

# Federal Overpayment Waiver Request



**OVERVIEW:** The CARES Act and the Continued Assistance Act authorized and provided states the option to waive federal overpayments issued to claimants under the federal pandemic programs. In recognition of the hardships many claimants faced throughout the COVID-19 pandemic, DEO opted to provide federal overpayment waivers for eligible claimants who meet specific criteria outlined in federal law and guidance.

**ELIGIBLE FEDERAL PROGRAMS:** The following federal programs are eligible for an overpayment waiver:

- Pandemic Unemployment Assistance (PUA)
- Pandemic Emergency Unemployment Compensation (PEUC)
- Federal Pandemic Unemployment Compensation (FPUC)
- Mixed Earner Unemployment Compensation (MEUC)
- Lost Wages Assistance (LWA)
- First week of state Reemployment Assistance that is reimbursed in accordance with Section 2105 of the CARES Act (Waiting Week)

**ELIGIBILITY CRITERIA:** According to federal guidance, to qualify for a federal overpayment waiver, eligible claimants must meet the following criteria:

- The claimant must not be at fault for the creation of the overpayment, meaning they did not cause or contribute to the reason for the overpayment; and
- Recovery of the overpayment would be contrary to "equity and good conscience."

To meet the first eligibility criteria for an overpayment waiver, the claimant must have received the overpayment to no fault of their own. This means that if a claimant knowingly provided false information or failed to provide information in order to receive benefit payments, they are not eligible for an overpayment waiver. Other considerations for finding fault may include, but are not limited to:

- Whether the payment resulted from the claimant's incorrect, but not necessarily fraudulent, statement which he or she should have known to be incorrect;
- Whether payment resulted from the claimant's failure to disclose essential facts in his or her possession, which he or she should have known to be material; or
- Whether the claimant accepted a payment that he or she knew or should have known to be made in error.

Requiring repayment of an overpayment will be considered "contrary to equity and good conscience" if:

- It would cause financial hardship to the claimant; or
- Regardless of the claimant's financial circumstances, the claimant can show that, based on the overpayment or notice that a benefit payment would be made, the claimant has:

- Relinquished a valuable right, or
  - Changed positions for the worse; or
- Recovery could be considered unconscionable under the circumstances.

**NOTE:** Overpayments for state Reemployment Assistance benefits or Extended Benefits are not eligible for the federal overpayment waiver. Overpayments that have been classified as fraudulent are also not eligible for the waiver. If a claimant has received an overpayment for state Reemployment Assistance benefits, they have the right to appeal the Notice of Disqualification.

**HOW TO SUBMIT A FEDERAL OVERPAYMENT WAIVER REQUEST:** Claimants who are eligible to submit a federal overpayment waiver request form will receive a notice, by their preferred method of communication, that the federal overpayment waiver request form is available in their Reemployment Assistance account inbox and/or through U.S. mail.

There are multiple ways to access and complete the Overpayment Waiver Request Form. These ways include:

- Accessing the form through the claimant homepage;
- Accessing the form through the claimant inbox; or
- Through U.S. mail (if the claimant's correspondence preference is U.S. Mail).

Claimants must complete an overpayment waiver request form for each Notice of Disqualification with an overpayment attached. Claimants will receive a Notice of Disqualification with an overpayment for the supplemental benefits which include, LWA, FPUC, and MEUC for the same weeks in which they received state Reemployment Assistance, Extended Benefits, PUA, PEUC, Disaster Unemployment Assistance, Short Time Compensation, or Trade Readjustment Allowance.

**NOTE:** Claimants who are eligible to apply for a federal overpayment waiver must submit a waiver request form for each federal overpayment received. For example, if a claimant receives a Notice of Disqualification with an overpayment for weeks of unemployment where the claimant received PUA benefits, the claimant will receive an additional notice for the same weeks of unemployment, but the additional notice will only show overpayments for FPUC and/or LWA, as applicable.

**ADDITIONAL INFORMATION:** Once the completed form(s) has been reviewed by DEO staff and the claimant's eligibility is determined, a notice will be distributed either approving or denying the overpayment waiver request. Please allow DEO sufficient time for processing your completed waiver and issuing a notice of approval or denial based on the answers provided. If there are any additional questions about completing a federal overpayment waiver request, please visit the Reemployment Assistance Help Center at [FloridaJobs.org/RAHelpCenter](https://FloridaJobs.org/RAHelpCenter).

Claimant First and Last Name : ,

Mail Date of Fact-Finding Form :

Claimant ID :

Claim ID :

Issue ID associated with the Determination that lists the overpayment for which the waiver is requested:

Mail or distribution date on the Determination that lists the overpayment for which you are requesting a waiver:

The following information is needed to determine your eligibility to potentially waive the overpayment on your claim referenced above. To request to waive the overpayment, you must complete the following questions and submit your responses by . To be considered for the overpayment waiver, you must respond by the deadline provided above. Once responses are submitted, your application will be processed, and you will receive a determination about your eligibility for waiver of the overpayment. Please allow time for the Department to process your request.

1. What is the date you first became aware of this overpayment? \_\_\_\_\_
2. Did you file an appeal with the Department to challenge the overpayment?  Yes  No
3. (if yes to question 2) If you filed an appeal to the determination establishing the overpayment, have you received a decision from an Appeals Referee?  Yes  No  Not applicable because I didn't file an appeal
4. Has your appeal deadline passed for the determination establishing the overpayment?  Yes  No
5. Have you made any payments toward the overpayment?  Yes  No
6. If yes, how much has been paid and on what dates? \_\_\_\_\_

#### WAIVER QUESTIONS

1. Did you knowingly provide false information or fail to provide information in order to receive benefit payments?  Yes  No
2. Did you fail to respond to requests for information or fact-finding to the Department?  Yes  No
3. Did you respond to all fact-finding requests or other requests for information as requested by the Department?  Yes  No
4. Did you leave out any information when completing your responses to the Department?  Yes  No
5. When you received the benefit payments, did you know they were issued in error?  Yes  No
6. Did you know that you should not have received those benefits?  Yes  No
7. A. Would having to repay this overpayment cause a significant financial hardship for you?  Yes  No  
B. Do you need all of your current income to meet your current ordinary and necessary living expenses? (i.e., rent/mortgage, food, insurance, and utilities)  Yes  No
8. A. I was provided a Notice of Eligibility or Notice of Approval from the Department for the benefits I was paid, and I reasonably believed I was eligible to receive the payments provided. I did not take action to repay the benefits because of the Notice of Eligibility or Approval.  Yes  No  
B. If you relied on the information in the Notice of Eligibility or Notice of Approval, would repaying these benefits significantly change your economic position?  Yes  No  
C. Even though you relied on the information in the Notice of Eligibility or Notice of Approval, did you suspect the payments were made in error?  Yes  No
9. Did you receive the Department's correspondence notifying you of the overpayment associated with your claim several weeks after you received your benefit payment?  Yes  No

If your request for an overpayment waiver is denied you may still request an adjustment to the repayment schedule if it would cause you a financial hardship.