ALABAMA DEPARTMENT OF WORKFORCE
ADMINISTRATIVE CODE

CHAPTER 480-4-4
INVESTIGATION AND COLLECTION

480-4-4-.04 Administrative Penalties.

(1) When it has been determined that within the preceding thirty-six calendar months the claimant fraudulently reported or failed to report wages earned during a week, or failed to disclose a material fact upon separation from employment from such claimant's most recent employer, with intent to obtain benefits, or failed to disclose a material fact concerning any claimant's ability to work, availability for work, or any other eligibility requirements with intent to obtain benefits, such claimant shall be subject to penalties authorized in Code of Ala. 1975, §25-4-145(a)(3) of the Code.

(2) Any penalties imposed by this rule shall be in addition to any other.

(3) Sources of information concerning the application of an administrative penalty shall include but not be limited to:

(a) Employer report of wages, with comparative analysis of same with concurrent benefit payments.

(b) Area claims centers obtaining late reports by claimant of deductible income items or potentially disqualifying circumstances.

(c) Tips and leads from other sources of a claimant being employed while claiming benefits or that such claimant did not otherwise meet the eligibility requirements.

(4) The claimant shall be notified of the application of the administrative penalty.

(5) The claimant shall be afforded an opportunity to give testimony, either refuting or affirming the allegation of intent to defraud.

(6) The fraud determination shall be based on the facts obtained and shall become final within 15 days after the decision is mailed to the claimant's last known address, unless an appeal is made to the department by filing a notice of appeal at any claims office or at the Central office of the Alabama Department of Industrial Relations.

(8) In the event any claimant is aggrieved by the representative's determination assessing an administrative penalty, or by the severity of the penalty assessed, such claimant shall have the same protest and appeal rights as provided for any other determination involving a denial of benefits.

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Statutory Authority: Code of Ala. 1975, §§25-2-7, 25-2-8, 25-4-111.
History: Effective: 9/30/82 This rule is intended to implement Code of Ala. 1975, §25-4-145.