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**IDAPA 09
TITLE 01
Chapter 04**

09.01.04 - RULES OF THE BENEFIT PAYMENT CONTROL UNIT

000. -- 004. (RESERVED).

005. GENERAL PROVISIONS

The Rules located in 09.01.30.145 and Rule 09.01.30.491 are applicable to this Bureau's Rules. (7-1-93)

006. DEFINITIONS

Definitions for these Rules are included in Rule 09.30.011 of Benefit Programs. (7-1-93)

007. PREVENTION

The public, upon applying for Unemployment Insurance benefits, shall be provided informational pamphlets and brochures and/or have explained to them their rights and responsibilities when filing a claim for Unemployment Insurance benefits. Ref. Sec. 72-1366(j) Idaho Code (4-1-79)

01. Awareness. Employers and claimants alike shall be made aware of the penalties for the making of a false statement or the failing to disclose a material fact with respect to the filing of Unemployment Insurance benefit claims. Ref. Sec. 72-1371 Idaho Code. (4-1-79)

02. Media. The public shall be informed periodically through the news media of the consequences resulting from the filing of fraudulent Unemployment Insurance benefits claims. Ref. Sec. 72-1371(a) Idaho Code. (4-1-79)

008. -- 009. (RESERVED).

010. MATERIALITY, FRAUD DETERMINATIONS.

For purposes of Idaho Code Section 72-1366(l), a fact is material if it is relevant to a determination of a claimant's right to benefits. To be considered material, the fact need not actually affect the outcome of an eligibility determination. Ref. Sec. 72-1366(l), Idaho Code. (11-1-90)

011. -- 020. (RESERVED).

021. DETECTION.

True and accurate employment records shall be maintained by each employer, and open to inspection by the Director or his authorized representative. Ref. Sec. 72-1337 Idaho Code. (4-1-79)

01. Records Inspection. Information regarding persons who are performing services or who have performed services for an employer along with the employment records of such persons shall, at the option of the Director or his authorized representative, be made available for inspection or to be copied. Ref. Sec. 72-1337 Idaho Code. (4-1-79)

02. Affirmations. The Director or his authorized representative shall have the power to administer oaths and affirmations, take depositions, and issue subpoenas to assure (1) appropriate witnesses attend hearings and (2) the necessary employment records are produced when needed as evidence. Ref. Sec. 72-1338 Idaho Code. (4-1-79)

03. Records. Employers' records for employees, including but not limited to separation, wage, time sheet information, shall be used to provide information when a separation issue is raised on a potential fraudulent and/or overpaid claim for benefits. Ref. Sec. 72-1371(b) Idaho Code. (4-1-79)

022. -- 029. (RESERVED).

030. AUDITS.

Claimants residing in Idaho shall be subject to cross-checks with other states' unemployment insurance benefit

programs to prevent fraudulent and/or dual receipt of benefits. Ref. Sec. 72-1371(a) Idaho Code. (4-1-79)

01. Cross-check Information. Claimants shall be informed that periodic cross-check will be made between wages reported by the claimant and reported by the employer. Ref. Sec. 72-1333 Idaho Code. (4-1-79)

02. Employer Audits. Employers not covered by the Idaho Code shall be periodically audited to locate claimants who are working and not properly reporting wages. Ref. Sec. 72-1333(b) Idaho Code (4-1-79)

031. -- 039. (RESERVED).

040. RECOVERIES.

An active collection effort shall be made prior to the initiation of a civil suit by the Department of Employment in order to recover Unemployment Insurance benefit overpayments. Ref.ec. 72-1369 Idaho Code. (4-1-79)

01. Overpayments Not Repaid. Overpayments not repaid shall at the option of the Director be collected by civil action. These collections shall not include interest on the money. Ref. Sec. 72-1369 Idaho Code. (4-1-79)

02. Recapture. Overpayments shall be deducted from any future benefits payable. Ref. Sec. 72-1369 Idaho Code. (4-1-79)

041. -- 049. (RESERVED).

050. WAIVER OF REPAYMENT.

A Determination of Waiver will be made upon written request of any interested party. A request for a Determination of Waiver must be made within fourteen (14) days of the date of mailing of the Determination of Overpayment or Revised Determination of Overpayment. If a party establishes by a preponderance of the evidence that notice of a Determination of Overpayment or Revised Determination of Overpayment was not delivered to the party's last known address within fourteen (14) days of mailing because of delay or error by the U.S. Postal Service, the period for filing a timely request for Determination of Waiver shall be deemed to have been fourteen (14) days from the date of actual notice. Ref. Sec. 72-1369(a)(4) Idaho Code. (7-1-86)

01. Waiver Determination. A Determination of Waiver shall become final unless, within fourteen (14) days after the date of mailing, a request for redetermination is filed with the Department of Employment. If a party establishes by a preponderance of the evidence that notice of a Determination of Waiver was not delivered to the party's last known address within fourteen (14) days of mailing because of delay or error by the U.S. Postal Service, the period for filing a timely request for redetermination shall be deemed to have been fourteen (14) days from the date of actual notice. Ref. Sec. 72-1369(a)(4), Idaho Code. (7-1-86)

02. Good Cause. At the discretion of the Director or the Administrator of the Unemployment Insurance Division, the Department may waive the fourteen-day (14) request period and make a determination on the waiver of repayment issue if the request for waiver of repayment is made within three (3) years from the date of the original Determination of Overpayment and if the party shows that good cause existed for his failure to request a determination of waiver within the fourteen-day (14) period. The determination of waiver of repayment shall be made in accordance with Idaho Code Section 72-1369(a)(4). (7-1-92)

051. WAIVER OF REPAYMENT FEDERAL SUPPLEMENTAL COMPENSATION (FSC).

A Determination of Waiver - Federal Supplemental Compensation will be made whenever a request for such is made within fourteen (14) days of the date of mailing of the Determination of Improper Payment - Federal Supplemental Compensation. The Determination of Waiver - Federal Supplemental Compensation shall become final unless, within fourteen (14) days after the date of mailing, a written appeal stating the basis for appeal is filed with the Department of Employment. (7-1-86)

052. -- 999. (RESERVED).