DESCRIPTION: Caseworkers must draft, issue, and archive two separate administrative decisions — one under § 17 and one under § 29 — for participants receiving both a service measure and a qualification programme. Each decision requires correct legal basis, formal elements, appeals information, and a separate documentation chain. The § 39 circular provides no guidance on this obligation — caseworkers comply with a form requirement the primary normative instrument does not address. This doubles the formal casework burden per participant and constitutes a clear instance of the Documentation Apparatus [D] volume driver identified in the Anchor Document.

KILL LIST CLASSIFICATION: Category A — Removal from the § 39 normative framework: this requirement lacks both circular and statutory authority in § 39. It was introduced through a veileder governing § 17 and attributed to the § 39 normative context without regulatory foundation. If decision-structuring guidance is needed, it belongs in the §§ 17 and 29 normative frameworks, not in the § 39 payment-administration framework.

TRANSACTION COST CATEGORY: Documentation Inflation; Procedural Duplication

---

REQUIREMENT ID: § 39-R13

PROVISION TEXT: The programme shall be granted even if it is uncertain at the outset whether the participant will be able to enter employment after completing the programme.

SOURCE INSTRUMENT: Veileder økonomisk stønad 2022 (category (b) — Veileder)

CIRCULAR AUTHORITY: ABSENT — § 4.39.1 contains no reference to the eligibility standard for programme admission. Consequence: this requirement operates outside the circular framework for § 39. It is invisible from the circular.

LEGAL AUTHORITY: PARTIAL — the Process Inflation Finding (PROC-REQ-39.13) analyzes this as a substantive legal threshold governing programme admission. It belongs to § 29 (admission to the qualification programme). § 39 (payment of the benefit) grants no authority over the eligibility standard for programme admission.

DOUBLE AUTHORITY GAP: YES — circular authority ABSENT; statutory authority PARTIAL (belongs to § 29, not § 39)

CATEGORY ERROR: NO

SCALE FLAG: NO — this is a substantive eligibility standard applicable uniformly. A mild latent risk exists (Anchor Document confirms competence decay in small offices can undermine application of substantive thresholds), but no direct scale flag applies.

PURPOSE: USER NEED — directly protects the potential participant from exclusion based on uncertain prognosis. This is a substantively important user protection.

BURDEN DESCRIPTION: No transaction cost burden identified. The obligation functions as a substantive eligibility standard. Its administrative implementation does not generate documentation overhead beyond what the underlying § 29 assessment requires. However, its presence in the § 39 normative space through a veileder, without circular authority, means caseworkers encounter this obligation disconnected from the circular framework that should anchor it.

KILL LIST CLASSIFICATION: Category A — Removal from the § 39 normative framework: this substantively important user protection belongs in the § 29 eligibility framework and should be formally anchored there. Its presence in the § 39 normative context through a veileder constitutes a misallocation. Removal from the § 39 normative framework does not mean removal from the social services system — it means relocation to its correct normative home.

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: § 39-R14

PROVISION TEXT: No applicant shall be excluded on the grounds that participation will not lead to permanent full-time employment.

SOURCE INSTRUMENT: Veileder økonomisk stønad 2022 (category (b) — Veileder)

CIRCULAR AUTHORITY: ABSENT — § 4.39.1 contains no reference to non-discrimination in eligibility assessment. Consequence: this requirement operates outside the circular framework for § 39.

LEGAL AUTHORITY: PARTIAL — the Process Inflation Finding (PROC-REQ-39.14) identifies this as a substantive non-discrimination obligation governing eligibility assessment. It belongs to the § 29 eligibility framework. § 39 grants no authority over eligibility non-discrimination.

DOUBLE AUTHORITY GAP: YES — circular authority ABSENT; statutory authority PARTIAL (belongs to § 29, not § 39)

CATEGORY ERROR: NO

SCALE FLAG: NO — uniform substantive standard applicable regardless of scale.

PURPOSE: USER NEED — directly protects potential participants from arbitrary discriminatory exclusion. This is a substantively critical user protection.

BURDEN DESCRIPTION: No transaction cost burden identified. Same analysis as Requirement 13. The obligation's presence in the § 39 normative space through a veileder, without circular authority, disconnects it from its correct regulatory home.

KILL LIST CLASSIFICATION: Category A — Removal from the § 39 normative framework and relocation to the § 29 framework where it has substantive legal value and appropriate normative anchoring.

TRANSACTION COST CATEGORY: No Transaction Cost Identified

CLOSING COMPARATIVE NOTE

Synthesis Output for Main Report and Kill List Deliverables

Requirements identified starting from Process Inflation Findings: 14

Requirements that would have been visible starting from the circular alone: 8

Requirements invisible from the circular alone: 6 (Requirements 9, 10, 11, 12, 13, 14)

This means that **43% of the normative obligations mapped to § 39 are structurally undetectable** from the primary regulatory instrument governing § 39 payment administration. Any compliance audit or normative review beginning from the circular alone would systematically miss nearly half the operational burden imposed on caseworkers and municipalities.

Double authority gaps (circular authority ABSENT + statutory authority NO or PARTIAL): 6 — Requirements 9, 10, 11, 12, 13, 14

All six double authority gaps derive from sub-legal instruments (2 Kommunebrev, 4 veiledere) operating entirely outside the circular framework. This pattern illustrates the mechanism by which normative inflation occurs: substantively significant obligations accumulate in the operational environment through instruments that generate no visibility in the primary regulatory text.

Requirements deriving from a different legal domain (category errors): 1 — Requirement 11 (Nasjonal veileder for samarbeidet mellom kriminalomsorgen og Nav introduces criminal-justice coordination obligations into the § 39 social services payment framework)

Kill List breakdown:

Category	Count	Requirements
Category A — Removal	6	R9, R10, R11, R12, R13, R14

Category B — Status Change	0	—
Category C — Clarification	2	R3, R5
No Kill List Action	6	R1, R2, R4, R6, R7, R8

The absence of Category B entries is analytically significant: none of the requirements in this paragraph use imperative language without binding authority in a way that would be corrected by a status change alone. The six Category A entries represent substantive misallocation — obligations that either belong to different paragraphs (§§ 17, 29) or different normative frameworks entirely (criminal-justice coordination), and that have accumulated in the § 39 normative space through sub-legal instruments without circular or statutory foundation.

Primary transaction cost categories by frequency:

Transaction Cost Category	Requirements
Structural Disproportionality	R5 (mild), R9, R10, R11
Documentation Inflation	R3 (mild), R12
Procedural Duplication	R9, R12
Reporting Overhead	R10, R11
Combined Burden	R10, R11
No Transaction Cost Identified	R1, R2, R4, R6, R7, R8, R13, R14

Key analytical conclusion: The § 39 normative environment presents a structurally clean statutory core (Requirements 1–8, all with circular and statutory authority, six of eight serving USER NEED directly) surrounded by a layer of six requirements introduced through sub-legal instruments that lack circular authority, lack statutory authority in the § 39 context, and in two cases serve no direct user need at all (R10, R12). The six Category A requirements are entirely removable from the § 39 normative framework without any substantive loss to social services users — those that have genuine substantive value (R9, R13, R14) should be relocated to their correct normative home in §§ 29, while those with purely coordination or documentation purposes (R10, R11, R12) should either be eliminated, relocated to appropriate inter-agency frameworks, or subjected to proportionality review at the instrument level. This audit provides a clear and actionable Kill List for the revision of § 39's normative environment.

SLUDGE AUDIT — § 40 TREKK I FRAMTIDIGE UTBETALINGER

Session reference: § 40 | R-35 Rundskriv til sosialtjenesteloven **Instruments:** Circular paragraph (CONTEXT), Process Inflation Findings (REFERENCE), Volume Driver Findings (ANCHOR)

PRELIMINARY METHODOLOGICAL NOTE

Requirement visibility comparison:

The Process Inflation Findings enumerate **8 requirements** for § 40. Of these 8, **all 8 are textually present in the circular paragraph** in the Context Document. This makes § 40 structurally anomalous compared to the paragraphs most extensively documented in the Anchor Document (particularly §§ 17 and 18), where sub-legal instruments — primarily Rundskriv 35 sub-sections, separate veiledere, and supervisory methodology documents — generate requirements that are entirely invisible from the circular text itself.

What this means analytically: For § 40, the Process Inflation Findings do not expand the number of visible requirements relative to the circular. Their primary analytical contribution is therefore not discovery of hidden obligations, but rather the classification of circular language — identification of which requirements are substantive legal obligations versus procedural/documentation impositions, and exposure of the authority gaps that exist at the statutory level even when circular authority is formally present.

Requirement-by-requirement source mapping:

Since all 8 requirements have textual presence in the circular, none triggers the source-instrument classification under (a)–(e) of the Preliminary Note. No requirement derives from a Kommunebrev, veileder, standard document, guidance attachment, or other sub-legal instrument operating independently of the circular. The analytical work in Steps 2–6 must therefore concentrate on the gap between the circular's language and the underlying statute — a horizontal authority gap rather than a vertical invisibility gap.

Structural observation carried forward: The absence of sub-legal layering in § 40 means the transaction cost structure is comparatively lean. Any sludge identified in this paragraph is sludge produced directly by the circular itself — which has different remediation implications than sludge produced by sub-legal instruments, since reformulation of the circular is directly within the normative revision scope of this audit.

STEP 1 — IDENTIFICATION OF ALL REQUIREMENTS

PROC-REQ-40.1 *Exact obligation:* The authority administering KVP support — whether the NAV office or the municipality — has the right (kan) to deduct an overpaid amount from future support payments without pursuing the claim through ordinary recovery procedures under § 24. *Source instrument:* Circular (R-35 § 40, first paragraph) *Explicit or implicit:* Explicit *Textual presence in circular:* YES

PROC-REQ-40.2 *Exact obligation:* The NAV office must (må) assess whether it is reasonable (rimelig) to recover overpayments through direct deduction from future support, taking into account the size of the amount, whether the funds have been spent, and whether the deduction would leave the participant unable to cover necessary expenses or create a need for supplementary economic social assistance. *Source instrument:* Circular (R-35 § 40, section 4.40.1.2) *Explicit or implicit:* Explicit *Textual presence in circular:* YES — the proportionality assessment and the "rimelig" standard both appear in the circular, though neither appears in the statutory text.

PROC-REQ-40.3 *Exact obligation:* It is not permissible (ikke anledning) to enter into voluntary agreements with the participant for deduction from KVP support to cover the municipality's claims. *Source instrument:* Circular (R-35 § 40, section 4.40.1.3) *Explicit or implicit:* Explicit *Textual presence in circular:* YES

PROC-REQ-40.4 *Exact obligation:* The matter may be reported to the police (kan politianmeldes) regardless of whether a decision on repayment is made. *Source instrument:* Circular (R-35 § 40, section 4.40.1.3) *Explicit or implicit:* Explicit *Textual presence in circular:* YES

PROC-REQ-40.5 *Exact obligation:* A deduction from future support under the first paragraph must be processed and categorized administratively as an "administrativ beslutning" — not a formal enkeltvedtak — with authority grounded in the first paragraph of § 40 itself. *Source instrument:* Circular (R-35 § 40, section 4.40.1.4) *Explicit or implicit:* Explicit *Textual presence in circular:* YES

PROC-REQ-40.6 *Exact obligation:* The decision and all assessments made in connection with it shall (skal) appear in the case file. *Source instrument:* Circular (R-35 § 40, section 4.40.1.4) *Explicit or implicit:* Explicit *Textual presence in circular:* YES

PROC-REQ-40.7 *Exact obligation:* The administrative decision may be appealed to the decision-maker — whether this is the NAV office or the municipality. *Source instrument:* Circular (R-35 § 40, section 4.40.1.4) *Explicit or implicit:* Explicit *Textual presence in circular:* YES

PROC-REQ-40.8 *Exact obligation:* A decision to require repayment due to the participant having provided incorrect information under the second paragraph must be processed as a formal enkeltvedtak, appealable to the County Governor (statsforvalteren). *Source instrument:* Circular (R-35 § 40, section 4.40.1.4) *Explicit or implicit:* Explicit *Textual presence in circular:* YES

STEP 2 — LEGAL AUTHORITY CHECK

PROC-REQ-40.1 *Direction 1 — Circular authority:* YES — the deduction power is stated in the circular. *Direction 2 — Statutory authority:* YES — the permissive "kan" authority corresponds directly to the statutory text of § 40 first paragraph, which reads "kan det overskytende trekkes i framtidig stønad." The circular adds contextual interpretation (comparison to normal employment practice, identification of who administers the payment) but does not expand the legal obligation. *Double authority gap:* NO *Category error:* NO

PROC-REQ-40.2 *Direction 1 — Circular authority:* YES — the proportionality assessment is contained in the circular. *Direction 2 — Statutory authority:* PARTIAL — the statutory text grants an open "kan" authority with no preconditions, no reference to proportionality, and no "rimelig" standard. The Process Inflation Finding for PROC-REQ-40.2 identifies this explicitly: "The statute grants an open, purely permissive 'kan' authority with no preconditions, whereas the circular enforces a mandatory two-step process requiring an analytical fairness assessment and importing a normative standard ('rimelig') entirely absent from the statutory text." The circular converts a discretionary power into a procedurally conditioned obligation. *Connection to Reference Document finding:* PROC-REQ-40.2, classified [ASSESS-PROC] in Step 3 of the Process Inflation Findings, directly addresses this gap. *Double authority gap:* NO — circular authority is present. Statutory authority is PARTIAL. *Category error:* NO — this requirement belongs to the social services domain.

PROC-REQ-40.3 *Direction 1 — Circular authority:* YES — the prohibition is contained in the circular. *Direction 2 — Statutory authority:* NO — the Process Inflation Finding states: "Neither § 40 nor § 23 restricts the mechanism of recovery, yet the circular imposes an absolute prohibition that exceeds what the permissive statutory framework supports without explicit authority." Neither paragraph of § 40, nor § 23 to which the second paragraph refers, contains language restricting the method by which recovery may be effectuated. The circular introduces a constraint on administrative method that has no statutory anchor. *Connection to Reference Document finding:* PROC-REQ-40.3, classified [OTHER] in the Process Inflation Findings with the note "Restriction on recovery mechanisms and authorized administrative methods." *Double authority gap:* NO — circular authority is present. Statutory authority is NO. *Category error:* NO — the prohibition operates within the social services domain, even though its legal basis is absent.

PROC-REQ-40.4 *Direction 1 — Circular authority:* YES — the police reporting option is noted in the circular. *Direction 2 — Statutory authority:* NO — the Process Inflation Finding states: "§ 40 contains no authority or conditions regarding police reporting; the requirement is entirely outside the scope of § 40 and lacks any statutory citation." Police reporting is governed exclusively by general criminal procedural law (straffeprosessloven), not by the Social Services Act. *Connection to Reference Document finding:* PROC-REQ-40.4, classified [REFERRAL-COORD], with the explicit finding that the requirement is "entirely outside the scope of § 40." *Double authority gap:* NO — circular authority is present. Statutory authority in the Social Services Act is NO. *Category error:* YES — this requirement belongs to criminal procedural law, not social services law. Its placement in the § 40 commentary creates the appearance of a social-services procedural step where none exists. The circular is noting an option under a different legal domain rather than establishing an obligation within its own.

PROC-REQ-40.5 *Direction 1 — Circular authority:* YES *Direction 2 — Statutory authority:* YES — the Process Inflation Finding confirms: "There is no legal gap; the characterization is a legally accurate interpretive statement consistent with the statutory text, as no formal 'enkeltvedtak' procedure is prescribed for the first paragraph." The administrative act classification is consistent with the structure of forvaltningsloven and the permissive, non-adjudicative nature of the deduction authority. *Double authority gap:* NO *Category error:* NO

PROC-REQ-40.6 *Direction 1 — Circular authority:* YES — "Beslutningen og vurderingene som er gjort skal fremgå av saken" is explicitly stated. *Direction 2 — Statutory authority:* PARTIAL — the statutory text grants the deduction power with no procedural or documentation prescriptions. The Process Inflation Finding states: "The statutory text grants an open authority with no procedural or documentation prescriptions, whereas the circular dictates a mandatory 'skal' obligation to document both the decision and its assessments." General documentation principles under forvaltningsloven provide an indirect basis, but the specific "shall" formulation extending to all underlying assessments goes beyond what the statute itself mandates. *Connection to Reference Document finding:* PROC-REQ-40.6, classified [DOC-REQ] in the Process Inflation Findings. *Double authority gap:* NO — circular authority is present. Statutory authority is PARTIAL. *Category error:* NO

PROC-REQ-40.7 *Direction 1 — Circular authority:* YES *Direction 2 — Statutory authority:* PARTIAL — the Process Inflation Finding states: "§ 40 first paragraph contains no provision addressing the right to appeal this specific administrative decision, making this specific procedural route a mechanism without direct grounding in the statutory text." An internal appeal to the decision-maker is consistent with general principles of administrative reconsideration, but the specific routing of this particular appeal is circular-derived. *Connection to Reference Document finding:* PROC-REQ-40.7, classified [SEQUENCE]. *Double authority gap:* NO *Category error:* NO

PROC-REQ-40.8 *Direction 1 — Circular authority:* YES *Direction 2 — Statutory authority:* YES — the Process Inflation Finding confirms: "categorizing this action as an 'enkeltvedtak' appealable to the County Governor is legally consistent with the combined effect of the mandatory reference to § 23 and general administrative law." The second paragraph's cross-reference to § 23 brings in the full forvaltningsloven enkeltvedtak framework. *Double authority gap:* NO *Category error:* NO

STEP 3 — SCALE AND PROPORTIONALITY CHECK

The Anchor Document addresses volume drivers primarily in relation to §§ 17, 18, 19, and 20a. § 40 deduction cases are episodic and low-frequency — triggered only when an overpayment has already been identified — meaning the cumulative volume driver clusters that dominate the Anchor Document (the § 17 formalization stack, the internal control apparatus, the child-perspective documentation cluster) do not apply directly. However, several structurally related findings are relevant.

PROC-REQ-40.1: Scale flag: NO. The deduction power is a discrete, trigger-based authority. Low exercise frequency creates no cumulative burden comparable to those documented in the Anchor Document.

