

Date: October 23, 2012
Proposed by: Bureau of Benefits
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**DEPARTMENT PROPOSAL TO REVISE STATUTE FOR INELIGIBILITY IN
CASES WHERE THE CLAIMANT FAILS TO PROVIDE INFORMATION AS
DIRECTED**

1. Description of Proposed Change

Explanation of Issue:

The impact of section 108.04 (1)(hm) is inconsistent with the impact in sections 108.04 (1)(i) and 108.04 (2)(e). There is no logical explanation for this discrepancy. Additionally, the current language imposes no lasting consequence for the claimant's failure to provide the information in a timely manner to the department, if he or she provides the information at a later date.

As a result of this amendment a claimant who fails to provide the department with information will not be eligible to receive benefits for any week in which the claimant fails to comply with the request by the department to provide the information, or any subsequent week, until the claimant complies and satisfies the department that he or she had good cause for failure to comply with a request. If the claimant does not have good cause for the initial failure to provide the information, he or she is eligible as of the week in which the information is provided, if otherwise eligible.

2. Proposed Statutory Language

Amend 108.04(1)(hm) to read:

The department may require any claimant to appear before it and to answer truthfully, orally or in writing, any questions relating to the claimant's eligibility for benefits and/or to provide such demographic information as may be necessary to permit the department to conduct a statistically valid sample audit of compliance with this chapter. A claimant is not eligible to receive benefits for any week in which the claimant fails to comply with a request by the department to provide the information required under this paragraph, or any subsequent week, until the claimant complies or satisfies the department that he or she had good cause for failure to comply with a request of the department under this paragraph. If a claimant later complies with a request by the department ~~or~~ and satisfies the department that he or she had good cause for failure to comply with a request, the claimant is eligible to receive benefits as of the week in which the failure occurred, if the claimant later complies but does not have

good cause for the initial failure to provide the information, he or she is only eligible as of the week in which the information is provided, if otherwise qualified.

3. Proposer's Reason for the Change

Will create consequences for claimants who fail to provide requested information to the Department and create consistency within the program.

4. Effects of Proposed Change

- a. Policy. Similar to other areas within Chapter 108, will enable the Department to place consequences on claimants who do not provide requested information to the Department.
- b. Administrative Impact. There is likely to be a small administrative impact.
- c. Equitable. Claimants are asked this information and it is not inequitable to impose a consequence upon them, unless there is good cause, for the failure to provide the information.
- d. Fiscal. We expect there to be no measurable impact to the Trust Fund. As claimants understand that they need to fully complete the claim forms to receive their benefits they will complete the forms. Any impact to the Trust Fund would be small and transitory.

5. State and Federal Issues

- a. Chapter 108. Besides proposed amendments to s. 108.04(1)(hm), there is no additional need for amendments to Chapter 108.
- b. Rules. No administrative rules will need to be amended.
- c. Conformity. There are no conformity issues with this proposal.

6. Proposed Effective/Applicability Date

This proposal should be effective on the same date as the rest of the legislation.