



ADMINISTRATIVE RULES OF MONTANA



24.16.7551 PENALTY WHEN PAYMENTS ARE MADE PRIOR TO DETERMINATIONS AND SUBSEQUENT TO DETERMINATIONS

- (1) In cases where the wages claimed are paid by the employer either before or after receipt of the initial letter commencing the claim and prior to the issuance of a determination, no penalty will be imposed unless any of the special circumstances described in ARM 24.16.7556 apply.
- (2) In cases where payment made either before or after receipt of the first letter does not resolve the claim and a determination is made finding that additional wages are due, a penalty will be calculated only on the balance determined still due to the employee, unless any of the special circumstances described in ARM 24.16.7556 apply.
- (3) Money paid pursuant to a determination or redetermination will not be disbursed prior to the running of appeal periods unless the department is notified in writing that payment resolves the claim.
- (4) Money paid pursuant to a determination but paid under protest or in other than free and clear manner will be deposited in the department trust account pending disposition. Payments made in this manner may be subject to the full penalty allowed in 39-3-206, MCA.

Authorizing statute(s): 39-3-202, 39-3-403, MCA

Implementing statute(s): 39-3-206, MCA

History: NEW, 1994 MAR p. 1152, Eff. 5/1/94; AMD, 2024 MAR p. 474, Eff. 3/9/24.