PROC-REQ-40.2: Scale flag: PARTIAL. The mandatory fairness and proportionality assessment imports an open-ended evaluative standard ("rimelig") that requires documented analysis. The Anchor Document's Cluster 1 finding is relevant by structural analogy: "each failure compounds the others: low case volume degrades competence [K], degraded competence produces incorrect procedures [P], incorrect procedures produce inadequate documentation [D]." In small municipalities where § 40 deduction cases are very rare, caseworkers may lack the practiced competence to conduct and document a reasoned "rimelig" assessment, precisely because the threshold is a circular construction with no statutory anchor to guide its application. The Anchor Document's observation that "caseworkers knew more about the users' situations than the journals reflected" (documented across Nordreisa, Nannestad, Salangen, and many others) applies by analogy: the assessment may be made implicitly but not documented in the form the circular demands.

PROC-REQ-40.3: Scale flag: NO. The prohibition operates as an absolute constraint on administrative method, not as a recurring process requirement. Scale does not affect its operation.

PROC-REQ-40.4: Scale flag: NO. Police reporting is an external, optionally triggered procedure governed by criminal procedural law. The Anchor Document documents no scale-related burden associated with police reporting in the social services context.

PROC-REQ-40.5: Scale flag: NO. The classification of the decision form is a legal characterization, not a procedural pipeline. It does not impose recurring compliance costs.

PROC-REQ-40.6: Scale flag: PARTIAL. The Anchor Document identifies [D] Documentation Apparatus as the dominant empirical volume driver — appearing in "virtually every supervision report" and triggered by the same structural pattern: "the obligation to translate informal, conversational, and often highly effective social work into a formal bureaucratic paper trail." While § 40 deduction decisions are less frequent than § 17 advisory interactions, the "shall appear in the case file" formulation — extending to all underlying assessments — replicates the documentation mechanism identified as most burdensome. In very small offices, where the NAV leader may be the sole caseworker, documenting both a deduction decision and its full assessment trail for a rare case (one or two per year) imposes a disproportionate compliance cost relative to the frequency of the obligation. Specific Anchor Document finding: "caseworkers in small offices actually deliver the service, often effectively and to the satisfaction of users, but fail to translate this delivery into the formal administrative record expected by the supervision standard" — this dynamic applies directly to PROC-REQ-40.6.

PROC-REQ-40.7: Scale flag: NO. The appeal route is a structural legal guarantee, not a recurring production requirement. Its existence does not impose transaction costs beyond the decision already required under PROC-REQ-40.5.

PROC-REQ-40.8: Scale flag: NO. The enkeltvedtak classification is legally mandated and structurally consistent with the second paragraph's statutory framework. Where statutory authority is confirmed, scale-related burden is within the expected compliance cost of the legislative scheme.

STEP 4 — PURPOSE CLASSIFICATION

PROC-REQ-40.1: [USER NEED] The deduction authority exists to provide an administratively practical recovery mechanism that does not require full debt collection proceedings. This serves both the authority's recovery interest and, indirectly, the participant by avoiding formal debt enforcement. Classification justified by the permissive "kan" formulation, which preserves administrative discretion rather than imposing a documentation or reporting obligation.

PROC-REQ-40.2: [MIXED — USER NEED primary, INTERNAL CONTROL secondary] The proportionality assessment directly serves the user by protecting participants from deductions that would render them unable to cover necessary expenses. The reference to avoiding supplementary social assistance need ("det er lite hensiktsmessig å redusere kvalifiseringsstønaden... hvis det fører til at deltakeren vil ha behov for supplerende økonomisk sosialhjelp") is explicitly oriented toward user welfare. The secondary INTERNAL CONTROL dimension arises because the requirement to document this assessment creates an audit trail for supervisory review — but this is secondary to the user protection purpose. Primary justification: the language "Nav-kontoret må imidlertid vurdere" explicitly conditions recovery authority on welfare assessment.

PROC-REQ-40.3: [MIXED — USER NEED primary, INTERNAL CONTROL secondary] The prohibition on voluntary agreements primarily protects the participant's legal position by preventing the authority from obtaining recovery through informal means that would bypass formal procedural protections. The user is the primary beneficiary of this constraint. The INTERNAL CONTROL element is secondary: the prohibition also disciplines the administrative apparatus by limiting the range of permissible recovery instruments. Justification: "Det er ikke anledning til å inngå avtale" imposes a constraint that operates in the participant's procedural interest more than in the system's reporting interest.

PROC-REQ-40.4: [INTERNAL CONTROL] Police reporting serves exclusively the state's criminal enforcement interest and the municipality's accountability to the criminal justice system. It has no direct bearing on the quality, fairness, or legal security of the participant's social services case. In relation to social services users, the police referral operates against rather than for the user. Classification in relation to the Social Services Act domain: this requirement serves the criminal enforcement apparatus, not the social services assessment process. Justification: the language "Forholdet kan politianmeldes uavhengig av om det fattes vedtak" explicitly decouples this step from the social services decision-making process.

PROC-REQ-40.5: [INTERNAL CONTROL] The administrative act classification serves the procedural integrity of the administrative law system by correctly categorizing the decision

form. It does not directly affect the user's substantive outcome. However, correct classification has an indirect user benefit: an incorrectly classified act may generate unlawful procedural consequences for the participant's appeal rights. The classification is primarily a system-integrity requirement. Justification: the language "er en administrativ beslutning som kan fattes med hjemmel i bestemmelsens første ledd" is explicitly about legal form, not substantive user entitlement.

PROC-REQ-40.6: [MIXED — INTERNAL CONTROL primary, USER NEED secondary] The documentation obligation primarily serves internal audit and supervisory control: the case file record enables supervision, quality assurance, and legal review. The secondary USER NEED element is real: documentation of the decision and its assessments supports the participant's ability to understand and challenge the deduction, making it a prerequisite for meaningful exercise of appeal rights (PROC-REQ-40.7). INTERNAL CONTROL is primary because the "shall appear in the case file" formulation is oriented toward the administrative record rather than toward communication with the participant. Justification: "Beslutningen og vurderingene som er gjort skal fremgå av saken" — "saken" (the case file) is an administrative instrument, not a participant-facing document.

PROC-REQ-40.7: [USER NEED] The right to appeal the deduction decision to the decision-maker directly serves the participant's legal security. Internal administrative reconsideration is a fundamental procedural protection. No transaction cost burden is identified for user-need requirements. Justification: the language "Beslutningen kan påklages til beslutningstakeren" establishes a legal remedy in the participant's favor.

PROC-REQ-40.8: [USER NEED] Classification as enkeltvedtak and the right to appeal to the County Governor constitute the highest level of procedural protection available to the participant in the social services system. These protections flow directly from the statutory cross-reference to § 23 and are fundamental to the rule of law in the administrative relationship. No transaction cost burden is identified. Justification: the enkeltvedtak form carries with it all forvaltningsloven procedural guarantees (reasoning, appeal rights, court review), all of which serve the participant's interests.

STEP 5 — TRANSACTION COST CHARACTERIZATION

PROC-REQ-40.1: [USER NEED] — No transaction cost burden identified. The deduction authority is a legal power, not a process obligation.

PROC-REQ-40.2: [MIXED] The caseworker must conduct and document a proportionality assessment before initiating a deduction. Concretely: the caseworker must evaluate (i) the size of the overpayment; (ii) whether the funds have already been spent by the participant; and (iii) whether the deduction would place the participant in a situation where they cannot cover necessary expenses or would require supplementary social assistance. None of these sub-assessments are prescribed in the statute. The circular's "rimelig" standard is an open-ended normative judgment that must be substantiated in writing sufficiently to withstand supervisory review and potential appeal. The audience for this documentation is not primarily the participant, but the supervisory apparatus (statsforvalteren, internal quality

review). In small municipalities where § 40 cases arise rarely, the caseworker must reconstitute competence in the assessment standard each time it is triggered, because the frequency is insufficient for the assessment process to become a practiced routine. The Anchor Document's observation that competence decays below a critical caseload threshold (identified as approximately 10–15 formal decisions per year for § 17) applies by structural analogy.

PROC-REQ-40.3: [MIXED] The administrative burden imposed by the prohibition is primarily negative: the caseworker and NAV leader must ensure that no agreement is reached with the participant. This may require the caseworker to refuse a participant's proposal for informal resolution and explain why, and to document that no such agreement was entered into. The documentation burden is implicit rather than explicit, but in a supervisory audit context, the absence of an agreement may need to be demonstrable from the case file. This is a hidden documentation obligation embedded in the absolute prohibition.

PROC-REQ-40.4: [INTERNAL CONTROL] If the authority elects to pursue police reporting, the caseworker or NAV leader must initiate contact with the police, prepare a report, and coordinate an external process governed entirely by criminal procedural law. The administrative demand falls outside any normative framework the circular provides guidance for, since the circular merely notes the option without specifying who is responsible, what criteria trigger the decision, or how the process is to be managed. The caseworker complies with an obligation (if chosen) that the primary normative instrument governing their social services work — the circular — does not meaningfully address beyond noting its existence. Since the option derives from a different legal domain, there is no circular-based framework for exercising it appropriately.

PROC-REQ-40.5: [INTERNAL CONTROL] The caseworker must ensure the decision is formulated as an administrative decision rather than a formal enkeltvedtak — a distinction that requires competence in administrative law form. In practice, this means using appropriate administrative language and omitting the full forvaltningsloven enkeltvedtak format. The burden is modest for caseworkers familiar with the distinction but may generate confusion in small offices where administrative law competence is thin and the difference between "administrativ beslutning" and "enkeltvedtak" is encountered infrequently.

PROC-REQ-40.6: [MIXED — INTERNAL CONTROL primary] The caseworker must produce a case file record that includes both the deduction decision and all assessments made in arriving at it. Concretely, this means documenting: the factual basis for the overpayment; the "rimelig" proportionality assessment from PROC-REQ-40.2 (size of amount, spent status, supplementary assistance risk); and the decision itself. For a requirement that is triggered episodically in small offices, this is a full documentation pipeline on a rare event, requiring the caseworker to apply a documented analytical standard they may not have exercised for months or years. The circular provides no template or standard for this documentation. The transaction cost falls outside the circular's guidance framework in the sense that the specific content requirements of the case file entry must be inferred from the circular's general description rather than from an explicit checklist. The audience is the administrative control apparatus.

PROC-REQ-40.7: [USER NEED] — No transaction cost burden identified. The appeal right is a structural legal guarantee that creates no recurring documentation obligation on the caseworker.

PROC-REQ-40.8: [USER NEED] — No transaction cost burden identified for the classification and appeal routing, which follow from the statutory cross-reference to § 23 and general administrative law. The decision itself, as an enkeltvedtak, carries forvaltningsloven procedural requirements, but these are within the ordinary scope of administrative decision-making and are not circular-specific impositions.

STEP 6 — CATALOG ENTRIES

REQUIREMENT ID: § 40 / PROC-REQ-40.1

PROVISION TEXT: The authority administering KVP support may deduct an overpaid amount from future support without pursuing recovery through the ordinary § 24 procedures. The authority may choose this route regardless of whether the participant is responsible for the error.

SOURCE INSTRUMENT: Circular — Rundskriv 35, R-35 § 40, sections 4.40.1.2 and 4.40.1.4

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — the deduction power corresponds directly to the statutory text ("kan det overskytende trekkes i framtidig stønad"). No gap identified. Basis: PROC-REQ-40.1, Process Inflation Findings, classified [SUBSTANTIVE LEGAL OBLIGATION].

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: NO — the deduction authority is a discrete, trigger-based power that does not impose recurring volume-sensitive compliance costs.

PURPOSE: USER NEED

BURDEN DESCRIPTION: No transaction cost burden identified. This requirement establishes the legal power from which all subsequent requirements derive; it does not in itself impose a documentation or procedural obligation on the caseworker.

KILL LIST CLASSIFICATION: No Kill List Action — statutory authority confirmed, proportionate to purpose, directly serving the legal framework for recovery within the KVP support system.

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: § 40 / PROC-REQ-40.2

PROVISION TEXT: Before executing a deduction from future KVP support, the NAV office must assess whether it is reasonable to recover the overpayment through direct deduction. The assessment must consider the size of the overpayment, whether the funds have been spent, and whether the deduction would leave the participant unable to cover necessary expenses or generate a need for supplementary social assistance.

SOURCE INSTRUMENT: Circular — Rundskriv 35, R-35 § 40, section 4.40.1.2

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: PARTIAL — the statutory text grants an open "kan" authority with no procedural preconditions and no "rimelig" standard. The circular converts a purely discretionary power into a mandatory pre-exercise assessment obligation and imports a normative standard — proportionality — with no statutory anchor. Basis: PROC-REQ-40.2, Process Inflation Findings, Step 3: "The statute grants an open, purely permissive 'kan' authority with no preconditions, whereas the circular enforces a mandatory two-step process requiring an analytical fairness assessment and importing a normative standard ('rimelig') entirely absent from the statutory text."

DOUBLE AUTHORITY GAP: NO — circular authority is present. Statutory authority is PARTIAL, not absent.

CATEGORY ERROR: NO

SCALE FLAG: PARTIAL — while § 40 deduction cases are low-frequency, the open-ended "rimelig" standard requires a documented proportionality analysis each time it is triggered. In small municipalities where such cases arise rarely, caseworkers will not have internalized the assessment standard through repetition, creating the competence-decay pattern documented in the Anchor Document: "competence in complex sub-services erodes when encounter frequency is below the threshold necessary to maintain practice-based skill" (Anchor Document, §§ 17/18 analysis, Mechanism [K]). The absence of a clear statutory anchor for the "rimelig" standard means there is no statutory-level clarity on what the assessment must include, increasing assessment uncertainty in low-frequency environments.

PURPOSE: MIXED — USER NEED primary (protects participants from disproportionate deductions that would impair their ability to meet basic needs); INTERNAL CONTROL secondary (the documented assessment creates an audit trail for supervisory review and appeal proceedings)

BURDEN DESCRIPTION: The caseworker must conduct and document a proportionality analysis covering: (i) the magnitude of the overpayment; (ii) whether the participant has already spent the overpaid funds; and (iii) the projected impact of the deduction on the participant's ability to cover necessary expenses and avoid supplementary assistance

dependency. This analysis must be documented in the case file (intersecting with PROC-REQ-40.6). The "rimelig" standard is not defined in the statute, meaning the caseworker must apply a normative judgment without statutory guidance. In small offices processing this type of case infrequently, the assessment procedure will not have become routinized. The circular provides no structured framework or checklist for conducting this assessment.

KILL LIST CLASSIFICATION: Category B — the circular uses mandatory language ("må vurdere") to convert a statutory "kan" power into a preconditioned process obligation, importing a normative standard ("rimelig") absent from the statute. This constitutes imperative circular language without binding statutory authority for the specific form of the obligation. Candidate for reformulation: the assessment guidance should be recast as recommended practice rather than a mandatory procedural prerequisite, restoring the local discretion that the statute expressly preserves.

TRANSACTION COST CATEGORY: Documentation Inflation; Structural Disproportionality (in low-volume environments)

REQUIREMENT ID: § 40 / PROC-REQ-40.3

PROVISION TEXT: It is absolutely prohibited to enter into voluntary agreements with the participant for deduction from KVP support to cover the municipality's recovery claims.

SOURCE INSTRUMENT: Circular — Rundskriv 35, R-35 § 40, section 4.40.1.3

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: NO — neither § 40 nor § 23 restricts the mechanism of recovery or prohibits voluntary agreements as a recovery method. The statutory framework grants permissive authority; the circular imposes an absolute prohibition on a specific recovery mechanism without any statutory basis for that restriction. Basis: PROC-REQ-40.3, Process Inflation Findings, Step 3: "Neither § 40 nor § 23 restricts the mechanism of recovery, yet the circular imposes an absolute prohibition that exceeds what the permissive statutory framework supports without explicit authority."

DOUBLE AUTHORITY GAP: NO — circular authority is PRESENT. Statutory authority is NO. A double gap requires BOTH circular and statutory authority to be absent; here circular authority is present.

CATEGORY ERROR: NO — the prohibition operates within the social services domain, though it lacks a statutory anchor within that domain.

SCALE FLAG: NO — the prohibition is an absolute administrative constraint on method, not a recurring volume-sensitive process requirement.

PURPOSE: MIXED — USER NEED primary (protects the participant's legal position by ensuring recovery cannot be extracted through informal agreements that bypass formal

procedural protections); INTERNAL CONTROL secondary (disciplines the administrative apparatus by constraining the range of permissible instruments)

BURDEN DESCRIPTION: The caseworker and NAV leader must decline any participant proposal for informal deduction agreement and explain why the formal deduction route under § 40 first paragraph is the only permissible mechanism. In practice, the prohibition may require documenting that no such agreement was reached — an implicit documentation burden not stated in the circular but necessary to demonstrate compliance in a supervisory audit. The transaction cost is modest but real: any refusal of an informal resolution offer must be handled correctly, and the rationale (a circular prohibition with no statutory basis) cannot be explained directly to the participant in statutory terms.

KILL LIST CLASSIFICATION: Category A — the prohibition has no statutory authority in the Social Services Act. It exceeds what the permissive statutory framework supports and restricts recovery mechanisms in a manner the legislature did not mandate. Candidate for repeal from the normative framework or, alternatively, for transfer to a provision explicitly grounded in the participant's procedural protection rights under forvaltningsloven.

TRANSACTION COST CATEGORY: Procedural Duplication (creates a formal constraint on informal resolution); Documentation Inflation (implicit documentation obligation arising from the prohibition)

REQUIREMENT ID: § 40 / PROC-REQ-40.4

PROVISION TEXT: The matter may be reported to the police, regardless of whether a decision on repayment has been made or not.

SOURCE INSTRUMENT: Circular — Rundskriv 35, R-35 § 40, section 4.40.1.3

CIRCULAR AUTHORITY: PRESENT — the option is noted in the circular.

LEGAL AUTHORITY: NO — § 40 of the Social Services Act contains no provision addressing police reporting. The option derives exclusively from general criminal procedural law (straffeprosessloven), which is entirely outside the Social Services Act framework. The circular does not cite a statutory anchor for this note. Basis: PROC-REQ-40.4, Process Inflation Findings, Step 3: "§ 40 contains no authority or conditions regarding police reporting; the requirement is entirely outside the scope of § 40 and lacks any statutory citation."

