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**TITLE 646 DEPARTMENT OF WORKFORCE
DEVELOPMENT**

Proposed Rule
LSA Document #05-128

DIGEST

Amends 646 IAC 3-10-9 and 646 IAC 3-10-13 to allow the Department of Workforce Development flexibility in how unemployment benefits are paid to recipients and to allow the Department of Workforce Development to use debit cards, direct deposit, or any means the Department of Workforce Development deems to be in its best interests and in the interests of the recipient to deliver unemployment benefits. Effective 30 days after filing with the secretary of state.

646 IAC 3-10-9
646 IAC 3-10-13

SECTION 1. 646 IAC 3-10-9 IS AMENDED TO READ AS FOLLOWS:

646 IAC 3-10-9 Payment of benefits

Authority: IC 22-4.1-3-3

Affected: IC 22-4-12-1; IC 22-4.1

Sec. 9. Benefits shall be paid by ~~warrant from the central office of~~ **debit card, direct deposit, or other means as the department deems to be in Indianapolis, Indiana: its best interests and in the interests of the eligible individual.** Except as otherwise provided under ~~section 15~~ **section 13** of this rule, ~~warrants~~ **benefits** shall be:

(1) payable to the eligible individual; and ~~shall be mailed~~

(2) ~~delivered~~ **delivered** directly to him or her ~~or delivered as the director department~~ may designate.

(Department of Workforce Development; Reg 812; filed Dec 13, 1945, 10:40 a.m.: Rules and Regs. 1947, p. 928; filed Jul 22, 1953, 11:00 a.m.: Rules and Regs. 1954, p. 46; filed Apr 30, 1992, 5:00 p.m.: 15 IR 1931; filed Aug 1, 1994, 5:00 p.m.: 17 IR 2857; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203) NOTE: Transferred from the Indiana Unemployment Insurance Board (640 IAC 1-9-11) to the Department of Workforce Development (646 IAC 3-10-9) by P.L.105-1994, SECTION 5, effective July 1, 1994.

SECTION 2. 646 IAC 3-10-13 IS AMENDED TO READ AS FOLLOWS:

646 IAC 3-10-13 Benefits due deceased claimants; payment to estate or heirs

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 13. (a) Benefits due and payable to a deceased applicant shall be paid to the executor, administrator, or next-of-kin of the deceased if, ~~prior to before~~ **before** his or her death, the decedent had executed a voucher for the benefits claimed. If there is an executor or administrator, payments must be made to the executor or administrator. If it is shown to the satisfaction of the director that there is no executor, ~~and~~ no administrator has been appointed, and in all probability no administrator will be appointed, payment may be made to the next-of-kin, due regard being given to the following order of preference:

- (1) The surviving spouse.
- (2) Children.
- (3) Parents.
- (4) Brothers and sisters.
- (5) Other relatives.

(b) The ~~director,~~ **commissioner,** however, is not bound to follow ~~this the~~ **the** order of preference **listed in subsection (a).**

(c) Whenever there is more than one (1) legal heir in any of the classes established in subsection (a), payment may be made to any one (1) of that group as agent for the others upon submission of proper evidence of authority and identification.

(d) Application for payment of such benefits must be:

(1) made in writing; and

(2) on the prescribed form;

within six (6) months after the death of the decedent; provided, that the department, upon good cause shown, may extend the time for filing. ~~The warrant or warrants representing benefits claimed must accompany the application for payment.~~ Upon approval of the application, ~~the warrant or warrants payments shall be cross-endorsed~~ **made under section 9 of this rule** to the order of the person entitled to receive the payment. (*Department of Workforce Development; Reg 816; filed Dec 13, 1945, 10:40 a.m.: Rules and Regs. 1947, p. 930; filed Apr 30, 1992, 5:00 p.m.: 15 IR 1933; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203*) *NOTE: Transferred from the Indiana Unemployment Insurance Board (640 IAC 1-9-15) to the Department of Workforce Development (646 IAC 3-10-13) by P.L.105-1994, SECTION 5, effective July 1, 1994.*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on August 22, 2005 at 8:00 a.m., at the Department of Workforce Development, 10 North Senate Avenue, Room 301A, Indianapolis, Indiana the Department of Workforce Development will hold a public hearing on proposed amendments to 646 IAC 3-10-9 and 646 IAC 3-10-13 to broaden the means by which unemployment benefits may be paid out to eligible claimants.

These changes will not add any additional costs to small businesses.

Copies of these rules are now on file at 10 North Senate Avenue, Room SE202 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Ron Stiver
Commissioner
Department of Workforce Development