



ADMINISTRATIVE RULES OF MONTANA



24.40.1107 NOTICE OF BENEFIT OVERPAYMENT

- (1) If any decision results in a benefit overpayment, the department shall provide the claimant with separate notice of the amount of benefit overpayment.
- (2) When the department determines a benefit overpayment occurred pursuant to a determination of fraud under ARM 24.40.1101, the department shall add a penalty to the benefit overpayment.
- (3) The separate benefit overpayment notice may be appealed only to challenge the accuracy of the amount of the benefit overpayment.
- (4) Any benefit overpayment must be repaid to the department, regardless of the cause of the benefit overpayment, unless the department waives recovery of the benefit overpayment under ARM 24.40.1109 or 24.40.1111.
- (5) A benefit overpayment created when an interested party exercises their right to appeal a department determination or decision pursuant to these rules and Title 39, chapter 51, MCA, is a normal part of claim administration and is not eligible for a waiver.

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.