DOUBLE AUTHORITY GAP: NO — circular authority is PRESENT. Statutory authority in the Social Services Act is NO.

CATEGORY ERROR: YES — this requirement belongs to criminal procedural law (straffeprosessloven), not to social services law. Its placement in the § 40 commentary creates the misleading appearance of a social-services procedural option when it is in fact a note about a different legal domain. The circular provides no framework for the decision to report or not report, the criteria for that decision, the administrative handling of the report, or

the implications for the social services case. The caseworker who chooses to pursue this option operates entirely under a legal regime the circular does not address.

SCALE FLAG: NO — police reporting is an external, optionally triggered step with no recurring volume-sensitive compliance cost in the social services context.

PURPOSE: INTERNAL CONTROL — in relation to social services users, police reporting serves exclusively the state's criminal enforcement interest. It has no direct bearing on the quality, fairness, or legal security of the participant's social services case assessment.

BURDEN DESCRIPTION: If the option is exercised, the caseworker or NAV leader must initiate contact with the police, prepare a report, and coordinate with a criminal procedural process entirely outside the circular's normative framework. The transaction cost of this step falls entirely outside any guidance the circular provides — meaning the caseworker complies with a cross-domain obligation that the primary normative instrument governing their work does not address beyond noting the option's existence. No criteria, format, or administrative framework is provided. In practice, the note may prompt caseworkers to pursue police reporting without adequate understanding of the legal basis, criteria, or consequences under criminal law — a guidance gap of potential significance in small offices with limited administrative law competence.

KILL LIST CLASSIFICATION: Category A — this requirement belongs to a different legal domain (criminal procedural law) and has no basis in the Social Services Act. Its presence in the § 40 commentary constitutes both a category error and an authority gap. Candidate for removal from the circular's social services normative framework. If retention of any reference is considered necessary, it should be reformulated as a bare cross-reference to the general legal option available under criminal law, without being presented as a social services procedural step.

TRANSACTION COST CATEGORY: Reporting Overhead; Combined Burden (cross-domain coordination without circular guidance)

REQUIREMENT ID: § 40 / PROC-REQ-40.5

PROVISION TEXT: A deduction from future support under the first paragraph of § 40 must be categorized as an "administrativ beslutning" — not a formal enkeltvedtak — with authority grounded in the first paragraph itself.

SOURCE INSTRUMENT: Circular — Rundskriv 35, R-35 § 40, section 4.40.1.4

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — the classification is legally accurate and consistent with the statutory text. The first paragraph does not prescribe a formal enkeltvedtak procedure; the administrative act form is therefore correct under forvaltningsloven. Basis: PROC-REQ-40.5, Process Inflation Findings, Step 3: "There is no legal gap; the characterization is a legally accurate interpretive statement consistent with the statutory text."

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: NO — the classification is a legal characterization applied once per decision, not a recurring process requirement.

PURPOSE: INTERNAL CONTROL — the classification serves administrative law system integrity by correctly categorizing the decision form. It has no direct bearing on the participant's substantive outcome, though correct classification indirectly protects appeal rights by directing the participant to the appropriate reconsideration mechanism.

BURDEN DESCRIPTION: The caseworker must ensure the decision is formulated as an administrative decision rather than as a formal enkeltvedtak — a distinction requiring competence in administrative law form. In offices where this type of decision is rare, the practical distinction between the two forms may be unclear, potentially generating errors in decision formatting that could compromise the participant's appeal rights or create supervisory compliance failures. The burden is modest for legally literate caseworkers but may be disproportionate relative to the frequency of the obligation in very small offices.

KILL LIST CLASSIFICATION: No Kill List Action — the legal characterization is accurate, consistent with the statutory framework, and serves a legitimate administrative law function. The circular is performing an interpretive role here rather than imposing an obligation without authority.

TRANSACTION COST CATEGORY: No Transaction Cost Identified — the classification is a legal characterization, not a documentation or reporting burden, and the circular is providing accurate legal interpretation.

REQUIREMENT ID: § 40 / PROC-REQ-40.6

PROVISION TEXT: The deduction decision and all assessments made in connection with it shall (skal) appear in the case file.

SOURCE INSTRUMENT: Circular — Rundskriv 35, R-35 § 40, section 4.40.1.4

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: PARTIAL — the statutory text of § 40 contains no documentation prescription. General documentation obligations under forvaltningsloven provide an indirect basis for some recording requirement, but the specific "shall" formulation extending to "all assessments" goes beyond what the statute or forvaltningsloven independently prescribes for a non-enkeltvedtak administrative decision. Basis: PROC-REQ-40.6, Process Inflation Findings, Step 3: "The statutory text grants an open authority with no procedural or documentation prescriptions, whereas the circular dictates a mandatory 'skal' obligation to document both the decision and its assessments, restricting the authority's freedom to act informally."

DOUBLE AUTHORITY GAP: NO — circular authority is PRESENT. Statutory authority is PARTIAL.

CATEGORY ERROR: NO

SCALE FLAG: PARTIAL — the documentation obligation intersects directly with the [D] Documentation Apparatus mechanism identified as the dominant empirical volume driver in the Anchor Document. The Anchor Document finding that this mechanism affects "virtually every supervision report" and is triggered by "the obligation to translate informal, conversational, and often highly effective social work into a formal bureaucratic paper trail" applies to PROC-REQ-40.6. In small municipalities where § 40 deduction cases are rare (potentially one or two per year), the full documentation pipeline — decision plus all underlying assessments — imposes a disproportionate compliance burden relative to frequency, and the caseworker will lack the practice routine necessary to execute it consistently. The Anchor Document's observation that "caseworkers knew more about the users' situations than the journals reflected" is directly applicable here: the proportionality assessment (PROC-REQ-40.2) may be conducted implicitly but not documented in the form the circular demands.

PURPOSE: MIXED — INTERNAL CONTROL primary (the case file record serves the supervisory apparatus, quality review, and legal audit functions; "saken" is an administrative instrument, not primarily a participant-facing document); USER NEED secondary (documented assessments support the participant's ability to understand and challenge the deduction, making the documentation a practical prerequisite for meaningful exercise of appeal rights under PROC-REQ-40.7)

BURDEN DESCRIPTION: The caseworker must produce a case file record documenting: (i) the factual basis for identifying the overpayment; (ii) the full proportionality assessment conducted under PROC-REQ-40.2, including evaluation of overpayment size, expenditure status, and supplementary assistance risk; and (iii) the deduction decision itself. The primary audience for this documentation is the supervisory and audit apparatus. The circular provides no template or specified format for the case file entry, meaning the caseworker must infer content requirements from the circular's general description of what must appear. In small offices where this obligation is triggered rarely, the documentation standard will not have become a practiced routine, and the risk of incomplete documentation — capturing the decision but not the full assessment trail — is structurally elevated. Since the "all assessments" formulation extends the documentation obligation beyond what the statute or forvaltningsloven independently requires, the transaction cost falls partly outside the framework for which those instruments provide guidance.

KILL LIST CLASSIFICATION: Category C — the "shall" documentation requirement is not independently grounded in the statute or forvaltningsloven to the extent the circular's formulation suggests. The room for maneuver should be made explicit: caseworkers should be informed that the documentation obligation extends to the assessments required by PROC-REQ-40.2, and that a proportionate, structured record of those assessments — rather than a comprehensive narrative of all considerations — is sufficient for compliance purposes. This clarification would reduce the shadow-binding effect of the open-ended "all assessments" formulation without requiring repeal.

TRANSACTION COST CATEGORY: Documentation Inflation; Structural Disproportionality (low-frequency obligation with full documentation pipeline in small offices)

REQUIREMENT ID: § 40 / PROC-REQ-40.7

PROVISION TEXT: The administrative deduction decision under the first paragraph may be appealed to the decision-maker — whether this is the NAV office or the municipality.

SOURCE INSTRUMENT: Circular — Rundskriv 35, R-35 § 40, section 4.40.1.4

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: PARTIAL — § 40 first paragraph contains no provision on appeal rights for this specific administrative decision. General forvaltningsloven provisions on administrative reconsideration provide an indirect basis, but the specific routing of the appeal back to the decision-maker as stated in the circular is a procedural detail not grounded in the statutory text. Basis: PROC-REQ-40.7, Process Inflation Findings, Step 3: "§ 40 first paragraph contains no provision addressing the right to appeal this specific administrative decision, making this specific procedural route a mechanism without direct grounding in the statutory text."

DOUBLE AUTHORITY GAP: NO — circular authority is PRESENT. Statutory authority is PARTIAL.

CATEGORY ERROR: NO

SCALE FLAG: NO — the appeal right is a structural legal guarantee, not a recurring process requirement.

PURPOSE: USER NEED — the right to appeal the deduction decision directly serves the participant's legal security. Administrative reconsideration is a fundamental procedural protection that enables the participant to challenge a decision affecting their economic situation.

BURDEN DESCRIPTION: No transaction cost burden identified. The appeal right does not impose documentation or reporting obligations on the caseworker beyond the decision already required under PROC-REQ-40.5. Its administrative consequence — processing an appeal if one is filed — is an ordinary component of the social services casework function and does not constitute sludge.

KILL LIST CLASSIFICATION: No Kill List Action — the appeal right serves the participant's legal security and is consistent with general principles of administrative law. Although the specific routing is circular-derived rather than statutory, it operates in the participant's interest and imposes no disproportionate burden on the authority.

TRANSACTION COST CATEGORY: No Transaction Cost Identified

REQUIREMENT ID: § 40 / PROC-REQ-40.8

PROVISION TEXT: A decision to require repayment where the participant has provided incorrect information, under the second paragraph of § 40, must be processed as a formal enkeltvedtak, appealable to the County Governor (statsforvalteren).

SOURCE INSTRUMENT: Circular — Rundskriv 35, R-35 § 40, section 4.40.1.4

CIRCULAR AUTHORITY: PRESENT

LEGAL AUTHORITY: YES — the classification is legally consistent with the combined effect of the mandatory reference to § 23 and general administrative law. The second paragraph's explicit cross-reference to § 23 brings the full forvaltningsloven enkeltvedtak framework into operation. The circular is performing an accurate legal interpretive function. Basis: PROC-REQ-40.8, Process Inflation Findings, Step 3: "categorizing this action as an 'enkeltvedtak' appealable to the County Governor is legally consistent with the combined effect of the mandatory reference to § 23 and general administrative law."

DOUBLE AUTHORITY GAP: NO

CATEGORY ERROR: NO

SCALE FLAG: NO — the enkeltvedtak obligation is statutory in origin and its compliance costs are proportionate to the gravity of the decision (formal repayment demand due to misrepresentation). The scale-related documentation burdens documented in the Anchor Document for § 17 decisions arise from the frequency of that service and the volume of low-threshold interactions that must be formalized; § 40 repayment decisions do not share this frequency characteristic.

PURPOSE: USER NEED — enkeltvedtak classification carries the full suite of forvaltningsloven procedural guarantees (reasoned decision, appeal rights, court review), all of which serve the participant's legal security in a decision of substantial consequence.

BURDEN DESCRIPTION: No transaction cost burden identified for the participant-protective elements of this requirement. The ordinary administrative work of producing an enkeltvedtak — reasoning, notification, appeal information — is within the standard scope of social services administrative decision-making and is proportionate to the seriousness of a decision based on misrepresentation.

KILL LIST CLASSIFICATION: No Kill List Action — statutory authority confirmed, procedural form appropriate to the gravity of the decision, and all formal requirements serve the participant's legal security.

TRANSACTION COST CATEGORY: No Transaction Cost Identified

CLOSING COMPARATIVE NOTE

Total requirements identified from the Process Inflation Findings: 8

Requirements visible from the circular paragraph alone: 8 — all requirements identified in the Process Inflation Findings for § 40 have textual presence in the circular. This distinguishes § 40 structurally from the paragraphs most heavily analyzed in the Anchor Document (especially § 17), where sub-legal instruments generate requirements entirely invisible from the circular text.

Analytical significance of this finding: For § 40, the value of using the Process Inflation Findings as the primary reference document lies not in exposing hidden obligations, but in classifying the circular's own language — identifying which of its requirements exceed their statutory mandate, which belong to a different legal domain, and which operate as sludge within the circular's own normative framework. This is a more contained form of authority analysis than found in paragraphs with extensive sub-legal layering, but it yields actionable Kill List findings nonetheless.

Double authority gaps: 0 — no requirement in § 40 is simultaneously absent from the circular and lacking statutory authority. All requirements with statutory authority gaps are at least present in the circular.

Category errors (requirements belonging to a different legal domain): 1 — PROC-REQ-40.4 (police reporting; belongs to criminal procedural law, straffeprosessloven, not the Social Services Act)

Kill List breakdown:

Category	Count	Requirements
Category A — Removal	2	PROC-REQ-40.3 (absolute prohibition on voluntary agreements, no statutory basis); PROC-REQ-40.4 (police reporting, category error — wrong legal domain)
Category B — Status Change	1	PROC-REQ-40.2 (mandatory "rimelig" assessment converted from statutory "kan" authority — candidate for reformulation to permissive/recommended language)
Category C — Clarification	1	PROC-REQ-40.6 (documentation of "all assessments" — room for maneuver on scope should be made explicit)
No Kill List Action	4	PROC-REQ-40.1, 40.5, 40.7, 40.8

Primary transaction cost categories by frequency:

- Documentation Inflation: 2 requirements (PROC-REQ-40.2, PROC-REQ-40.6)
- Structural Disproportionality: 2 requirements (PROC-REQ-40.2, PROC-REQ-40.6 — both flagged in low-volume small-office environments)
- Combined Burden / cross-domain: 1 requirement (PROC-REQ-40.4)

- Reporting Overhead: 1 requirement (PROC-REQ-40.4)
- Procedural Duplication: 1 requirement (PROC-REQ-40.3)
- No Transaction Cost Identified: 4 requirements (PROC-REQ-40.1, 40.5, 40.7, 40.8)

Synthesis observation for main report and Kill List:

§ 40 presents a comparatively lean sludge profile. The paragraph does not generate the cumulative documentation-competence-specialization trap documented for § 17, and its requirements are mostly either directly statutory (PROC-REQ-40.1, 40.8) or consistent with administrative law principles (PROC-REQ-40.5, 40.7). The two Category A candidates are analytically significant despite this lean profile: PROC-REQ-40.4 represents a genuine category error — the circular importing a criminal law option into the social services normative framework without guidance — and PROC-REQ-40.3 represents a circular-imposed prohibition with no statutory anchor, a form of authority gap that, while different from the sub-legal layering characteristic of § 17, is equally eligible for remediation through normative revision. PROC-REQ-40.2 presents the strongest policy tension: the "rimelig" proportionality standard serves a legitimate user-protective function but converts a statutory "kan" power into a mandatory preconditioned process, which is a form of circular overreach that should be named as such in the Kill List, even where the overreach operates in the participant's favor.

SLUDGE AUDIT — § 41 SOSIALTJENESTELOVEN

Sludge Audit: Systematic Identification of Documentation and Procedural Obligations

Session reference: § 41 Anvendelse av forvaltningsloven **Reference document:** Process Inflation Findings for § 41 (Document 3) **Context document:** Rundskriv R-35, § 41 circular paragraph (Document 2) **Anchor document:** Volume Driver Findings (Document 4)

PRELIMINARY METHODOLOGICAL NOTE

Requirement count comparison:

The Process Inflation Findings enumerate **24 requirements** for § 41 — 12 documentation requirements (DOC-REQ-41.1 through DOC-REQ-41.12) and 12 procedural requirements (PROC-REQ-41.1 through PROC-REQ-41.12). Beginning from the circular paragraph in the Context Document alone, a reader would identify approximately **14 to 15 requirements** with direct textual presence. The remaining **9 requirements** have no textual presence in the circular whatsoever. These invisible requirements are entirely products of sub-legal normative instruments operating beneath the circular's normative horizon.

Requirements with no textual presence in the circular — source mapping:

Requirement	Source instrument	Instrument type
DOC-REQ-41.7	Barnets beste – veileder	(b) veileder
DOC-REQ-41.8	Barnets beste – veileder	(b) veileder
DOC-REQ-41.9	Nasjonal veileder for samarbeid mellom kriminalomsorgen og Nav	(b) veileder
DOC-REQ-41.10	Veileder til sosialtjenesteloven § 17	(b) veileder
DOC-REQ-41.11	Veileder om økonomisk stønad etter sosialtjenesteloven	(b) veileder
DOC-REQ-41.12	Veileder til sosialtjenesteloven § 17	(b) veileder

PROC-REQ-41.9	Kommunebrev	(a) Kommunebrev
PROC-REQ-41.10	Veileder om økonomisk stønad etter sosialtjenesteloven	(b) veileder
PROC-REQ-41.12	Veileder til sosialtjenesteloven § 17	(b) veileder

Eight of the nine invisible requirements derive from veilederes. One derives from a Kommunebrev. This distribution establishes that the dominant source of normative invisibility in § 41 is the veileder layer, which operates as an interpretive and elaborative instrument that expands procedural obligations without circular authority. This source mapping is carried forward into Step 2.

STEP 1 — IDENTIFICATION OF ALL REQUIREMENTS

All 24 requirements from the Process Inflation Findings are enumerated below in full. No requirement is omitted.

