



ADMINISTRATIVE RULES OF MONTANA



24.40.1111 FINANCIAL HARDSHIP WAIVER OF OVERPAYMENT RECOVERY

- (1) In addition to the requirements for waiver in ARM 24.40.1109, a claimant may request the department waive recovery of the benefit overpayment based on the claimant's long-term financial hardship. The claimant may make the request using the online portal, or by calling the department to request a paper form.
- (2) The claimant shall provide documentation of monthly household income, assets, and expenses as requested by the department. The department may request additional documentation or verification of any amounts or documents provided. The department may also disallow or adjust any claimed expenses that the department deems unreasonable.
- (3) The department shall determine recovery of the benefit overpayment will cause a claimant long-term financial hardship when:
 - (a) the sum of the claimant's average monthly household cash flow and the net value of the claimant's household assets equals an amount less than the identified amount of the benefit overpayment; and
 - (b) no evidence demonstrates that the sum of claimant's average household monthly cash flow and net value of the claimant's household assets are likely to exceed the amount of the benefit overpayment within 12 months of the date of the claimant's request for waiver.
- (4) If a claimant's request for waiver is denied, a claimant may submit a new request for waiver if the claimant's financial situation has significantly changed since the prior request was denied.

Authorizing statute(s): 39-51-301, 39-51-302, MCA

Implementing statute(s): 39-51-3206, MCA

History: NEW, 2024 MAR p. 1458, Eff. 7/1/24.