



ADMINISTRATIVE RULES OF MONTANA



24.40.831 DETERMINATIONS OF BENEFIT ELIGIBILITY AND QUALIFICATION

- (1) In addition to the determination issued under ARM 24.40.809, the department shall adjudicate each issue affecting a claimant's eligibility and qualification for benefits. Issues subject to adjudication include initial eligibility issues and any issues that arise during the period of benefit payments. The department shall issue a written decision for each individual issue affecting the claimant's benefits.
- (2) When the department identifies an issue that requires adjudication, including when the information provided by the claimant and employer differs substantially regarding claimant's eligibility for benefits, the department shall investigate and adjudicate the claim as follows:
 - (a) The department shall promptly request information from the claimant, the employer, and any other sources of relevant information within eight days pursuant to ARM 24.40.105.
 - (b) The department shall allow the claimant to review and respond to the information obtained by the department and to submit any rebuttal evidence.
 - (c) If the claimant fails to provide the requested information within the time period designated by the department, the department may make an adverse ruling against the claimant, including a determination that the claimant is unavailable for work as provided in 39-51-2104, MCA.
 - (d) If the employer fails to provide information within the time period, the employer may be subject to ARM 24.40.111.
- (3) If a claimant is determined ineligible or disqualified for benefits due to an act or circumstance that occurred prior to the effective date of an initial, additional, or reopened claim, the claimant is deemed ineligible or disqualified for benefits as of the date of the act or circumstances that caused the ineligibility or disqualification.
- (4) If a claimant is determined to have failed the requirements of benefit eligibility due to an act or circumstance that occurred during the benefit period of a prior or current claim, the claimant is deemed ineligible or disqualified for benefits as of the Sunday of the week the act or circumstance resulting in ineligibility or disqualification occurred.
- (5) A claimant who is determined to be ineligible or disqualified for benefits may be required to pay back any benefits received after the date the claimant was determined to be ineligible or disqualified for benefits.
- (6) The department shall provide written notice of a determination to all interested parties.

- (7) An interested party who disagrees with a department determination on any issue may request redetermination under ARM 24.40.833, or request a hearing under ARM 24.40.201.

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

Implementing statute(s): 39-51-605, 39-51-2301, 39-51-2302, 39-51-2303, 39-51-2304, 39-51-2402, 39-51-2507, 39-51-2508, 39-51-2511, 39-51-2602, 39-51-3201, 39-51-3202, 39-51-3206, MCA

History: NEW, 2024 MAR p. 1458, Eff. 7/1/24; AMD, 2025 MAR, Notice No. 2025-29, Eff. 7/1/25.