REQ-01 / DOC-REQ-41.1 Obligation: Nav-kontoret har videre plikt til å nedtegne muntlige søknader. Source: R-35, § 41, avsnitt 5.41.2.2 Type: Explicit Circular visibility: PRESENT (textual anchor in 5.41.2.2)

REQ-02 / DOC-REQ-41.2 Obligation: Opplysninger i saken skal alltid være skriftlig, enten dette er i form av innhentede dokumenter eller nedtegnelser i søknad eller øvrige saksdokumenter. Source: R-35, § 41, avsnitt 5.41.2.3 Type: Explicit Circular visibility: PRESENT (textual anchor in 5.41.2.3)

REQ-03 / DOC-REQ-41.3 Obligation: Vedtaket som fattes skal begrunnes. Source: R-35, § 41, avsnitt 5.41.2.4 Type: Explicit Circular visibility: PRESENT (textual anchor in 5.41.2.4)

REQ-04 / DOC-REQ-41.4 Obligation: Begrunnelsen skal være skriftlig og inneholde tre elementer: (1) vise til reglene vedtaket bygger på, (2) nevne de faktiske forhold som har vært avgjørende, (3) nevne de hovedhensyn det er lagt vekt på ved skjønnsutøvelsen. Source: R-35, § 41, avsnitt 5.41.2.4 Type: Explicit Circular visibility: PRESENT (textual anchor in 5.41.2.4)

REQ-05 / DOC-REQ-41.5 Obligation: Det må klart og tydelig fremgå at det samtykkes, hva samtykket innebærer, og samtykkets varighet bør fremkomme. Source: R-35, § 41, avsnitt 5.41.2.5 Type: Explicit Circular visibility: PRESENT (textual anchor in 5.41.2.5)

REQ-06 / DOC-REQ-41.6 Obligation: Det er Nav-kontoret som må sannsynliggjøre at det foreligger et samtykke, og det bør derfor være skriftlig i form av en samtykkeerklæring. Source: R-35, § 41, avsnitt 5.41.2.5 Type: Explicit Circular visibility: PRESENT (textual anchor in 5.41.2.5)

REQ-07 / DOC-REQ-41.7 Obligation: Dersom vi velger et resultat som innebærer at barnets beste ikke får gjennomslag, må dette begrunnes særskilt og skriftlig for å sikre etterprøvbarhet og barnets rettssikkerhet. Source: Barnets beste – veileder Type: Explicit (in veileder) Circular visibility: ABSENT — no textual presence in the § 41 circular

REQ-08 / DOC-REQ-41.8 Obligation: For at andre skal kunne se hvilke vurderinger som er gjort og ha mulighet for å etterprøve vurderingene, må barnets beste-vurderingene dokumenteres. Source: Barnets beste – veileder Type: Explicit (in veileder) Circular visibility: ABSENT — no textual presence in the § 41 circular

REQ-09 / DOC-REQ-41.9 Obligation: Både kriminalomsorgen og velferdstjenestene har ansvar for å innhente slikt samtykke, og for arkivering og journalføring av samtykket i eget journalsystem. Source: Nasjonal veileder for samarbeid mellom kriminalomsorgen og Nav Type: Explicit (in veileder) Circular visibility: ABSENT — no textual presence in the § 41 circular

REQ-10 / DOC-REQ-41.10 Obligation: Nav-kontoret har plikt til å nedtegne muntlige søknader. Det holder at søknaden fremgår av saken, som i et notat. Source: Veileder til sosialtjenesteloven § 17 Type: Explicit in veileder; the minimum form specification ("in a note") is absent from the circular Circular visibility: ABSENT as specificity — the underlying duty to record is present in the circular, but the minimum form standard ("in a note") is not

REQ-11 / DOC-REQ-41.11 Obligation: [Søknaden] kan også være muntlig, og skrives ned i journalnotat av NAV-kontoret. Source: Veileder om økonomisk stønad etter sosialtjenesteloven Type: Explicit (in veileder) Circular visibility: ABSENT — the specific journal note format is not prescribed in the circular

REQ-12 / DOC-REQ-41.12 Obligation: Hvis det er forhold ved saken som gjør at tjenesten avsluttes, skal det skrives et avslutningsnotat, eventuelt et avslutningsbrev som informasjon til brukeren. Source: Veileder til sosialtjenesteloven § 17 Type: Explicit (in veileder) Circular visibility: ABSENT — no textual presence in the § 41 circular

REQ-13 / PROC-REQ-41.1 Obligation: Nav-kontoret har plikt til å gi informasjon og veiledning om tjenester, rettigheter og plikter etter loven. Source: R-35, § 41, avsnitt 5.41.2.2 Type: Explicit Circular visibility: PRESENT (textual anchor in 5.41.2.2)

REQ-14 / PROC-REQ-41.2 Obligation: Nav-kontoret har videre plikt til å nedtegne muntlige søknader. Søknader skal aldri avslås muntlig. Source: R-35, § 41, avsnitt 5.41.2.2 Type: Explicit Circular visibility: PRESENT (textual anchor in 5.41.2.2)

REQ-15 / PROC-REQ-41.3 Obligation: Nav-kontoret skal sikre at saken er så godt opplyst som mulig før det treffes en avgjørelse. Source: R-35, § 41, avsnitt 5.41.2.3 Type: Explicit Circular visibility: PRESENT (textual anchor in 5.41.2.3)

REQ-16 / PROC-REQ-41.4 Obligation: Den individuelle vurderingen skal foretas konkret i hver sak ut fra tjenestemottakers behov på søknadstidspunktet, tjenesten det er søkt om og formålene i loven. Source: R-35, § 41, avsnitt 5.41.2.4 Type: Explicit Circular visibility: PRESENT (textual anchor in 5.41.2.4)

REQ-17 / PROC-REQ-41.5 Obligation: Hjemmebesøk skal aldri foretas uten tjenestemottakers samtykke. Nav-kontoret kan ikke pålegge tjenestemottaker å undertegne en samtykkeerklæring. Source: R-35, § 41, avsnitt 5.41.2.3 and 5.41.2.5 Type: Explicit Circular visibility: PRESENT (textual anchors in 5.41.2.3 and 5.41.2.5)

REQ-18 / PROC-REQ-41.6 Obligation: Nav-kontoret må sørge for at fremmedspråklige forstår den informasjonen som gis, og de som trenger det har krav på bruk av tolk. Tjenestemottakers barn skal aldri brukes i stedet for tolk. Source: R-35, § 41, avsnitt 5.41.2.4 Type: Explicit Circular visibility: PRESENT (textual anchor in 5.41.2.4)

REQ-19 / PROC-REQ-41.7 Obligation: Vedtaket som fattes skal begrunnes. Begrunnelsen skal være skriftlig og inneholde tre elementer. Source: R-35, § 41, avsnitt 5.41.2.4 Type: Explicit Circular visibility: PRESENT (textual anchor in 5.41.2.4) — note overlap with REQ-03 and REQ-04

REQ-20 / PROC-REQ-41.8 Obligation: Tjenestemottaker skal ha varsel om mulig utestenging og anledning til å uttale seg før endelig beslutning tas. Source: R-35, § 41, avsnitt 5.41.2.9 Type: Explicit Circular visibility: PRESENT (textual anchor in 5.41.2.9)

REQ-21 / PROC-REQ-41.9 Obligation: Rett til kvalifiseringsprogram skal vurderes før det stilles vilkår om aktivitet. Source: Kommunebrev Type: Explicit (in Kommunebrev) Circular visibility: ABSENT — no textual presence in the § 41 circular

REQ-22 / PROC-REQ-41.10 Obligation: Hvis henvendelsen gjelder hjelp i en nødsituasjon, må søknaden vurderes raskt, helst samme dag. Source: Veileder om økonomisk stønad etter sosialtjenesteloven Type: Explicit (in veileder) Circular visibility: ABSENT — no textual presence in the § 41 circular

REQ-23 / PROC-REQ-41.11 Obligation: NAV-kontoret må være aktive i kartleggingsprosessen slik at man får avdekket hva brukeren har behov for. Source: Veileder om økonomisk stønad etter sosialtjenesteloven Type: Explicit (in veileder) Circular visibility: PARTIALLY PRESENT — the investigation duty in 5.41.2.3 supports active inquiry; the specific "active role" formulation is a veileder elaboration

REQ-24 / PROC-REQ-41.12 Obligation: Vedtak om innvilgelse skal inneholde tidspunkt for oppstart av tjenesten, i form av konkret timeavtale eller frist for når første samtale skal være avholdt. Source: Veileder til sosialtjenesteloven § 17 Type: Explicit (in veileder) Circular visibility: ABSENT — no textual presence in the § 41 circular

---

STEP 2 — LEGAL AUTHORITY CHECK

For each requirement, two directional checks are conducted. Where circular authority is ABSENT, this is flagged as a first-order authority gap. Where statutory authority is also NO or PARTIAL, the requirement is flagged as a double authority gap. Where a requirement belongs to a different legal domain, it is flagged as a category error in addition to an authority gap.

REQ-01 / DOC-REQ-41.1 Direction 1 — Circular authority: YES. The duty to record oral applications is explicitly stated in 5.41.2.2. Direction 2 — Statutory authority: PARTIAL. The Process Inflation Findings note that the recording duty is not explicitly stated in § 41 itself but is a practical consequence of the investigation duty in fvl. § 17 and archive obligations. No direct statutory text in § 41 establishes this duty independently. Double authority gap: NO (circular authority present).

REQ-02 / DOC-REQ-41.2 Direction 1 — Circular authority: YES. The absolute written-form requirement is stated in 5.41.2.3: "Opplysninger i saken skal alltid være skriftlig." Direction 2 — Statutory authority: PARTIAL. As the Process Inflation Findings note, fvl. § 17 requires proper clarification but does not establish an absolute formal requirement that all information must always be in writing. The word "alltid" (always) creates an absolute standard that exceeds the statutory text. The finding DOC-REQ-41.2 confirms this gap. Double authority gap: NO (circular authority present). However, the absoluteness of the written-form requirement lacks full statutory support.

REQ-03 / DOC-REQ-41.3 Direction 1 — Circular authority: YES. Stated in 5.41.2.4. Direction 2 — Statutory authority: YES. The justification duty is fully grounded through § 41's incorporation of fvl. §§ 24–25. The Process Inflation Findings confirm: "None — the requirement is fully grounded in the law." Double authority gap: NO.

REQ-04 / DOC-REQ-41.4 Direction 1 — Circular authority: YES. Stated in 5.41.2.4. Direction 2 — Statutory authority: YES. The three-element structure mirrors fvl. § 25 precisely. The Process Inflation Findings confirm: "None — the requirement mirrors the content specifications for justifications outlined in § 25." Double authority gap: NO.

REQ-05 / DOC-REQ-41.5 Direction 1 — Circular authority: YES. Stated in 5.41.2.5. Direction 2 — Statutory authority: PARTIAL. As the Process Inflation Findings note, fvl. regulates confidentiality and consent but sets no explicit formal requirements for the specific content and duration of a consent declaration. The requirement elaborates beyond the statutory text. Double authority gap: NO (circular authority present).

REQ-06 / DOC-REQ-41.6 Direction 1 — Circular authority: YES. Stated in 5.41.2.5, using "bør" (should) language for the written declaration. Direction 2 — Statutory authority: PARTIAL. The Process Inflation Findings confirm: "The Public Administration Act contains no explicit rule placing the burden of proof for the existence of consent on the Nav office." The burden of proof allocation is a circular-level construction without explicit statutory anchor. Double authority gap: NO (circular authority present). Note: the circular uses permissive language ("bør"), which limits shadow binding but creates an interpretive tension between the burden-of-proof framing (which reads as obligatory) and the written-form recommendation (which is explicitly permissive).

REQ-07 / DOC-REQ-41.7 Direction 1 — Circular authority: NO. This requirement derives exclusively from the Barnets beste veileder and has no textual presence in the § 41 circular. This constitutes a first-order authority gap. Direction 2 — Statutory authority: PARTIAL. The Process Inflation Findings state: "Section 41 incorporates the Public Administration Act but does not mention the child's best interests or provide a basis for materially differentiated justification requirements." Legal basis would require anchoring in § 4 (sosialtjenesteloven)

or child rights principles, neither of which is present in § 41. Double authority gap: YES. Circular authority ABSENT + statutory authority PARTIAL.

REQ-08 / DOC-REQ-41.8 Direction 1 — Circular authority: NO. Derives exclusively from the Barnets beste veileder. First-order authority gap. Direction 2 — Statutory authority: PARTIAL. As the Process Inflation Findings note: "The child-specific requirement to verifiably document child's best interests assessments requires basis in the Social Services Act § 4 or child rights principles, and cannot be derived solely from § 41." Double authority gap: YES. Circular authority ABSENT + statutory authority PARTIAL.

REQ-09 / DOC-REQ-41.9 Direction 1 — Circular authority: NO. Derives from the Nasjonal veileder for samarbeid mellom kriminalomsorgen og Nav. First-order authority gap. Direction 2 — Statutory authority: NO. The Process Inflation Findings state: "These duties rest primarily on the Archives Act [arkivloven]." The requirement belongs to archival law, not to the Social Services Act. Double authority gap: YES. Circular authority ABSENT + statutory authority NO. Category error: YES. This requirement derives from archival law (arkivloven) and inter-agency cooperation frameworks, not from sosialtjenesteloven § 41. Its presence in social services normative instruments constitutes a domain misattribution.

REQ-10 / DOC-REQ-41.10 Direction 1 — Circular authority: NO as specificity. The underlying duty to record oral applications has circular support, but the minimum form standard ("in a note" / "i et notat") adds specificity not found in the circular. The Process Inflation Findings confirm this as "a practical elaboration not explicitly found in the wording of § 41 or the Public Administration Act." Direction 2 — Statutory authority: PARTIAL. The form specification lacks explicit statutory basis in § 41 or fvl. Double authority gap: YES. The format specificity — which is the operative content of this requirement beyond what the circular already provides — has neither circular nor statutory authority.

REQ-11 / DOC-REQ-41.11 Direction 1 — Circular authority: NO. The specific journal note format for oral requests is not prescribed in the § 41 circular. First-order authority gap. Direction 2 — Statutory authority: PARTIAL. The Process Inflation Findings confirm: "The specific documentation form of a 'journal note' does not explicitly follow from § 41 or the Public Administration Act." Double authority gap: YES. Circular authority ABSENT + statutory authority PARTIAL.

REQ-12 / DOC-REQ-41.12 Direction 1 — Circular authority: NO. The closing note / closing letter requirement derives from Veileder til sosialtjenesteloven § 17 and has no textual presence in the § 41 circular. First-order authority gap. Direction 2 — Statutory authority: PARTIAL. The Process Inflation Findings confirm: "The internal duty to write a note finds no explicit basis in § 41 or the Public Administration Act, though a closing letter to the user is partially supported." Double authority gap: YES. Circular authority ABSENT + statutory authority PARTIAL (for the internal note element; the external letter is partially supported).

REQ-13 / PROC-REQ-41.1 Direction 1 — Circular authority: YES. Stated in 5.41.2.2. Direction 2 — Statutory authority: YES. The Process Inflation Findings confirm: "None — the requirement directly mirrors the guidance duty in § 11 of the Public Administration Act incorporated via § 41." Double authority gap: NO.

REQ-14 / PROC-REQ-41.2 Direction 1 — Circular authority: YES. Stated in 5.41.2.2. Direction 2 — Statutory authority: YES. The Process Inflation Findings confirm: "Recording is supported by § 17 of the Public Administration Act, and written rejection is supported by § 27." Double authority gap: NO.

REQ-15 / PROC-REQ-41.3 Direction 1 — Circular authority: YES. Stated in 5.41.2.3. Direction 2 — Statutory authority: YES. The Process Inflation Findings confirm: "This is a direct quotation of the investigation duty in § 17 of the Public Administration Act." Double authority gap: NO.

REQ-16 / PROC-REQ-41.4 Direction 1 — Circular authority: YES. Stated in 5.41.2.4. Direction 2 — Statutory authority: PARTIAL. The Process Inflation Findings note: "Section 41 does not provide explicit basis for the individuality requirement; it stems primarily from the purpose provision of the Social Services Act (§ 1) and its material structure." Double authority gap: NO (circular authority present). The statutory grounding runs through § 1 of sosialtjenesteloven rather than § 41 directly, but the requirement is instrumentally sound.

REQ-17 / PROC-REQ-41.5 Direction 1 — Circular authority: YES. Stated in 5.41.2.3 (home visits) and 5.41.2.5 (consent coercion prohibition). Direction 2 — Statutory authority: PARTIAL. The Process Inflation Findings note: "The absolute prohibitions lack explicit basis in § 41 or the Public Administration Act, springing instead from constitutional and human rights principles." Double authority gap: NO (circular authority present). The constitutional and human rights grounding (Grunnloven, EMK) actually provides a stronger normative foundation than the Social Services Act alone could provide.

REQ-18 / PROC-REQ-41.6 Direction 1 — Circular authority: YES. Stated in 5.41.2.4. Direction 2 — Statutory authority: PARTIAL. The Process Inflation Findings note: "The explicit right to an interpreter and the absolute prohibition against using children as interpreters lack explicit basis in § 41 alone, resting instead on the Interpreter Act [tolksloven] and legal policy." Double authority gap: NO (circular authority present). The Interpreter Act provides the proper statutory home for interpreter rights; § 41 cross-references correct legal policy.

REQ-19 / PROC-REQ-41.7 Direction 1 — Circular authority: YES. Stated in 5.41.2.4. Direction 2 — Statutory authority: YES. The Process Inflation Findings confirm: "None — the requirement has a clear basis through § 41's incorporation of §§ 24 and 25 of the Public Administration Act." Double authority gap: NO. Note: this requirement substantially duplicates REQ-03 and REQ-04 at the procedural level; the duplication itself is a mild form of documentation inflation within the circular.

REQ-20 / PROC-REQ-41.8 Direction 1 — Circular authority: YES. Stated in 5.41.2.9. Direction 2 — Statutory authority: YES. The Process Inflation Findings confirm: "The rule is anchored in the advance notice requirements of § 16 of the Public Administration Act." Double authority gap: NO.

REQ-21 / PROC-REQ-41.9 Direction 1 — Circular authority: NO. The sequencing requirement derives from a Kommunebrev and has no textual presence in the § 41 circular. First-order authority gap. Direction 2 — Statutory authority: NO in relation to § 41. The Process Inflation Findings confirm: "Section 41 cannot serve as a legal basis for a material

sequencing rule between two different benefit regimes, which requires basis in §§ 20 and 29–39." Double authority gap: YES. Circular authority ABSENT + statutory authority NO under § 41. Category error: YES. This requirement properly belongs to the KVP provisions (§§ 29–39) and the vilkår provisions (§ 20), not to § 41's procedural framework for the Administration Act. Its attribution to § 41 constitutes a structural domain error.

REQ-22 / PROC-REQ-41.10 Direction 1 — Circular authority: NO. The same-day processing standard derives from a veileder and has no textual presence in the § 41 circular. First-order authority gap. Direction 2 — Statutory authority: PARTIAL. The Process Inflation Findings note: "The timeframe of 'preferably the same day' is stricter than the Public Administration Act's explicit demand of 'without undue delay,' and the emergency context is primarily regulated by § 27." Double authority gap: YES. Circular authority ABSENT + statutory authority PARTIAL. The "helst samme dag" standard is a sub-legal elaboration that exceeds what § 41 or fvl. requires, without circular backing.

