

UID-M 16-08

2015 Wis. Act 334 Changes to the Definition of Concealment

UID# 16-08
Date 04/06/16
Manual Disputed Claims

1. **Purpose:** To notify staff of changes to the statutory definition of concealment.
2. **Background:** Previously, the definition of "conceal" was defined under Wis. Stat. s. 108.04(11)(g) as intentionally misleading or defrauding the department by withholding or hiding information or making a false statement or representation.

Effective 04/03/16, s. 108.04(11)(g) is amended under s. 108.04(11)(g)1. provides the definition of "conceal" as intentionally misleading the department by withholding or hiding information or making a false statement or misrepresentation.

Additionally, s. 108.04(11)(g)2 provides that a claimant has a duty of care to provide an accurate and complete response to each inquiry made by the department in connection with his or her receipt of benefits. This section outlines specific factors that the department shall consider in determining whether a claimant intended to mislead the department. The factors include: whether the claimant failed to read or follow instructions or other communications of the department related to a claim for benefits; whether the claimant relied on the statements or representations of persons other than an employee of the department who is authorized to provide advice regarding the claimant's claim for benefits; whether the claimant has a limitation or disability and, if so, whether the claimant provided evidence to the department of that limitation or disability; the claimant's unemployment insurance claims filing experience; any instructions or previous determinations of concealment issued or provided to the claimant; and any other factor that may provide evidence of the claimant's intent.

Section 108.04(11)(g)3 provides that nothing in the subsection requires the department, when making a finding of concealment, to determine or prove that a claimant had an intent or design to receive benefits to which the claimant knows he or she was not entitled. The department must find that the claimant intended to deceive the department, but the department need not determine whether the claimant knew that the claimant would in fact receive a greater amount of unemployment benefits as a result of the deception.

The department has historically used the factors included in the definition of "conceal" outlined in s. 108.04(11)(g)1-3. (referenced above) when determining if a claimant concealed information, the law change will ensure that the definition of concealment is applied uniformly across the different levels of the eligibility decision process.

3. **Action Required:** None. UI Staff currently use this definition of concealment to make eligibility decisions. Staff should continue to consider all relevant factors when determining if an individual has concealed information.
4. **Inquiries:** Benefit Center staff should address all inquiries to their lead worker or supervisor. Inquiries from other areas should be directed to Disputed Claims.
5. **Attachments:** None. Refer to the online [Disputed Claims Manual](#) for updated manual pages.
6. **Reference:** 2015 Wis. Act 334

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