



Laura Fix, Chairperson
Ruthanne Hansen, Member
Chris Gallus, Member

Board Meeting Agenda, Wednesday December 7, 2022

Important Note: Due to the safety measures adopted by the Department of Labor & Industry in response to the COVID-19 pandemic, these reviews will be held remotely/via teleconference only.

Join Zoom Meeting by telephone

<https://us06web.zoom.us/j/88388643290?pwd=aEc3MnU2OHdkcXBqTUFoeUJTbndpQT09>
Meeting ID: 883 8864 3290
Passcode: 9jWqH5
One tap mobile
+16699006833,,88388643290#,,, *843054# US (San Jose)
+17193594580,,88388643290#,,, *843054# US

Dial by your location

+1 669 900 6833 US (San Jose)
+1 719 359 4580 US
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 408 638 0968 US (San Jose)
+1 669 444 9171 US
+1 646 876 9923 US (New York)
+1 646 931 3860 US
+1 301 715 8592 US (Washington DC)
+1 309 205 3325 US
+1 312 626 6799 US (Chicago)
+1 360 209 5623 US
+1 386 347 5053 US
+1 564 217 2000 US
877 853 5257 US Toll-free
888 475 4499 US Toll-free
833 548 0276 US Toll-free
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Meeting ID: 883 8864 3290

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8:30 A.M.

Call to order-
Staff attorney's comments-
Public comments-
Approval of Minutes-

SCHEDULED REVIEWS

Between 8:30 A.M. to 9:00 A.M.

Case # 201-2023

ISSUE: Whether the department properly denied the claimant's request for waiver of overpayment restitution for benefits received as provided in *Montana Code Annotated* § 39-51-3206

Between 9:00 A.M. to 10:00 A.M.

Case # 2158-2021

ISSUE 1: Whether the appeal was timely filed or whether the appellant has good cause for untimely filing the appeal as provided in *Montana Code Annotated* § 39-51-2403. (218 days late to UIAB).

ISSUE 2: Whether the claimant is qualified to receive Pandemic Unemployment Assistance (PUA) benefits under Section 2102 of the CARES Act of 2020, Public Law 116-136.

Case # 229-2023

ISSUE 1: Whether the appeal was timely filed or whether the appellant has good cause to delay filing the appeal as provided in *Montana Code Annotated* § 39-51-2402(3). (362 days late to OAH).

ISSUE 2: Whether the claimant is ineligible to receive benefits during an approved leave of absence as provided in *Montana Code Annotated* § 39-51-2112.

Case # 275-2023

ISSUE: Whether the claimant is ineligible for benefits for failing to attend a mandatory re-employment and eligibility assessment as provided in *Montana Code Annotated* § 39-51-2104(3), Administrative Rules Montana 24.11.471.



Between 10:00 A.M. to 11:00 A.M.

Case # 274-2023

ISSUE: Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in *Montana Code Annotated* § 39-51-2302 (leaving work without good cause) or § 39-51-2303 (discharge for misconduct).

Case # 171-2022

ISSUE 1: Whether the appeal was timely filed or whether the appellant has good cause for untimely filing the appeal as provided in *Montana Code Annotated* § 39-51-2403. (393 days late to UIAB).

ISSUE 2: Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in *Montana Code Annotated* § 39-51-2302 (leaving work without good cause) or § 39-51-2303 (discharge for misconduct).

Case # 205-2023

ISSUE 1: Whether the appeal was timely filed or whether the appellant has good cause for untimely filing the appeal as provided in *Montana Code Annotated* § 39-51-2403. (22 days late to UIAB).

ISSUE 2: Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in *Montana Code Annotated* § 39-51-2302 (leaving work without good cause) or § 39-51-2303 (discharge for misconduct).

Between 11:00 A.M. to 12:00 P.M.

Case # 298-2023

ISSUE 1: Whether the appeal was timely filed or whether the appellant has good cause to delay filing the appeal as provided in *Montana Code Annotated* § 39-51-2402(3). (5 days late to OAH).

ISSUE 2: Whether the claimant should be disqualified from receiving benefits because the claimant was discharged for gross misconduct, as provided in *Montana Code Annotated* §§ 39-51-2303(2) and 39-51-201(13).

ISSUE 3: Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in *Montana Code Annotated* § 39-51-2302 (leaving work without good cause) or § 39-51-2303 (discharge for misconduct).

Case # 251-2023

ISSUE: Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in *Montana Code Annotated* § 39-51-2302 (leaving work without good cause) or § 39-51-2303 (discharge for misconduct).



Case # 225-2023

ISSUE 1: Whether good cause exists for the UIAB to accept new evidence, under Administrative Rules Montana 24.7.312(2).

ISSUE 2: Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in *Montana Code Annotated* § 39-51-2302 (leaving work without good cause) or § 39-51-2303 (discharge for misconduct).