REQ-23 / PROC-REQ-41.11 Direction 1 — Circular authority: YES (partially). The investigation duty in 5.41.2.3 provides normative support for active inquiry. The veileder elaboration operationalizes an existing circular norm. Direction 2 — Statutory authority: YES. The Process Inflation Findings confirm: "None — the requirement for active mapping is a legitimate operationalization of the duty to investigate in § 17 of the Public Administration Act." Double authority gap: NO.

REQ-24 / PROC-REQ-41.12 Direction 1 — Circular authority: NO. The start-time specification derives from Veileder til sosialtjenesteloven § 17 and has no textual presence in the § 41 circular. First-order authority gap. Direction 2 — Statutory authority: PARTIAL. The Process Inflation Findings confirm: "The demand for a specific time designation is more detailed than §§ 24–25 of the Public Administration Act require, and relates primarily to § 17 rather than § 41." Double authority gap: YES. Circular authority ABSENT + statutory authority PARTIAL. The requirement adds procedural specificity for a service type (§ 17 guidance) that § 41 does not specifically address at this level of detail.

STEP 3 — SCALE AND PROPORTIONALITY CHECK

Each requirement is cross-referenced against the Volume Driver Findings (Anchor Document). Where a requirement lacks circular authority (Step 2), any scale-related burden it imposes is noted as unsupported by the circular framework.

REQ-01 / DOC-REQ-41.1 — Scale flag: PARTIAL The obligation to record oral applications maps to mechanisms [D] (Documentation Apparatus) and [P] (Procedural Continuity). The Anchor Document identifies oral application registration as a component of the § 17 Documentation and Formalization Stack (Cluster 1), noting that "a pipeline cannot become habitual when triggered fewer than 10–15 times per year." For offices processing very few social services applications, the recording pipeline is triggered too infrequently to become institutionally embedded, creating systematic compliance failure at low volumes (confirmed in Midtre Gauldal, Skaun, Verdal, Sogndal).

REQ-02 / DOC-REQ-41.2 — Scale flag: YES The absolute written-form requirement maps to mechanism [D] (Documentation Apparatus), the empirically dominant mechanism across the dataset (~65 findings). The Anchor Document notes: "caseworkers knew more about the users' situations than the journals reflected" appears near-verbatim across Nordreisa, Nannestad, Giske, Nav Numedal, Senja, Hjelmeland, Karlsøy, Årdal, Salangen, Vennesla, and Målselv-Bardu. The absoluteness of the written-form requirement ("alltid") presupposes back-office documentation capacity that small offices do not have. The burden this imposes lacks full circular justification given PARTIAL statutory grounding.

REQ-03 / DOC-REQ-41.3 — Scale flag: NO The requirement to justify decisions is legally grounded and does not presuppose elevated case volume or organizational capacity. No scale flag.

REQ-04 / DOC-REQ-41.4 — Scale flag: NO The three-element justification structure is legally grounded and does not presuppose elevated capacity. No scale flag.

REQ-05 / DOC-REQ-41.5 — Scale flag: NO The content requirements for consent declarations do not presuppose high case volume. No scale flag.

REQ-06 / DOC-REQ-41.6 — Scale flag: PARTIAL The burden-of-proof framing and associated written declaration practice map loosely to [D]. Creating, storing, and filing written consent declarations introduces documentation overhead, but its scale-sensitivity is moderate. PARTIAL flag.

REQ-07 / DOC-REQ-41.7 — Scale flag: YES This requirement maps to [D] (Documentation Apparatus) and [K] (Competence Sustainability). The Anchor Document's Cluster 3 (Child-Perspective Documentation) confirms that child welfare assessments are a volume-sensitive domain: "generalists verbally conducting the assessments while failing to document them" is the consistent pattern. The special written justification for child's-best-interests override presupposes both substantive child welfare competence and documentation capacity that small generalist offices frequently lack. Because circular authority is ABSENT, this scale burden is imposed without regulatory foundation.

REQ-08 / DOC-REQ-41.8 — Scale flag: YES This requirement maps directly to [D] + [K] and to the child-perspective documentation cluster. The Anchor Document confirms (Cluster 3, §§ 19 and 20 analysis): the combination of competence maintenance and documentation in family/child cases generates scale-sensitive failures in offices where caseworkers encounter these cases too rarely to build habitual documentation practice. Because circular authority is ABSENT, the scale burden operates entirely without regulatory foundation.

REQ-09 / DOC-REQ-41.9 — Scale flag: YES This requirement maps to [D] and [C] (Coordination Infrastructure). The Anchor Document identifies the criminaly justice cooperation interface as a sub-type of [C] failures, noting that small offices "rely on informal case-by-case contact" and lack "the coordination infrastructure to reintegrate" outsourced or inter-agency cases. Maintaining dedicated archiving and journalizing procedures for consent documents in cooperation with the criminal justice system presupposes institutional coordination capacity that small offices structurally cannot sustain. Because circular authority is ABSENT and statutory authority is NO (belonging to archival law), this burden is entirely without regulatory foundation in the social services normative framework.

REQ-10 / DOC-REQ-41.10 — Scale flag: PARTIAL This requirement maps to [D] and [P]. The format specification ("in a note") is mild in isolation but contributes to procedural duplication with REQ-01 and REQ-14, which already address oral application recording. The Anchor Document notes that the oral application registration pipeline fails at low case volumes. The added specificity without circular authority compounds the [D] burden marginally. PARTIAL flag.

REQ-11 / DOC-REQ-41.11 — Scale flag: PARTIAL Similar to REQ-10. The "journal note" format specification maps to [D]. The Anchor Document confirms that journaling requirements for oral applications are part of the documentation apparatus that systematically fails at low volumes. Because circular authority is ABSENT, the format-specific burden operates without regulatory support.

REQ-12 / DOC-REQ-41.12 — Scale flag: YES This requirement maps to [D]. The closing note obligation adds a documentation step at service closure that presupposes back-office capacity to generate, file, and archive administrative documents separate from any case decision. The Anchor Document identifies this type of trailing documentation requirement as part of the [D] mechanism that generates sanctions even when substantive service delivery has been correct. Because circular authority is ABSENT, the burden imposed — particularly for the internal closing note — is unsupported by the circular framework.

REQ-13 / PROC-REQ-41.1 — Scale flag: NO The information and guidance duty does not presuppose elevated case volume. No scale flag.

REQ-14 / PROC-REQ-41.2 — Scale flag: PARTIAL The recording element maps to [P] at low volumes. PARTIAL flag for the same structural reasons as REQ-01.

REQ-15 / PROC-REQ-41.3 — Scale flag: NO The investigation duty is legally grounded and does not presuppose elevated capacity beyond what any social services office must provide. No scale flag.

REQ-16 / PROC-REQ-41.4 — Scale flag: PARTIAL The Anchor Document identifies [K] (Competence Sustainability) as a mechanism: "municipalities default to standard rates precisely when case volume is too low to sustain discretionary assessment practice." Individual assessment competence may erode in generalist offices with very low caseloads. However, the requirement itself does not impose organizational infrastructure demands. PARTIAL flag.

REQ-17 / PROC-REQ-41.5 — Scale flag: NO The prohibitions on unconsented home visits and coerced consent signatures are protective constraints, not capacity-requiring procedures. No scale flag.

REQ-18 / PROC-REQ-41.6 — Scale flag: NO The interpreter requirement does not presuppose elevated organizational capacity. No scale flag.

REQ-19 / PROC-REQ-41.7 — Scale flag: PARTIAL PARTIAL for the same reasons as REQ-03 and REQ-04. The three-element justification is well-grounded, but quality may erode in very low-volume offices. PARTIAL flag.

REQ-20 / PROC-REQ-41.8 — Scale flag: NO The advance notice requirement before exclusion decisions is relatively rare and does not presuppose elevated capacity. No scale flag.

REQ-21 / PROC-REQ-41.9 — Scale flag: YES This requirement maps to [K] (Competence Sustainability) and [S] (Specialization). The sequencing rule between KVP eligibility assessment and activity condition-setting presupposes that caseworkers maintain live operational competence in two distinct benefit regimes simultaneously. The Anchor Document identifies competence degradation in complex multi-regime assessments as a confirmed volume-sensitive failure mode: "caseworkers encounter the specific procedural requirement too infrequently to maintain the operational knowledge needed to execute it correctly." Because circular authority is ABSENT and the requirement does not belong to § 41's domain, the scale burden is imposed without any regulatory foundation under § 41.

REQ-22 / PROC-REQ-41.10 — Scale flag: YES This requirement maps to [P] and partially to [S]. The "helst samme dag" standard for emergency application processing presupposes on-call or immediate processing capacity. The Anchor Document confirms that procedural continuity failures are the second-most-frequent mechanism in the dataset (~28 findings), and that small offices cannot maintain formalized pipeline responses to infrequent emergency triggers. Because circular authority is ABSENT, the heightened processing standard — which is stricter than fvl.'s baseline — is imposed without regulatory foundation.

REQ-23 / PROC-REQ-41.11 — Scale flag: NO Active participation in the mapping process is a legitimate operationalization of the investigation duty and does not impose organizational infrastructure demands beyond the caseworker level. No scale flag.

REQ-24 / PROC-REQ-41.12 — Scale flag: YES This requirement maps to [D] and [P]. The Anchor Document identifies the start-date formalization requirement in § 17 decisions as "the single most commonly sanctioned element across the entire dataset," appearing in findings from Midtre Gauldal, Indre Fosen, Skaun, Verdal, Sogndal, Årdal, and many others. The start-time specification imposes scheduling coordination overhead — requiring the decision-writer to liaise with service delivery systems to include either a concrete appointment time or a firm deadline — that presupposes back-office integration which small offices structurally lack. Because circular authority is ABSENT, the burden is entirely without regulatory foundation under § 41.

STEP 4 — PURPOSE CLASSIFICATION

REQ-01 / DOC-REQ-41.1 — [MIXED] Primary purpose: USER NEED. Recording oral applications ensures that users who communicate verbally are not disadvantaged relative to users who apply in writing; the requirement directly protects access to the formal case process. Secondary purpose: INTERNAL CONTROL. The written record produced also serves administrative tracking and audit functions. Primary element dominates.

REQ-02 / DOC-REQ-41.2 — [MIXED] Primary purpose: INTERNAL CONTROL. The absolute written-form requirement ("alltid") primarily functions as a documentation standard

for case reconstruction, supervision, and audit. The word "alltid" (always) suggests a system-level compliance requirement rather than a tailored user protection. Secondary purpose: USER NEED. Written documentation enables the user to review, contest, and appeal information used in their case. The absoluteness of the requirement exceeds what user protection demands; the excess portion is pure internal control. Framing: the source language ("Opplysninger i saken skal alltid være skriftlig") uses mandatory-absolute register consistent with internal compliance orientation.

REQ-03 / DOC-REQ-41.3 — [USER NEED] The justification obligation directly serves the user's right to understand the basis of the decision and to mount an effective appeal. No transaction cost burden identified beyond what the user's legal security requires.

REQ-04 / DOC-REQ-41.4 — [USER NEED] The three-element structure directly serves the user's ability to understand and contest the decision. Mirrors fvl. § 25 entirely. No transaction cost burden identified beyond legal requirement.

REQ-05 / DOC-REQ-41.5 — [USER NEED] The consent declaration content requirements protect the user's right to give genuinely informed and voluntary consent. All three required elements (what consent entails, to whom, duration) directly serve the user's autonomy and information rights. No transaction cost burden identified.

REQ-06 / DOC-REQ-41.6 — [MIXED] Primary purpose: INTERNAL CONTROL. Placing the burden of proof on NAV to demonstrate consent exists, and recommending a written declaration for that purpose, primarily serves NAV's administrative evidentiary position in supervisory review or disputes. Secondary purpose: USER NEED. The written declaration also protects the user by creating a record of what was consented to, enabling the user to verify scope and withdraw consent. However, the burden-of-proof framing ("det er Nav-kontoret som må sannsynliggjøre") is oriented toward institutional accountability, not case outcome. Primary element: internal control.

REQ-07 / DOC-REQ-41.7 — [MIXED] Primary purpose: USER NEED. The requirement that a decision overriding the child's best interests be specially justified in writing directly protects the child's legal security and the right to have the child's interests genuinely weighed. Secondary purpose: INTERNAL CONTROL. The documentation for "etterprøvbarhet" (verifiability) explicitly serves audit and oversight functions. The framing references both the child's "rettssikkerhet" (user need) and "etterprøvbarhet" (internal control) — both elements are explicit in the source instrument. The user-need element is primary, but the internal control element is substantial and co-present.

REQ-08 / DOC-REQ-41.8 — [INTERNAL CONTROL] The explicit purpose stated in the Barnets beste veileder is "for at andre skal kunne se hvilke vurderinger som er gjort og ha mulighet for å etterprøve vurderingene" — so that others can see and review what assessments were made. This is an audit and verifiability function. The user's interests are served by the substantive assessment, not by its documentation. The documentation obligation adds no direct bearing on the case outcome for the child; it serves supervisory review, accountability, and the ability of the administrative system to audit compliance. Classification: INTERNAL CONTROL.

REQ-09 / DOC-REQ-41.9 — [INTERNAL CONTROL] The archiving and journalizing of consent in the agency's own journal system serves records management and inter-agency accountability functions. The user (the person who gave consent) derives no direct benefit from the fact that NAV has archived the consent document in its internal system; what matters to the user is that consent was obtained in the first place (addressed by REQ-05). Classified as INTERNAL CONTROL in relation to social services users. Note: in its home domain (archival law), this requirement has a legitimate administrative function; however, for social services purposes it is a recording obligation with no bearing on case outcome. The duplication of archiving responsibilities across both kriminalomsorgen and NAV simultaneously constitutes Reporting Overhead.

REQ-10 / DOC-REQ-41.10 — [MIXED] Primary purpose: USER NEED (ensuring oral applications are registered). Secondary purpose: INTERNAL CONTROL (the specific form specification — "in a note" — serves documentation standardization rather than user protection). The format specification is the internal control element; the underlying registration obligation is user-protective.

REQ-11 / DOC-REQ-41.11 — [INTERNAL CONTROL] The specific requirement to write oral requests in a journal note (journalnotat) is a records management format specification. The user is served by having the oral request registered (addressed by REQ-01 and REQ-14); the specific format (journal note vs. case note vs. application record) serves system-level documentation standardization and auditability. Classification: INTERNAL CONTROL. The language ("skrives ned i journalnotat") prescribes an administrative form without any bearing on case outcome.

REQ-12 / DOC-REQ-41.12 — [MIXED] The closing letter to the user (avslutningsbrev) is a USER NEED element — informing the user that their case is closed serves their right to know their administrative status. The internal closing note (avslutningsnotat) is an INTERNAL CONTROL element — it serves case file completeness and administrative record-keeping with no direct bearing on the user's situation. The requirement conflates two distinct purposes. Primary purpose for the internal note: INTERNAL CONTROL. Primary purpose for the external letter: USER NEED. The source instrument (Veileder til § 17) combines both in a single obligation without distinguishing them.

REQ-13 / PROC-REQ-41.1 — [USER NEED] The obligation to provide information and guidance directly serves the user's ability to understand their rights and access services. No transaction cost burden identified.

REQ-14 / PROC-REQ-41.2 — [MIXED] The prohibition on verbal rejection is USER NEED — it protects the user from informal, non-reviewable refusals. The obligation to record oral applications as formal case entries is MIXED: user-protective in substance (ensuring the application enters the system) but also generates administrative records for internal tracking. The prohibition element dominates as user-protective; the recording element introduces administrative overhead.

REQ-15 / PROC-REQ-41.3 — [USER NEED] The investigation duty directly serves the quality and correctness of the user's case assessment. No transaction cost burden identified.

REQ-16 / PROC-REQ-41.4 — [USER NEED] The individual assessment requirement directly serves the user's right to have their specific situation evaluated rather than processed through a template. No transaction cost burden identified.

REQ-17 / PROC-REQ-41.5 — [USER NEED] Both prohibitions (unconsented home visits; coerced consent signatures) directly protect the user's privacy, autonomy, and legal security. These are protective constraints on NAV's investigative powers, not administrative procedures generating internal records. No transaction cost burden identified.

REQ-18 / PROC-REQ-41.6 — [USER NEED] The interpreter requirement directly serves the user's ability to understand and participate in their own case. The prohibition on child interpreters protects both the user and the child. No transaction cost burden identified.

REQ-19 / PROC-REQ-41.7 — [MIXED] Primary purpose: USER NEED. Written, three-element justification serves user understanding and the right of appeal. Secondary purpose: INTERNAL CONTROL. The written form also serves administrative review and supervisory oversight. The primary element dominates; this requirement substantially duplicates REQ-03 and REQ-04 at the procedural requirement level, which itself represents mild documentation inflation within the circular's own architecture.

REQ-20 / PROC-REQ-41.8 — [USER NEED] The advance notice before exclusion decisions directly serves the user's right to due process. No transaction cost burden identified.

REQ-21 / PROC-REQ-41.9 — [MIXED] Primary purpose: USER NEED. Assessing KVP eligibility before imposing activity conditions protects the user from being placed in a less favorable benefit regime when a more favorable one is available. Secondary purpose: INTERNAL CONTROL. The sequencing rule also serves administrative compliance — it creates a traceable procedural record demonstrating that the correct sequence was followed. In relation to social services users, the user-need element is primary. However, in the context of § 41 (which governs the application of administrative procedural law, not benefit sequencing), this requirement functions as a compliance checkpoint with no direct anchor in § 41's subject matter.

REQ-22 / PROC-REQ-41.10 — [USER NEED] The emergency same-day processing standard directly serves the user's urgent need for assistance. No transaction cost burden is identified for the substantive user-protection element. However, the standard as formulated ("helst samme dag") imposes a processing speed requirement that exceeds the statutory baseline, creating administrative urgency overhead without circular backing.

REQ-23 / PROC-REQ-41.11 — [USER NEED] Active participation in the needs-mapping process directly serves the quality of the user's case assessment. No transaction cost burden identified.

