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**IDAPA 09
TITLE 01
CHAPTER 04**

09.01.04 - RULES OF THE BENEFIT PAYMENT CONTROL BUREAU

000. LEGAL AUTHORITY.

These rules are promulgated under the legal authority of Section 72-1333(2), Idaho Code. (3-19-99)

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 09.01.04, "Rules of the Benefit Payment Control Bureau". With respect to the Department's administration of the Unemployment Insurance Program, these rules address fraud prevention measures, collection of overpayments, and waivers of overpayments. (3-19-99)

002. WRITTEN INTERPRETATIONS.

Explanations for rule changes are available for public inspection at the Idaho Department of Commerce and Labor, 317 Main Street, Boise, Idaho, 83735. Brochures explaining various provisions of Idaho's Employment Security Law are also available at the above address. (3-19-99)

003. ADMINISTRATIVE APPEALS.

Appeals shall be governed by the provisions of Section 72-1368, Idaho Code, and IDAPA 09.01.06, "Rules of the Appeals Bureau". (3-19-99)

004. -- 009. (RESERVED).

010. MATERIALITY, FRAUD DETERMINATIONS.

For purposes of Idaho Code Section 72-1366(12), 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, Idaho Code. (3-19-99)

011. -- 039. (RESERVED).

040. RECOVERIES.

Overpayments shall be deducted from any future benefits payable. Ref. Sec. 72-1369, Idaho Code. (3-19-99)

041. -- 049. (RESERVED).

050. WAIVER OF REPAYMENT.

A Determination of Waiver will be made upon the written request of any interested party; except that an appeals examiner or the Industrial Commission may consider the issue of waiver of repayment on their own motion. 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, Idaho Code. (3-19-99)

01. Waiver Determination. A Determination of Waiver shall become final unless, within fourteen (14) days after the date of mailing, an appeal is filed with the Department of Commerce and Labor. 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 an appeal shall be deemed to have been fourteen (14) days from the date of actual notice. Ref. Sec. 72-1369, Idaho Code. (3-19-99)

051. -- 999. (RESERVED).

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