

Considerations in Providing Individual Notifications under CARES Act UC Programs with Possible Applicability to the Regular UC Program

As described in Section 4.b.iii.C. of this Unemployment Insurance Program Letter (UIPL), while conducting overpayment recovery activities, states are encouraged to consider the contents of this attachment when providing individual waiver notifications and processing refunds under the Coronavirus Aid, Relief, and Economic Security (CARES) Act unemployment compensation (UC) programs as well as for the regular Unemployment Insurance (UI) program.

Notification for individuals with non-fault overpayments when the state allows for individual waiver requests. Within the context of CARES Act UC programs, when states require individuals to submit a request for waiver consideration, as described in Option #2 under Section 4.c.iii.A. of UIPL No. 20-21, Change 1, the state must notify all individuals with a non-fault overpayment of their ability to request a waiver.

In addition to the requirement for individual notices and given the time lapse that can occur between the payment of benefits and the resolution of overpayment cases that continues today, the Department recommends that states also post notice of the availability of waiver requests on the state's UI website and within the claimant portal, including links to instructions on how to request a waiver. Attachment IV to UIPL No. 20-21, Change 1, provides sample language that states may consider for their UI websites.

Notification for individuals when an overpayment is approved for waiver of recovery. Within the context of the CARES Act UC programs, when the state determines, through the blanket waiver process, that an overpayment is eligible for a waiver of recovery, as described in Option #1 under Section 4.c.iii.A. of UIPL No. 20-21, Change 1, the state must also notify each individual in writing that a waiver of recovery has been granted. When the state determines, on an individual-case-by-case basis, that an overpayment to an individual is eligible for waiver of recovery, as described in Option #2 under Section 4.c.iii.A. of UIPL No. 20-21, Change 1, the state must also notify that individual of the outcome in writing. The required contents of this notification are described on page 17 of that UIPL.

Where applicable, the Department encourages states to use the sample language provided in Attachment III to UIPL No. 20-21, Change 1, for these individual notifications. It is written with the assumption that a state has previously sent a determination establishing the overpayment. Specifically, when the state identifies an overpayment that is eligible for waiver of recovery at the same time the overpayment is established, sample language is provided on page 15 of that UIPL.

Processing Refunds for Collections Occurring Prior to Waiver of Recovery Being Approved. As described in Section 4.d.iv.B. of UIPL No. 20-21 and reiterated in UIPL No. 20-21, Change 1, if recovery of an overpayment under the CARES Act UC programs is waived, the state must refund any amounts that were collected prior to the determination of the waiver for the applicable overpayment. Individuals may be wary of depositing refund checks, so it is especially important

that these notifications include an explanation. When at all possible, the Department encourages states to process refunds through the same method used to originally pay the individual (*e.g.*, direct deposit, debit card, mailed check).