REQ-24 / PROC-REQ-41.12 — [MIXED] Primary purpose: INTERNAL CONTROL. The requirement to include a specific appointment time or deadline for first service contact in the approval decision primarily serves administrative tracking and compliance monitoring (enabling supervisors to verify service commencement timing). Secondary purpose: USER NEED. The user benefits from knowing when service will begin; this is a legitimate

user-service element. However, the requirement's specificity — demanding a "konkret timeavtale" (concrete appointment) or "frist" (deadline) within the decision document itself — exceeds what user understanding requires and serves primarily the administrative record. The scheduling obligation also requires coordination between the decision-making process and service delivery systems, imposing overhead on the decision-writer that has no direct bearing on the quality of the service the user receives.

STEP 5 — TRANSACTION COST CHARACTERIZATION

Transaction costs are described only for requirements classified as [INTERNAL CONTROL] or [MIXED]. For [USER NEED] requirements, no transaction cost burden is identified.

REQ-01 / DOC-REQ-41.1 [MIXED] A caseworker who receives an oral inquiry must interrupt or follow up the conversation to create a written case entry identifying the applicant, the date, the nature of the request, and the applicable service category. In offices with high proportions of walk-in and telephone contacts, this imposes continuous record-conversion overhead. The transaction cost is modest for individual instances but compounds at scale and degrades in frequency-starved offices where the routine is never embedded. Circular guidance for this requirement is PRESENT, so the burden falls within the normative framework.

REQ-02 / DOC-REQ-41.2 [MIXED] A caseworker must convert every piece of case-relevant information — gathered orally in conversations, by phone, in home visits, from third parties — into a written record in the case file. The absoluteness of "alltid" (always) eliminates any discretion to treat information as professional background knowledge rather than formal documentation. This imposes systematic documentation overhead for every information-gathering interaction throughout the case lifecycle. In small offices where caseworkers maintain direct personal knowledge of users, this requirement penalizes substantive competence by demanding that it be reproduced in formal records. Circular authority is PRESENT, but the absolute written-form standard exceeds what the statutory framework fully supports. The Anchor Document confirms this as a [D] mechanism failure pattern across the dataset.

REQ-06 / DOC-REQ-41.6 [MIXED] A caseworker must create and file a written samtykkeerklæring (consent declaration) for each consent obtained. The declaration must document: (a) what the consent covers; (b) to whom information may be disclosed; (c) the duration of consent. The administrative sequence requires drafting, reviewing with the user, obtaining the user's active confirmation, filing the document, and referencing it in the case journal. The burden-of-proof framing ("Nav-kontoret som må sannsynliggjøre") means the caseworker must retain a retrievable record of consent for potential supervisory review. Circular authority is PRESENT; the "bør" language for the written form already signals permissiveness, but the burden-of-proof framing may operate as shadow binding. Transaction cost category: Documentation Inflation.

REQ-07 / DOC-REQ-41.7 [MIXED] — double authority gap A caseworker must produce a special additional written justification whenever a decision outcome overrides what would be

best for the child — beyond the standard three-element justification already required under REQ-03/REQ-04. This requires: (a) identifying the alternative outcome that would serve the child's interests; (b) explaining specifically why that outcome was not chosen; (c) producing a separately articulated written statement meeting the child's rights standard. This is a second-tier documentation obligation layered on top of the existing justification requirement. **Because circular authority is ABSENT, caseworkers must comply with an obligation that the primary normative instrument governing their work (the § 41 circular) does not address — the transaction cost falls entirely outside the framework the circular provides guidance for.** Transaction cost category: Documentation Inflation (combined with a double authority gap).

REQ-08 / DOC-REQ-41.8 [INTERNAL CONTROL] — double authority gap A caseworker must produce and maintain a documented record of the child's-best-interests assessment in a form accessible to external reviewers. This requires translating the caseworker's professional judgment — which may be accurate and sound — into a written audit trail showing specifically what was considered and how factors were weighed. The Anchor Document identifies this exact pattern as the dominant [D] mechanism failure: "caseworkers knew more about the users' situations than the journals reflected" is documented across at least 12 municipalities. The documentation demand serves verifiability for supervisors, not case quality for users. **Because circular authority is ABSENT, the caseworker must comply with an audit-oriented documentation obligation that the § 41 circular does not recognize or guide.** Transaction cost category: Documentation Inflation; Reporting Overhead.

REQ-09 / DOC-REQ-41.9 [INTERNAL CONTROL] — double authority gap; category error Both kriminalomsorgen and NAV must separately archive and journalize the same consent document in their respective systems. For the NAV caseworker, this requires: (a) obtaining the physical or digital consent document; (b) creating a case journal entry; (c) uploading or filing the consent in the NAV journal system (typically Socio or equivalent); (d) cross-referencing the journal entry with the criminal justice cooperation file. This imposes dual-system documentation overhead for a record that is primarily governed by archival law, not social services law. The Anchor Document identifies the "Compilo/ASYS problem" — where caseworkers lack access to required systems — as a structural [C] failure that compounds [D] burdens. **Because circular authority is ABSENT and the requirement belongs to a different legal domain (archival law), the transaction cost imposed has no regulatory foundation in the social services normative framework. Caseworkers are complying with an obligation whose source is the Archives Act, administered through a veileder whose authority under § 41 is nil.** Transaction cost category: Reporting Overhead; Procedural Duplication (dual archiving across agencies); Combined Burden.

REQ-10 / DOC-REQ-41.10 [MIXED] — double authority gap Beyond the basic registration obligation (already addressed by REQ-01 and REQ-14), this requirement adds a minimum form standard: the application must appear "som i et notat" (as in a note). This imposes a specific document-type requirement on caseworkers — not just that the inquiry is registered, but that it takes the form of a case note (as opposed to, say, a field in the application form or a journal entry in the case system). **Because circular authority for this format specification is ABSENT, the caseworker must apply a form standard that the primary**

normative instrument does not recognize. The transaction cost of the format requirement falls outside the circular's framework. Transaction cost category: Procedural Duplication (duplicates the registration obligation already anchored in the circular, adding format specificity without authority).

REQ-11 / DOC-REQ-41.11 [INTERNAL CONTROL] — double authority gap A caseworker must create a journalnotat (journal note) specifically to document each oral request — a distinct document type that serves as the formal record of the oral communication. This is a records management format specification: it prescribes not merely that the oral request be registered, but that it be registered in a specific journal format. For offices using case management systems (Socio), this may mean creating a separate journal entry type rather than incorporating the information into the case file or application record. **Because circular authority is ABSENT, caseworkers must maintain a format-specific documentation practice that the § 41 circular provides no basis for.** Transaction cost category: Documentation Inflation; Procedural Duplication (the underlying registration is already required; the journal note format adds administrative form without substantive value).

REQ-12 / DOC-REQ-41.12 [MIXED] — double authority gap When a service ends, a caseworker must: (a) draft an internal closing note (avslutningsnotat) documenting the circumstances of service closure; and (b) potentially draft a closing letter (avslutningsbrev) to the user. The internal closing note adds a distinct documentation step at case closure with no bearing on the user's outcome (the service has already ended). The closing letter to the user is a user-protective element. The conflation of both in a single veileder obligation means the administrative burden of the internal note is inseparable from the legitimate user-protective letter. **Because circular authority is ABSENT for both elements, caseworkers must produce end-of-case administrative documents without any guidance from the primary normative instrument governing their work.** Transaction cost category: Documentation Inflation (internal note); Combined Burden (internal note + letter requirements conflated without authority).

REQ-14 / PROC-REQ-41.2 [MIXED] The recording element requires caseworkers to register oral applications formally in the case system. This is a procedural overhead that compounds with REQ-01 at the transactional level. The no-verbal-rejection element imposes no administrative burden; it is a protective prohibition. Transaction cost: moderate Documentation Inflation for the recording element; No Transaction Cost for the prohibition element. Circular authority PRESENT.

REQ-19 / PROC-REQ-41.7 [MIXED] This requirement substantially duplicates REQ-03 and REQ-04 at the procedural level — both address the written three-element justification obligation. The duplication within the circular's own architecture is mild Procedural Duplication. Circular authority PRESENT; no double authority gap. Transaction cost: Procedural Duplication (internal to the circular).

REQ-21 / PROC-REQ-41.9 [MIXED] — double authority gap; category error A caseworker must conduct and document an assessment of KVP eligibility before proceeding to set activity conditions. This imposes a sequenced procedural step that requires: (a) active knowledge of KVP eligibility criteria (§§ 29–39); (b) a documented assessment outcome; (c) a traceable record demonstrating the sequencing was observed. This goes beyond the

procedural framework of § 41 (which governs administrative law application) into the material benefit law framework of KVP and vilkår. **Because circular authority is ABSENT and the requirement belongs to a different statutory domain (§§ 20 and 29–39), caseworkers working under § 41's procedural framework must simultaneously comply with a material benefit sequencing obligation that the § 41 circular does not address and that has no proper anchor in § 41's legal domain.** Transaction cost category: Structural Disproportionality (requires multi-regime competence that presupposes sustained exposure to both vilkår and KVP caseloads); Documentation Inflation (the documented assessment step adds overhead without § 41 authority).

REQ-22 / PROC-REQ-41.10 [USER NEED, but with administrative impact] — double authority gap Although classified primarily as USER NEED (the emergency standard serves the user), the "helst samme dag" formulation imposes a processing speed standard on the office that exceeds fvl.'s baseline. Caseworkers and leaders in small offices must be in a position to assess, prioritize, and begin processing emergency applications on the same day they are received — a capacity requirement that presupposes on-duty coverage and immediate decision-making authority. For offices with a single caseworker or part-time coverage, this standard creates structural capacity pressure without circular backing. **Because circular authority is ABSENT, the enhanced processing speed standard operates without any framework the § 41 circular provides.** Transaction cost category: Structural Disproportionality.

REQ-24 / PROC-REQ-41.12 [MIXED] — double authority gap A caseworker drafting an approval decision must include a specific start time — either a concrete appointment (timeavtale) or a firm deadline (frist) for the first service meeting. This requires the decision-writer to coordinate with service delivery capacity before finalizing the decision: the decision cannot be completed until a specific scheduling commitment has been confirmed. This creates a dependency between the administrative decision-making process and the operational scheduling of services — an interface that presupposes back-office integration that small offices structurally lack. The Anchor Document identifies start-date documentation as the single most frequently sanctioned element in the dataset, confirmed in Midtre Gauldal, Indre Fosen, Skaun, Verdal, Sogndal, and Årdal. **Because circular authority is ABSENT under § 41 (this requirement derives from a § 17 veileder, not the § 41 framework), the scheduling overhead is imposed without regulatory foundation in the governing normative instrument.** Transaction cost category: Documentation Inflation; Structural Disproportionality (scheduling-decision interface presupposes back-office capacity); Combined Burden.

STEP 6 — CATALOG ENTRIES

REQUIREMENT ID: § 41 — REQ-01 (DOC-REQ-41.1) **PROVISION TEXT:** Nav-kontoret har plikt til å nedtegne muntlige søknader (duty to record oral applications) **SOURCE INSTRUMENT:** Circular R-35, § 41, avsnitt 5.41.2.2 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — duty follows from fvl. § 17 and archival requirements but

is not explicit in § 41 text. Finding: Process Inflation Findings, DOC-REQ-41.1: "not explicitly mentioned in § 41 or the Public Administration Act, but only a practical consequence of the duty to investigate." **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — maps to [D] and [P] mechanisms. The registration pipeline cannot become habitual below 10–15 case triggers per year. Anchor Document: Cluster 1, Debt Counseling Documentation Stack; confirmed in Midtre Gauldal, Skaun, Verdal. **PURPOSE:** MIXED — primary: USER NEED (ensures oral applicants enter the formal process); secondary: INTERNAL CONTROL (administrative record). **BURDEN DESCRIPTION:** Caseworker must convert each oral inquiry into a formal written case registration. Transaction cost is moderate and compounded by low-frequency cases in small offices. **KILL LIST CLASSIFICATION:** No Kill List Action — requirement is well-grounded operationally and its circular authority is present. The PARTIAL scale flag reflects structural challenges rather than a normative deficiency. **TRANSACTION COST CATEGORY:** Documentation Inflation (mild)

REQUIREMENT ID: § 41 — REQ-02 (DOC-REQ-41.2) **PROVISION TEXT:** Opplysninger i saken skal alltid være skriftlig (all case information must always be in writing) **SOURCE INSTRUMENT:** Circular R-35, § 41, avsnitt 5.41.2.3 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — fvl. § 17 requires adequate case investigation but does not establish an absolute written-form requirement. The word "alltid" (always) creates an absoluteness that exceeds the statutory text. Finding: Process Inflation Findings, DOC-REQ-41.2. **DOUBLE AUTHORITY GAP:** NO (circular authority present) **CATEGORY ERROR:** NO **SCALE FLAG:** YES — maps to [D] (Documentation Apparatus), the empirically dominant mechanism. The absoluteness of the requirement penalizes small offices that maintain high-quality personal knowledge of users but cannot reproduce that knowledge in written records at required frequency. Anchor Document: [D] mechanism, ~65 findings; confirmed pattern "caseworkers knew more about the users' situations than the journals reflected." **PURPOSE:** MIXED — primary: INTERNAL CONTROL (absolute documentation standard serves audit and supervision); secondary: USER NEED (written records enable review and appeal). **BURDEN DESCRIPTION:** Caseworker must document every piece of case-relevant information in writing with no discretion to treat professional knowledge informally. Imposes systematic transcription overhead for oral conversations, phone contacts, and in-person interactions throughout the case lifecycle. Circular authority is PRESENT, but the absolute standard exceeds statutory support, meaning the marginal documentation overhead beyond what the statutory investigation duty requires has no full legal backing. **KILL LIST CLASSIFICATION:** Category C — Clarification. The circular correctly reflects the written-form principle but the absoluteness of "alltid" may be creating shadow binding that eliminates reasonable professional discretion about low-stakes informational contacts. The room for maneuver — that "always in writing" means all legally relevant case information, not all incidental professional exchanges — should be made explicit to reduce over-documentation. **TRANSACTION COST CATEGORY:** Documentation Inflation

---

REQUIREMENT ID: § 41 — REQ-03 (DOC-REQ-41.3) **PROVISION TEXT:** Vedtaket som fattes skal begrunnes (decisions must be justified) **SOURCE INSTRUMENT:** Circular R-35, § 41, avsnitt 5.41.2.4 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — fully grounded through § 41's incorporation of fvl. §§ 24–25. Finding: Process Inflation Findings, DOC-REQ-41.3: "fully grounded in the law." **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — justification directly serves the user's right to understand the decision basis and mount an effective appeal. **BURDEN DESCRIPTION:** No transaction cost burden identified. The justification requirement is a core legal obligation serving the user's legal security; any administrative effort it requires is proportionate to its legal purpose. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: § 41 — REQ-04 (DOC-REQ-41.4) **PROVISION TEXT:** Begrunnelsen skal være skriftlig og inneholde tre elementer: (1) vise til reglene, (2) nevne faktiske forhold, (3) nevne hovedhensyn ved skjønnsutøvelsen **SOURCE INSTRUMENT:** Circular R-35, § 41, avsnitt 5.41.2.4 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — mirrors fvl. § 25 precisely. Finding: Process Inflation Findings, DOC-REQ-41.4: "mirrors the content specifications for justifications outlined in § 25." **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — three-element structure directly serves user comprehension and appeal rights. **BURDEN DESCRIPTION:** No transaction cost burden identified beyond what the legal justification requirement mandates. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: § 41 — REQ-05 (DOC-REQ-41.5) **PROVISION TEXT:** Det må klart og tydelig fremgå at det samtykkes, hva samtykket innebærer, og samtykkets varighet bør fremkomme **SOURCE INSTRUMENT:** Circular R-35, § 41, avsnitt 5.41.2.5 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — fvl. regulates consent acquisition but does not establish explicit formal requirements for the specific content elements or duration specification of a consent declaration. The specific content list is a circular-level elaboration. Finding: Process Inflation Findings, DOC-REQ-41.5. **DOUBLE AUTHORITY GAP:** NO (circular authority present) **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — the required content elements directly protect the user's right to give genuinely informed and voluntary consent. **BURDEN DESCRIPTION:** No transaction cost burden identified. The content specifications protect the user and are proportionate to their rights purpose. **KILL LIST CLASSIFICATION:** Category C — Clarification. The PARTIAL statutory grounding means the specific content requirements (what consent entails, to whom, duration) operate as circular-level specifications without full statutory anchoring. The room for maneuver — that these are minimum standards reflecting best practice rather than strictly mandated statutory elements — should be made explicit to prevent the circular's elaboration from being treated as equivalent to statutory command. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: § 41 — REQ-06 (DOC-REQ-41.6) **PROVISION TEXT:** Det er Nav-kontoret som må sannsynliggjøre at det foreligger et samtykke, og det bør derfor være skriftlig i form av en samtykkeerklæring **SOURCE INSTRUMENT:** Circular R-35, § 41, avsnitt 5.41.2.5 **CIRCULAR AUTHORITY:** PRESENT (with "bør" — permissive language) **LEGAL AUTHORITY:** PARTIAL — no explicit statutory rule places the burden of proof for consent on NAV, nor mandates written consent declarations. Finding: Process Inflation Findings, DOC-REQ-41.6. **DOUBLE AUTHORITY GAP:** NO (circular authority present) **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — maps to [D]; creating, filing, and retaining formal written consent declarations introduces documentation overhead that aggregates across high-volume consent situations. **PURPOSE:** MIXED — primary: INTERNAL CONTROL (written declaration serves NAV's evidentiary position in supervisory review); secondary: USER NEED (provides the user with a record of what was consented to). **BURDEN DESCRIPTION:** Caseworker must create, review with the user, obtain active confirmation for, file, and reference a formal written samtykkeerklæring for each consent obtained. The burden-of-proof framing creates implicit pressure to always use written form even though the circular correctly uses "bør" (should). Shadow binding risk: caseworkers may treat the "bør" as de facto mandatory given the burden-of-proof consequence of not having a written record. Circular authority is PRESENT. **KILL LIST CLASSIFICATION:** Category C — Clarification. The circular appropriately uses permissive "bør" language for the written form, but the burden-of-proof framing ("Nav-kontoret som må sannsynliggjøre") creates implicit pressure that may shadow-bind the permissive recommendation into a de facto requirement. The circular should clarify that verbal consent with contemporaneous documentation is a legitimate alternative to formal written declaration. **TRANSACTION COST CATEGORY:** Documentation Inflation (mild; shadow binding risk)

