



6/5/2024

Overpayment Waiver Information and Frequently Asked Questions

Federal guidance provided updated instructions for circumstances for **which a state may waive recovery of overpayments** under the CARES Act Unemployment Compensation (UC) programs. These programs include:

- Federal Pandemic Unemployment Compensation (FPUC)
- Pandemic Emergency Unemployment Compensation (PEUC)
- Pandemic Unemployment Assistance (PUA)
- Lost Wages Assistance (LWA),
- Mixed Earners Unemployment Compensation (MEUC)

The federal guidance elaborated on the criteria for waiving recovery of overpayments at no fault of the claimant on a case-by-case basis. The federal guidance also expanded the scenarios for permissible use of “blanket waivers,” although recovery activities for fraudulent overpayments may not be waived. This guidance is derived from Unemployment Insurance Program Letter (UIPL) No. 20-21, Change 1.

Frequently Asked Questions

- **Question:** Who is eligible for the overpayment waiver?
 - **Answer:** You are eligible for a waiver if you had an overpayment which: (a) was made through no fault of your own; (b) would be contrary to equity and good conscience; (c) occurred in a claim filed between January 27, 2020, and September 6, 2021; **and** (d) the overpayment was established on a CARES Act program. (Listed above)
- **Question:** What do I need to do to be considered for a waiver?
 - **Answer:** The Office of Unemployment Insurance will notify you in writing to your address of record on file or via email (if that was your selected preference for correspondence) that a waiver has been granted if you meet all waiver requirements. The Office of Unemployment Insurance automatically reviews claims for waiver eligibility filed within the January 27, 2020 to September 6, 2021 timeframe. A claimant will know if they are eligible for a waiver once they receive a written notice from the Office of Unemployment Insurance.

- **Question:** When will I be notified if I meet the waiver requirements?
 - **Answer:** The Office of Unemployment Insurance will notify all claimants who are eligible for a waiver. The goal is to have all claims reviewed for the waiver consideration by September 2024.

- **Question:** If I filed a claim **before** September 6, 2021, and received notification of the overpayment after September 6, 2021, am I eligible?
 - **Answer:** You **MAY** be eligible if you meet the waiver requirements **AND** the week(s) paid occurred between January 27, 2020, and September 6, 2021.

- **Question:** If I filed a claim **after** September 6, 2021, and received notification of the overpayment after September 6, 2021, am I eligible?
 - **Answer:** No, you are only eligible if you meet the waiver requirements **AND** the week(s) paid occurred between January 27, 2020, and September 6, 2021.

- **Question:** Do I have to meet all waiver requirements to be eligible?
 - **Answer:** Yes, you must meet all requirements within the CARES Act Programs (FPUC, PEUC, PUA, LWA MEUC) listed above to be eligible for an overpayment waiver.
 - **In order to meet the requirements, you must meet all of the following conditions:**
 - (a) The overpayment must have been made through no fault of your own;
 - (b) The collection of the overpayment would be contrary to equity and good conscience;
 - (c) The claim must have been filed between January 27, 2020, and September 6, 2021; **and**
 - (d) The overpayment was established on a CARES Act program.

- **Question:** Will I get a refund if I previously made payments on, or paid off my overpayment balance that is now eligible for a waiver?
 - **Answer:** Yes, the Office of Unemployment Insurance will review prior payments made on an overpayment established on CARES Act Programs (FPUC, PEUC, PUA, LWA MEUC) that could potentially be refunded. All eligible claimants will be issued a special voucher check payment (to the last known address of record on file) once we process your waiver. You do not need to request this refund.

- **Question:** What if the address of record on my claim is not correct?
 - **Answer:** You may change your address by logging into your Unemployment Insurance Claims Portal at <https://kcc.ky.gov>. For further assistance with logging in, please refer to the [Rights & Responsibilities Pamphlet](#).

- **Question:** What if I'm approved for a waiver but I want to repay the overpayment balance back?

- **Answer:** All eligible claimants who qualify for a waiver but do not want to have their overpayment waived **may request a reconsideration**. A request for reconsideration must be submitted in writing. The letter should include the name on the claim, mailing address, phone number, email address and the reason you are requesting the reconsideration. Mail the letter to:

Office of Unemployment Insurance
Attn: Overpayment Waiver Reconsideration
500 Mero St, 4SC
Frankfort, KY 40601