



Laura Fix, Chairperson
Vicki Caissey, Member
Derek Oestreicher, Member

Board Meeting Agenda ADDENDUM, Wednesday May 6, 2026

Important Notes: This Addendum is to provide greater detail to the public about the Board Discussion item scheduled for 8:15 AM (see below). For the remainder of the agenda items, see the regularly posted Agenda on the Board's website ([Unemployment Insurance Appeals Board](#)) for the proceeding occurring on May 6, 2026.

The Board has discretion to conduct its review in person or remotely pursuant to Admin. R. Mont. 24.7.305(2) and has chosen to hold these reviews remotely/via teleconference only.

This meeting is being recorded. Pursuant to Mont. Code Ann. 2-3-212(1), this is the official audio recording of the Unemployment Insurance Appeal Board Meeting for May 6, 2026 and is the official record of the meeting. As Administrative Assistant to the Board, I keep the meeting minutes, which are open and available to the public by inspection.

Agenda Item

8:15 A.M. – Board Discussion regarding submission of written argument and statements.

Background Info:

Admin. R. Mont. 24.7.304(3) states: "An interested party may submit written argument for the board's consideration. The interested party must file the written argument with the board no later than five business days from the date of the scheduled review proceeding."

Admin. R. Mont. 24.7.306(1) states: "The board will consider, as it deems appropriate, such records or portions of those records which the department transmitted on appeal as required under 39-51-2404, MCA. The board will also consider interested parties' timely filed written arguments and any oral arguments of the parties which appear before the board at the time of the review proceeding."

Under Admin. R. Mont. 24.7.305(1), the Board must provide parties with written notice of the date, time, and place of board review at least ten days prior to the scheduled review. This notice includes a statement of issue(s) for Board consideration. Currently, the Board considers appeals of Office of Administrative Hearings' decisions twice a month. The rule requires the Board to consider (i.e. admit) timely filed written arguments. As admission of timely filed written arguments is a ministerial act (i.e. the Board lacks discretion as to timely filed written arguments), Administrative Assistant Tiffany Gilbert admits such arguments into the record without further Board direction. While 24.7.304(3) provides a deadline by which parties "must" file written argument with the Board, no consequence is provided in rule. The lack of clearly stated consequence provides the Board with discretion on whether to admit untimely filed written argument.

Board Action Required

Agency staff have requested the Board consider and decide how it will consistently address untimely filed written argument moving forward to provide guidance for staff ministerial work. There are three options for the Board's consideration:

1. The Board will admit all untimely filed written arguments into the record for Board consideration.
2. The Board will not admit any untimely filed written arguments into the record for Board consideration.
3. The Board will decide on a case-by-case basis whether to admit a party's untimely filed written argument.

If the Board selects either Option 1 or 2, it should make a motion to that effect and direct the Board Staff Attorney to draft a standing order reflecting the Board's decision and directing administrative staff to take any and all ministerial steps necessary to comply with the Board's decision (including, but not limited to: updating official information provided to the public and informing parties who file untimely written arguments as to the Board's decision).

If the Board selects Option 3, it should discuss and decide the factors it will consider each time the issue of untimely written argument comes before it and make a motion to that effect. These factors will then guide future Board members' actions and allow for consistent reasoning and decision-making. As the Board must provide parties with written notice of issues for Board consideration, notice must be given for whether the Board will admit the untimely filed written argument. If written notice of the issue cannot be provided at least ten days prior to the scheduled review, parties must either waive the requirement for ten days' notice, or the Board must reschedule its review proceedings for that case to allow for timely notice of all issues.

The decided course of action will remain in effect unless/until either the Board holds a new discussion and votes to change the former decision or adopts an administrative rule which would supersede the Board's decision.



The Board must allow an opportunity for the public to provide comment prior to any motion and vote.

**Recommendation of Board Staff Attorney Alea Sharp:
Option 2 Do not admit any untimely filed written arguments.**