REQUIREMENT ID: § 41 — REQ-07 (DOC-REQ-41.7) **PROVISION TEXT:** Dersom et resultat innebærer at barnets beste ikke får gjennomslag, må dette begrunnes særskilt og skriftlig for etterprøvbarhet og barnets rettssikkerhet **SOURCE INSTRUMENT:** Barnets beste – veileder (guidance document) **CIRCULAR AUTHORITY:** ABSENT — no textual presence in the § 41 circular. This constitutes a first-order authority gap: the requirement operates outside the circular framework entirely. **LEGAL AUTHORITY:** PARTIAL — § 41 incorporates fvl. but does not mention the child's best interests or provide basis for materially differentiated justification requirements. Proper statutory anchor would require § 4 sosialtjenesteloven or child rights principles. Finding: Process Inflation Findings, DOC-REQ-41.7. **DOUBLE AUTHORITY GAP:** YES — circular authority ABSENT + statutory authority PARTIAL. **CATEGORY ERROR:** NO (within social services domain, but anchored in the wrong statutory provision) **SCALE FLAG:** YES — maps to [D] + [K]. Child welfare assessments are confirmed as a volume-sensitive documentation domain (Anchor Document: Cluster 3, child-perspective documentation). The special written justification presupposes child welfare competence that small generalist offices cannot sustain at required levels. Because circular authority is ABSENT, the scale burden is imposed without regulatory foundation. **PURPOSE:** MIXED — primary: USER NEED (child's legal security and rights); secondary: INTERNAL CONTROL (verifiability/"etterprøvbarhet" is explicitly stated as a purpose in the source instrument). **BURDEN DESCRIPTION:** Caseworker must produce a separate, specially articulated written justification whenever a decision outcome overrides what would serve the child's interests — beyond the standard three-element

justification already required under REQ-03/REQ-04. This requires identifying the child-optimal alternative, explaining the override rationale, and producing a document meeting child rights standards. **Because circular authority is ABSENT, caseworkers must comply with a dual-justification obligation that the § 41 circular does not address, meaning no normative framework guides them in how to execute this requirement under § 41's procedural structure. KILL LIST CLASSIFICATION:** Category A — Removal from the § 41 normative framework. The requirement lacks both circular authority under § 41 and statutory grounding through § 41. It should be properly anchored in § 4 of sosialtjenesteloven or the child welfare provisions and administered through that instrument, not through a veileder operating under § 41. Removal from the § 41 framework does not eliminate the child-protective purpose; it relocates the requirement to its proper normative home. **TRANSACTION COST CATEGORY:** Documentation Inflation; Combined Burden (special justification layered on standard justification without authority)

REQUIREMENT ID: § 41 — REQ-08 (DOC-REQ-41.8) **PROVISION TEXT:** For at andre skal kunne se hvilke vurderinger som er gjort og etterprøve dem, må barnets beste-vurderingene dokumenteres **SOURCE INSTRUMENT:** Barnets beste – veileder (guidance document) **CIRCULAR AUTHORITY:** ABSENT — no textual presence in the § 41 circular. First-order authority gap. **LEGAL AUTHORITY:** PARTIAL — child-specific documentation for verifiability requires basis in § 4 or child rights principles; cannot be derived from § 41. Finding: Process Inflation Findings, DOC-REQ-41.8. **DOUBLE AUTHORITY GAP:** YES — circular authority ABSENT + statutory authority PARTIAL. **CATEGORY ERROR:** NO (within social services domain) **SCALE FLAG:** YES — maps to [D] + [K]. The Anchor Document confirms this as the dominant failure mode in child-perspective cases: "caseworkers verbally conducting the assessments while failing to document them" across 15+ municipalities. Because circular authority is ABSENT, the [D] burden is structurally disproportionate and without regulatory foundation. **PURPOSE:** INTERNAL CONTROL — the explicit purpose in the source instrument is audit and verifiability ("for at andre skal kunne se... og etterprøve"). The user's interests are served by the substantive assessment, not by its documentation. This is a system-level accountability function, not a case-outcome function. **BURDEN DESCRIPTION:** Caseworker must produce and maintain a documented record of child's-best-interests assessments specifically for review by others (supervisors, auditors). This translates professional judgment into written audit trails — a systematic documentation overhead with no direct bearing on what the child actually receives. **Because circular authority is ABSENT, the caseworker must satisfy an audit-oriented documentation obligation that the § 41 circular provides no guidance for. The transaction cost imposed falls entirely outside any framework the circular recognizes. KILL LIST CLASSIFICATION:** Category A — Removal from the § 41 normative framework. The requirement serves audit and verifiability functions that belong properly to the internal control architecture (§ 5 sosialtjenesteloven, internkontrollforskriften) or to the child welfare statutory framework. Its presence in a veileder operating under § 41 is a normative domain error. Removal from § 41 does not eliminate the accountability purpose; it routes it to its correct regulatory home. **TRANSACTION COST CATEGORY:** Documentation Inflation; Reporting Overhead; Structural Disproportionality (documentation demands presuppose recording capacity that generalist small offices lack)

REQUIREMENT ID: § 41 — REQ-09 (DOC-REQ-41.9) **PROVISION TEXT:** Kriminalomsorgen og velferdstjenestene har ansvar for arkivering og journalføring av samtykket i eget journalsystem **SOURCE INSTRUMENT:** Nasjonal veileder for samarbeid mellom kriminalomsorgen og Nav (guidance document) **CIRCULAR AUTHORITY:** ABSENT — no textual presence in the § 41 circular. First-order authority gap. **LEGAL AUTHORITY:** NO in relation to sosialtjenesteloven § 41. The obligation rests on the Archives Act (arkivloven), not on social services law. Finding: Process Inflation Findings, DOC-REQ-41.9: "These duties rest primarily on the Archives Act." **DOUBLE AUTHORITY GAP:** YES — circular authority ABSENT + statutory authority NO (under sosialtjenesteloven). **CATEGORY ERROR:** YES — this requirement derives from archival law (arkivloven) and inter-agency cooperation frameworks. Its presence in the social services normative framework constitutes a domain misattribution. The requirement belongs to archival administration, not to social services procedural law under § 41. **SCALE FLAG:** YES — maps to [D] + [C]. Dual-agency archiving of the same consent document presupposes institutional coordination capacity and case management system integration. The Anchor Document identifies IT system fragmentation (Compilo/ASYS inaccessibility) and inter-agency coordination failures as structural [C] volume drivers, confirmed across Averøy, Giske, Båtsfjord, and others. Because circular authority is ABSENT and the requirement belongs to a different legal domain, the scale burden is entirely without regulatory foundation in social services law. **PURPOSE:** INTERNAL CONTROL — archiving and journalizing consent serves records management and inter-agency accountability, not case outcome for the user. In relation to social services users, this is a pure administrative compliance function. **BURDEN DESCRIPTION:** NAV must archive and journalize consent documents in its own journal system (typically Socio) in addition to whatever kriminalomsorgen maintains in its system — creating parallel archival obligations for the same document across two agency systems. For NAV caseworkers, this requires: creating a journal entry, uploading or filing the consent document, and cross-referencing the entry with the cooperation case. **Because circular authority is ABSENT and the requirement belongs to archival law, not social services law, caseworkers must execute an inter-agency records management obligation that the § 41 circular provides no basis for and that properly belongs to a different regulatory framework. KILL LIST CLASSIFICATION:** Category A — Removal from the social services normative framework (§ 41 and its associated veilederes). The requirement's legal home is the Archives Act. Its presence in a veileder ostensibly governing social services cooperation is a category error. Archiving obligations should be administered through the proper archival law instruments, not through the social services circular system. **TRANSACTION COST CATEGORY:** Reporting Overhead; Procedural Duplication (dual archiving across two agency systems); Combined Burden

---

REQUIREMENT ID: § 41 — REQ-10 (DOC-REQ-41.10) **PROVISION TEXT:** Nav-kontoret har plikt til å nedtegne muntlige søknader; det holder at søknaden fremgår av saken, som i et notat **SOURCE INSTRUMENT:** Veileder til sosialtjenesteloven § 17 (guidance document) **CIRCULAR AUTHORITY:** ABSENT as specificity — the underlying registration duty is present in the circular (REQ-01/REQ-14); the minimum form standard ("in a note") is a veileder addition not found in the circular. First-order authority gap for the format

specification. **LEGAL AUTHORITY:** PARTIAL — the form specification ("in a note") is a practical elaboration not found in § 41 or fvl. Finding: Process Inflation Findings, DOC-REQ-41.10. **DOUBLE AUTHORITY GAP:** YES — circular authority ABSENT for the format element + statutory authority PARTIAL. **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — maps to [D] and [P]; contributes to Procedural Duplication with REQ-01 and REQ-14. The Anchor Document identifies oral application registration as a volume-sensitive [P] mechanism. Because circular authority for the format specification is ABSENT, the format-specific burden operates without regulatory support. **PURPOSE:** MIXED — the underlying registration obligation is USER NEED; the format specification is INTERNAL CONTROL (standardizes records for administrative review). **BURDEN DESCRIPTION:** Adds a specific document-type requirement (case note / notat) on top of the already-required registration obligation. Caseworkers must not merely register the oral application but ensure it appears in a specific document format. **Because circular authority is ABSENT for the format element, this standardization overhead falls outside any framework the § 41 circular provides. KILL LIST CLASSIFICATION:** Category B — Status Change. The underlying obligation (record oral applications) has circular authority and is appropriate. The format specification ("in a note") uses guidance language in a veileder but creates de facto standardization expectations. Reformulating to permissive language ("one appropriate way to fulfill the registration obligation is to write a case note") would restore local discretion to choose among functionally equivalent documentation forms. The key compliance point — that the application is registered — should be preserved; the format prescription should be downgraded from normative to advisory. **TRANSACTION COST CATEGORY:** Procedural Duplication; Documentation Inflation (mild)

REQUIREMENT ID: § 41 — REQ-11 (DOC-REQ-41.11) **PROVISION TEXT:** [Søknaden] kan også være muntlig, og skrives ned i journalnotat av NAV-kontoret **SOURCE INSTRUMENT:** Veileder om økonomisk stønad etter sosialtjenesteloven (guidance document) **CIRCULAR AUTHORITY:** ABSENT — the journal note format for oral requests is not prescribed in the § 41 circular. First-order authority gap. **LEGAL AUTHORITY:** PARTIAL — the specific journal note format does not follow from § 41 or fvl. Finding: Process Inflation Findings, DOC-REQ-41.11. **DOUBLE AUTHORITY GAP:** YES — circular authority ABSENT + statutory authority PARTIAL. **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — maps to [D]; contributes to the documentation apparatus burden. The specific format (journalnotat as a distinct document type from a case note or application entry) imposes records management specificity without regulatory support. Because circular authority is ABSENT, the format-specific burden operates without foundation in the primary normative instrument. **PURPOSE:** INTERNAL CONTROL — the journal note format serves records system standardization and administrative auditability, not case outcome for the user. **BURDEN DESCRIPTION:** Caseworker must create a journalnotat as a specific document type in the case management system to record each oral request — separate from the application form, the case file entry, or other registration methods. **Because circular authority is ABSENT, caseworkers must maintain a format-specific documentation discipline that the § 41 circular does not recognize or guide. The transaction cost of the format requirement falls entirely outside the normative framework governing caseworkers' primary obligations. KILL LIST CLASSIFICATION:** Category B — Status Change. The requirement appears in a veileder as if prescriptive ("skrives ned i journalnotat") but lacks circular

authority. Reformulating to permissive language ("may be recorded as a journal note or equivalent registration") would restore local system flexibility while preserving the substantive registration obligation, which has proper authority under REQ-01 and REQ-14. **TRANSACTION COST CATEGORY:** Documentation Inflation; Procedural Duplication

---

REQUIREMENT ID: § 41 — REQ-12 (DOC-REQ-41.12) **PROVISION TEXT:** Når tjenesten avsluttes skal det skrives et avslutningsnotat, eventuelt et avslutningsbrev som informasjon til brukeren **SOURCE INSTRUMENT:** Veileder til sosialtjenesteloven § 17 (guidance document) **CIRCULAR AUTHORITY:** ABSENT — no textual presence in the § 41 circular. First-order authority gap. **LEGAL AUTHORITY:** PARTIAL — the internal closing note lacks explicit basis in § 41 or fvl.; the external closing letter is partially supported by general notification principles. Finding: Process Inflation Findings, DOC-REQ-41.12. **DOUBLE AUTHORITY GAP:** YES — circular authority ABSENT + statutory authority PARTIAL (for the internal note element). **CATEGORY ERROR:** NO **SCALE FLAG:** YES — maps to [D]. The closing note requirement adds an end-of-case documentation step that presupposes administrative capacity to generate and file documents at service closure. The Anchor Document confirms trailing documentation obligations as part of the [D] mechanism. Because circular authority is ABSENT, the documentation burden is structurally disproportionate and without regulatory foundation. **PURPOSE:** MIXED — closing letter: USER NEED (informs user of case closure, a legitimate procedural notification); closing note: INTERNAL CONTROL (serves case file completeness and administrative record, no bearing on user outcome after service has ended). **BURDEN DESCRIPTION:** Caseworker must produce (a) an internal closing note documenting service closure circumstances, and (b) potentially a closing letter to the user. The internal note requires drafting, filing, and archiving a document at the moment of service closure — a documentation step whose primary function is administrative record completeness. **Because circular authority is ABSENT for both elements, caseworkers must produce end-of-case administrative documents without guidance from the primary normative instrument governing their work under § 41. KILL LIST CLASSIFICATION:** Category B — Status Change. The closing letter element is legitimate and should be retained but grounded in the appropriate procedural notification obligations. The internal closing note element should be reformulated from imperative ("skal") to permissive ("can" / "may") language, restoring local discretion about when an internal note adds administrative value at case closure, versus when the case file itself provides sufficient closure documentation. **TRANSACTION COST CATEGORY:** Documentation Inflation; Combined Burden (conflates internally-oriented and user-oriented obligations without distinguishing them)

REQUIREMENT ID: § 41 — REQ-13 (PROC-REQ-41.1) **PROVISION TEXT:** Nav-kontoret har plikt til å gi informasjon og veiledning om tjenester, rettigheter og plikter etter loven **SOURCE INSTRUMENT:** Circular R-35, § 41, avsnitt 5.41.2.2 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — mirrors fvl. § 11 guidance duty incorporated through § 41. Finding: Process Inflation Findings, PROC-REQ-41.1. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — directly serves the user's access to information and ability to navigate services. **BURDEN**

DESCRIPTION: No transaction cost burden identified. This is a core service obligation whose administrative costs are proportionate to its user-protection purpose. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: § 41 — REQ-14 (PROC-REQ-41.2) **PROVISION TEXT:** Nav-kontoret har plikt til å nedtegne muntlige søknader; søknader skal aldri avslås muntlig **SOURCE INSTRUMENT:** Circular R-35, § 41, avsnitt 5.41.2.2 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — recording supported by fvl. § 17; verbal rejection prohibited by fvl. § 27. Finding: Process Inflation Findings, PROC-REQ-41.2. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — the recording element maps to [P] at low volumes. PARTIAL flag for the same structural reasons as REQ-01. **PURPOSE:** MIXED — no verbal rejection: USER NEED (prevents informal exclusion from the formal process); record oral applications: MIXED (user-protective in substance; generates administrative records for internal tracking). **BURDEN DESCRIPTION:** Recording element imposes case registration overhead. The prohibition element imposes no administrative burden. The combined requirement is proportionate and circular authority is present. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** Documentation Inflation (mild, recording element only)

