



ADMINISTRATIVE RULES OF MONTANA



24.40.1103 CALCULATION OF ADMINISTRATIVE PENALTY

- (1) The number of weeks of disqualification imposed pursuant to a determination of fraud under ARM 24.40.1101, is determined as follows:
 - (a) for each week the department determined a claimant made a false statement or representation or failed to disclose a material fact not involving a separation from employment, two weeks of disqualification are imposed;
 - (b) for each week the department determined a claimant made a false statement or representation or failed to disclose a material fact, involving a separation from employment, six weeks of disqualification are imposed;
 - (c) an additional eight weeks of disqualification are imposed for each determination or decision, dated within three years of the date of the department's determination under (a) or (b), that imposed a disqualification for any number of weeks; and
 - (d) any weeks of disqualification imposed as provided in (a) and/or (b) must be imposed for each determination and served consecutively, not concurrently.
- (2) A week is counted as a week of disqualification only if:
 - (a) the claimant has filed a weekly payment request for the week;
 - (b) the claimant is otherwise eligible for and qualified to receive benefits for the week;
 - (c) the week has not been used to satisfy the waiting week requirement; and
 - (d) the maximum benefit amount for the benefit year in which the week begins has not been exhausted.

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

Implementing statute(s): 39-51-3201, MCA

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