REQUIREMENT ID: § 41 — REQ-15 (PROC-REQ-41.3) **PROVISION TEXT:** Nav-kontoret skal sikre at saken er så godt opplyst som mulig før det treffes en avgjørelse **SOURCE INSTRUMENT:** Circular R-35, § 41, avsnitt 5.41.2.3 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — direct quotation of fvl. § 17 investigation duty. Finding: Process Inflation Findings, PROC-REQ-41.3. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO **PURPOSE:** USER NEED — directly serves the correctness and quality of the user's case assessment. **BURDEN DESCRIPTION:** No transaction cost burden identified. The investigation duty is a core procedural legal obligation whose administrative costs are proportionate to its purpose. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: § 41 — REQ-16 (PROC-REQ-41.4) **PROVISION TEXT:** Den individuelle vurderingen skal foretas konkret i hver sak ut fra tjenestemottakers behov på søknadstidspunktet, tjenesten det er søkt om og formålene i loven **SOURCE INSTRUMENT:** Circular R-35, § 41, avsnitt 5.41.2.4 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — § 41 does not explicitly provide the individuality requirement; it derives primarily from § 1 of sosialtjenesteloven and the material structure of the Act. Finding: Process Inflation Findings, PROC-REQ-41.4. **DOUBLE AUTHORITY GAP:** NO (circular authority present) **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — the Anchor Document identifies [K] as a mechanism: individual assessment competence may erode in offices with very low caseloads, where caseworkers default to standardized decisions. PARTIAL flag. **PURPOSE:** USER NEED — individual assessment directly serves the user's right to have their specific situation evaluated rather than processed through a

template. **BURDEN DESCRIPTION:** No transaction cost burden identified. Individual assessment is a substantive case quality requirement whose administrative costs are proportionate to its user-protection purpose. **KILL LIST CLASSIFICATION:** No Kill List Action — the requirement is instrumentally sound and its circular authority is present. The PARTIAL statutory grounding (via § 1) does not undermine its appropriateness under § 41's procedural framework. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: § 41 — REQ-17 (PROC-REQ-41.5) **PROVISION TEXT:** Hjemmebesøk skal aldri foretas uten tjenestemottakers samtykke; Nav-kontoret kan ikke pålegge tjenestemottaker å undertegne en samtykkeerklæring **SOURCE INSTRUMENT:** Circular R-35, § 41, avsnitt 5.41.2.3 and 5.41.2.5 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — the absolute prohibitions spring from constitutional and human rights principles rather than § 41 or fvl. explicitly. Finding: Process Inflation Findings, PROC-REQ-41.5. **DOUBLE AUTHORITY GAP:** NO (circular authority present). Note: the constitutional/human rights grounding actually provides stronger normative backing than the Social Services Act alone could provide. **CATEGORY ERROR:** NO **SCALE FLAG:** NO — these are protective prohibitions on investigative methods, not capacity-requiring procedures. **PURPOSE:** USER NEED — both prohibitions directly protect the user's privacy, autonomy, and legal security. The home visit prohibition protects spatial privacy; the anti-coercion rule protects decisional autonomy. **BURDEN DESCRIPTION:** No transaction cost burden identified. These are protective constraints on NAV's investigative powers. Any administrative effect is the necessary consequence of respecting user rights. **KILL LIST CLASSIFICATION:** Category C — Clarification. The "absolute" character of these prohibitions is presented without reference to the underlying constitutional basis (EMK Art. 8, Grunnloven § 102). Making the constitutional and human rights grounding explicit would strengthen the provisions' clarity and alert caseworkers to the non-derogable nature of these protections, reducing any ambiguity about whether exceptional circumstances could override them. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: § 41 — REQ-18 (PROC-REQ-41.6) **PROVISION TEXT:** Nav-kontoret må sørge for at fremmedspråklige forstår den informasjonen som gis; de som trenger det har krav på bruk av tolk; tjenestemottakers barn skal aldri brukes i stedet for tolk **SOURCE INSTRUMENT:** Circular R-35, § 41, avsnitt 5.41.2.4 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** PARTIAL — the interpreter right and prohibition on child interpreters lack explicit basis in § 41 alone, resting on the Interpreter Act (tolksloven) and legal policy. Finding: Process Inflation Findings, PROC-REQ-41.6. **DOUBLE AUTHORITY GAP:** NO (circular authority present) **CATEGORY ERROR:** NO **SCALE FLAG:** NO — interpreter services are externally procured and do not presuppose internal organizational capacity. **PURPOSE:** USER NEED — directly serves the user's ability to understand proceedings and participate effectively in their own case. The prohibition on child interpreters protects both user and child. **BURDEN DESCRIPTION:** No transaction cost burden identified. The obligation to procure interpreters is a service access requirement whose costs are proportionate to its user-protection purpose. **KILL LIST CLASSIFICATION:** Category C — Clarification. The legal basis for interpreter rights (tolksloven) is not referenced in the

circular, creating a potential gap in caseworkers' understanding of the precise statutory foundation. Clarifying that the interpreter right rests on tolksloven — not merely on § 41's circular — would strengthen the provision's legal anchoring and help caseworkers understand that this is a statutory user right, not a circular-level guidance preference. **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: § 41 — REQ-19 (PROC-REQ-41.7) **PROVISION TEXT:** Vedtaket som fattes skal begrunnes skriftlig og inneholde tre elementer (procedural formulation — substantively duplicates REQ-03 and REQ-04) **SOURCE INSTRUMENT:** Circular R-35, § 41, avsnitt 5.41.2.4 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — through § 41's incorporation of fvl. §§ 24–25. Finding: Process Inflation Findings, PROC-REQ-41.7. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** PARTIAL — same mild scale observation as REQ-03/REQ-04; justification quality may erode at very low volumes. **PURPOSE:** MIXED — primary: USER NEED (comprehension and appeal rights); secondary: INTERNAL CONTROL (written record enables administrative review). The primary element dominates. **BURDEN DESCRIPTION:** This requirement substantially duplicates REQ-03 and REQ-04. The duplication represents mild Procedural Duplication within the circular's own architecture — a structural documentation inflation internal to the normative instrument itself, not attributable to sub-legal sources. No transaction cost burden beyond what the legal justification obligation requires. **KILL LIST CLASSIFICATION:** No Kill List Action — the requirement is legally grounded and circular authority is present. The internal duplication is a circular drafting issue rather than a normative authority problem. **TRANSACTION COST CATEGORY:** Procedural Duplication (mild, internal to circular)

REQUIREMENT ID: § 41 — REQ-20 (PROC-REQ-41.8) **PROVISION TEXT:** Tjenestemottaker skal ha varsel om mulig utestenging og anledning til å uttale seg før endelig beslutning tas **SOURCE INSTRUMENT:** Circular R-35, § 41, avsnitt 5.41.2.9 **CIRCULAR AUTHORITY:** PRESENT **LEGAL AUTHORITY:** YES — anchored in advance notice requirements of fvl. § 16. Finding: Process Inflation Findings, PROC-REQ-41.8. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO — exclusion decisions are sufficiently rare and situationally specific that they do not presuppose elevated organizational capacity. **PURPOSE:** USER NEED — advance notice and right to be heard directly protect the user's due process rights before a significant adverse decision. **BURDEN DESCRIPTION:** No transaction cost burden identified. The procedural steps required (notice and hearing opportunity) are proportionate to the severity of the exclusion decision. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: § 41 — REQ-21 (PROC-REQ-41.9) **PROVISION TEXT:** Rett til kvalifiseringsprogram skal vurderes før det stilles vilkår om aktivitet **SOURCE INSTRUMENT:** Kommunebrev **CIRCULAR AUTHORITY:** ABSENT — the sequencing requirement derives from a Kommunebrev and has no textual presence in the § 41 circular.

First-order authority gap. **LEGAL AUTHORITY:** NO in relation to § 41. Section 41 cannot serve as a legal basis for a material sequencing rule between two different benefit regimes. Proper authority requires §§ 20 and 29–39. Finding: Process Inflation Findings, PROC-REQ-41.9. **DOUBLE AUTHORITY GAP:** YES — circular authority ABSENT + statutory authority NO under § 41. **CATEGORY ERROR:** YES — this requirement belongs to the KVP provisions (§§ 29–39) and vilkår provisions (§ 20) of sosialtjenesteloven, not to § 41's framework for the application of administrative procedural law. Its administration under § 41 is a structural domain error. **SCALE FLAG:** YES — maps to [K] (Competence Sustainability) and [S] (Specialization). The sequencing rule presupposes caseworkers maintain operational competence in both KVP eligibility criteria and vilkår provisions simultaneously — a dual-regime competence requirement that the Anchor Document identifies as volume-sensitive. Because circular authority is ABSENT and the requirement belongs to a different legal domain, any scale burden imposed is without regulatory foundation under § 41. **PURPOSE:** MIXED — primary: USER NEED (sequencing protects the user's right to the more favorable benefit regime); secondary: INTERNAL CONTROL (creates a traceable compliance record of sequencing). In relation to § 41's subject matter (procedural law application), this requirement functions primarily as a compliance checkpoint with no anchor in § 41's domain. **BURDEN DESCRIPTION:** Caseworker must conduct and document a KVP eligibility assessment before proceeding to set activity conditions — requiring operational knowledge of two distinct statutory regimes (§§ 29–39 and § 20) simultaneously. **Because circular authority is ABSENT and the requirement belongs to different statutory provisions, caseworkers must comply with a multi-regime sequencing obligation that the § 41 circular provides no framework for. The transaction cost falls entirely outside the § 41 normative structure.** Any scale burden imposed — the [K] demand of maintaining dual-regime competence — is structurally disproportionate and without regulatory foundation under § 41. **KILL LIST CLASSIFICATION:** Category A — Removal from the § 41 normative framework. The requirement derives from a Kommunebrev with no authority under § 41 and no proper statutory home in § 41's subject matter. It should be administered exclusively under §§ 20 and 29–39 and their associated normative instruments. Removal from the § 41 framework does not eliminate the substantive user-protective sequencing principle; it routes it to its correct legal home. **TRANSACTION COST CATEGORY:** Structural Disproportionality; Documentation Inflation (compliance record of sequencing); Combined Burden

---

REQUIREMENT ID: § 41 — REQ-22 (PROC-REQ-41.10) **PROVISION TEXT:** Hvis henvendelsen gjelder hjelp i en nødsituasjon, må søknaden vurderes raskt, helst samme dag **SOURCE INSTRUMENT:** Veileder om økonomisk stønad etter sosialtjenesteloven (guidance document) **CIRCULAR AUTHORITY:** ABSENT — the same-day processing standard has no textual presence in the § 41 circular. First-order authority gap. **LEGAL AUTHORITY:** PARTIAL — "helst samme dag" is stricter than fvl.'s baseline of "without undue delay"; emergency processing is primarily governed by § 27. Finding: Process Inflation Findings, PROC-REQ-41.10. **DOUBLE AUTHORITY GAP:** YES — circular authority ABSENT + statutory authority PARTIAL (the "helst samme dag" standard exceeds what § 41 or fvl. requires). **CATEGORY ERROR:** NO **SCALE FLAG:** YES — maps to [P]. Same-day emergency processing requires immediate assessment capability and on-duty decision authority that small offices with part-time or shared staffing cannot guarantee structurally.

Because circular authority is ABSENT, the heightened processing speed standard operates without regulatory foundation under § 41. **PURPOSE:** USER NEED — the emergency processing standard primarily serves the user's urgent need. However, the formulation "helst samme dag" imposes a specific speed standard that exceeds the statutory baseline and creates structural capacity demands on the office beyond what the user's legal entitlement requires. The user-need element is primary; the excess over the statutory baseline is an administrative capacity imposition. **BURDEN DESCRIPTION:** NAV must maintain the capacity to assess and begin processing emergency applications on the same day of receipt. For small offices with limited staffing, this requires either permanent on-duty coverage or a reliable on-call mechanism — an organizational capacity requirement that exceeds what the § 41 circular establishes. **Because circular authority is ABSENT, the enhanced processing standard is imposed without any regulatory framework. Caseworkers must meet a faster-than-statutory speed requirement whose sole normative source is a veileder operating outside § 41's authority. KILL LIST CLASSIFICATION:** Category B — Status Change. The aspiration for same-day emergency processing is appropriate and user-protective. However, "helst samme dag" expressed in a veileder without circular authority creates an implied standard that may be read as quasi-mandatory. Reformulating to clearly permissive language ("in emergency situations, the application should be assessed as quickly as possible; same-day assessment is the aim") would preserve the user-protective principle while restoring local discretion about capacity management for emergency situations, and removing the appearance of a strict speed requirement unsupported by § 41. **TRANSACTION COST CATEGORY:** Structural Disproportionality

---

REQUIREMENT ID: § 41 — REQ-23 (PROC-REQ-41.11) **PROVISION TEXT:** NAV-kontoret må være aktive i kartleggingsprosessen slik at man får avdekket hva brukeren har behov for **SOURCE INSTRUMENT:** Veileder om økonomisk stønad etter sosialtjenesteloven (guidance document) **CIRCULAR AUTHORITY:** PARTIALLY PRESENT — the investigation duty in 5.41.2.3 provides normative support for active inquiry; the veileder elaboration operationalizes an existing circular norm. **LEGAL AUTHORITY:** YES — legitimate operationalization of fvl. § 17 investigation duty. Finding: Process Inflation Findings, PROC-REQ-41.11. **DOUBLE AUTHORITY GAP:** NO **CATEGORY ERROR:** NO **SCALE FLAG:** NO — active participation in the mapping process does not presuppose organizational infrastructure beyond the individual caseworker level. **PURPOSE:** USER NEED — directly serves the quality and completeness of the user's needs assessment. No transaction cost burden identified. **BURDEN DESCRIPTION:** No transaction cost burden identified. Active engagement in needs-mapping is a casework quality standard whose costs are proportionate to its purpose. **KILL LIST CLASSIFICATION:** No Kill List Action **TRANSACTION COST CATEGORY:** No Transaction Cost Identified

---

REQUIREMENT ID: § 41 — REQ-24 (PROC-REQ-41.12) **PROVISION TEXT:** Vedtak om innvilgelse skal inneholde tidspunkt for oppstart av tjenesten, i form av konkret timeavtale eller frist for første samtale **SOURCE INSTRUMENT:** Veileder til sosialtjenesteloven § 17 (guidance document) **CIRCULAR AUTHORITY:** ABSENT — the start-time specification has

no textual presence in the § 41 circular. First-order authority gap. **LEGAL AUTHORITY:** PARTIAL — the demand for a specific time designation is more detailed than fvl. §§ 24–25 require; this relates to § 17 service delivery specifications, not § 41's procedural framework. Finding: Process Inflation Findings, PROC-REQ-41.12. **DOUBLE AUTHORITY GAP:** YES — circular authority ABSENT + statutory authority PARTIAL. **CATEGORY ERROR:** NO — but note that the requirement derives from a § 17 veileder rather than the § 41 framework; its application under § 41 creates a domain drift that, while not a full category error, represents normative framework misalignment. **SCALE FLAG:** YES — maps to [D] and [P]. The Anchor Document identifies start-date formalization as the single most frequently sanctioned element in the dataset, confirmed in Midtre Gauldal, Indre Fosen, Skaun, Verdal, Sogndal, and Årdal. The requirement creates a scheduling-decision interface that presupposes back-office integration that small offices structurally lack. Because circular authority is ABSENT, the scale burden is without regulatory foundation under § 41. **PURPOSE:** MIXED — primary: INTERNAL CONTROL (the specific scheduling detail in the decision text primarily serves administrative tracking and compliance monitoring, enabling supervisory verification of service commencement timing); secondary: USER NEED (the user benefits from knowing when service begins). The specificity demanded — a "konkret timeavtale" or "frist" within the decision document — exceeds what user understanding requires and primarily serves the administrative record. **BURDEN DESCRIPTION:** Caseworker drafting an approval decision must coordinate with service delivery systems to obtain a specific appointment time or firm deadline before finalizing the decision — creating a dependency between the administrative decision-making process and operational scheduling. This imposes back-office integration overhead. **Because circular authority is ABSENT, the scheduling overhead falls entirely outside the normative framework. Caseworkers must satisfy a scheduling-documentation requirement whose sole source (a § 17 veileder) has no authority under § 41.** The Anchor Document confirms this as the single most frequently sanctioned documentation element in the empirical record — a finding that, in the absence of circular authority, represents a structurally disproportionate compliance burden. **KILL LIST CLASSIFICATION:** Category B — Status Change. The requirement uses imperative language ("skal inneholde") in a veileder without circular authority under § 41. The principle that users should know when to expect service commencement is legitimate, but the mandatory specification of a concrete appointment or firm deadline within the decision document creates administrative rigidity that exceeds what the statute requires and imposes scheduling overhead that small offices cannot structurally absorb. Reformulating to permissive language — "the decision should, where practicable, include information about when the service is expected to begin" — would preserve the user-informing principle while restoring local discretion about how service commencement is communicated, and removing the de facto sanctionable standard that the circular never established. **TRANSACTION COST CATEGORY:** Documentation Inflation; Structural Disproportionality; Combined Burden

---

CLOSING COMPARATIVE NOTE

Total requirements identified starting from the Process Inflation Findings: 24

Requirements that would have been visible starting from the circular paragraph alone: approximately 14–15. The remaining 9 requirements have no textual presence in the § 41 circular and would be entirely invisible to an analyst working from the circular alone.

Double authority gaps identified: 9 requirements (REQ-07, REQ-08, REQ-09, REQ-10, REQ-11, REQ-12, REQ-21, REQ-22, REQ-24). These are requirements that have neither circular authority under § 41 nor direct statutory authority in sosialtjenesteloven through § 41, yet impose binding or quasi-binding compliance obligations on caseworkers and NAV leaders.

Category errors identified: 2 requirements. REQ-09 (DOC-REQ-41.9) derives from archival law (arkivloven) and has been misrouted into the social services normative framework. REQ-21 (PROC-REQ-41.9) derives from the KVP and vilkår provisions (§§ 20, 29–39) and has been misattributed to § 41's procedural framework. Both require removal from the § 41 normative framework and administration through their correct legal instruments.

Kill List breakdown:

Category	Count	Requirements
Category A — Removal	4	REQ-07, REQ-08, REQ-09, REQ-21
Category B — Status Change	5	REQ-10, REQ-11, REQ-12, REQ-22, REQ-24
Category C — Clarification	5	REQ-02, REQ-05, REQ-06, REQ-17, REQ-18
No Kill List Action	10	REQ-01, REQ-03, REQ-04, REQ-13, REQ-14, REQ-15, REQ-16, REQ-19, REQ-20, REQ-23

Primary transaction cost categories by frequency:

Category	Frequency
Documentation Inflation	10 requirements (REQ-01, REQ-02, REQ-06, REQ-07, REQ-08, REQ-10, REQ-11, REQ-12, REQ-21, REQ-24)
Procedural Duplication	5 requirements (REQ-09, REQ-10, REQ-11, REQ-14, REQ-19)
Structural Disproportionality	4 requirements (REQ-08, REQ-21, REQ-22, REQ-24)
Combined Burden	4 requirements (REQ-09, REQ-12, REQ-21, REQ-24)
Reporting Overhead	2 requirements (REQ-08, REQ-09)

No Transaction Cost Identified	10 requirements (REQ-03, REQ-04, REQ-05, REQ-13, REQ-15, REQ-16, REQ-17, REQ-18, REQ-20, REQ-23)

Synthesis observation:

The § 41 analysis reveals a normative infrastructure in which the circular paragraph itself is procedurally sound — the 14–15 requirements visible from the circular are largely well-grounded and serve demonstrable user-protection purposes. The analytical problem is concentrated in the sub-legal veileder layer, which adds 9 invisible requirements that collectively introduce documentation format prescriptions (REQ-10, REQ-11), end-of-case administrative procedures (REQ-12), child welfare audit obligations without constitutional anchoring under § 41 (REQ-07, REQ-08), inter-agency archiving obligations that belong to archival law (REQ-09), emergency speed standards that exceed the statutory baseline (REQ-22), and service scheduling specifications that the circular never established (REQ-24). The Kommunebrev requirement (REQ-21) introduces a benefit sequencing rule that belongs to an entirely different statutory domain.

The pattern is structurally consistent with the Anchor Document's central finding about the [D] mechanism: caseworkers are complying with documentation and procedural obligations whose normative source — multiple veileders and one Kommunebrev — sits entirely outside the primary normative instrument governing their daily work. Nine of the most burdensome process obligations they face are, from the perspective of the § 41 circular, invisible. This invisibility is not incidental: it reflects systematic normative layering in which sub-legal instruments have accumulated procedural content that the circular neither authorizes nor constrains. The four Category A candidates warrant repeal from the § 41 normative framework; the five Category B candidates warrant reformulation to permissive language; and the five Category C candidates warrant explicit clarification of the room for maneuver — all without any change to the well-grounded requirements that the circular itself establishes with full legal authority.