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Waivers to be available for N.M. claimants who received overpayments through no fault of their own

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Contact: Stacy Johnston
Acting Public Information Officer
505.250.3926

Waivers to be available for N.M. claimants
who received overpayments through no fault of their own

(Albuquerque, NM) – Starting the week of March 22, 2021, the New Mexico Department of Workforce Solutions (NMDWS) will send out important information on how to request a waiver for claimants who received an overpayment through no fault of their own as part of the Pandemic Unemployment Assistance (PUA) program.

The U.S. Department of Labor has given states the authority to waive PUA overpayments when the individual is not at fault for the payment and repayment would be a financial hardship.

The notice and a PUA Overpayment Questionnaire for Waiver Consideration form will be sent by the claimants' preferred correspondence method. Claimants are encouraged

to read the notice carefully.

Claimants must respond with the waiver request to be eligible for a waiver. If a request is not received by the department, the agency cannot waive the overpayment.

Overpayments occur if a claimant is paid more Unemployment Insurance benefits than they are eligible to receive. The CARES Act ended on December 26, 2020; for a continuation of benefits, claimants may have been placed temporarily on Federal-State Extended Benefits (FDEB1) or Pandemic Unemployment Assistance (PUA). Under the Continued Assistance Act, NMDWS is required to place claimants back on the correct benefit payment program. In most cases this means moving to Pandemic Emergency Unemployment Compensation (PEUC or PEUC-A).

The state is required under federal guidelines to send out an overpayment notice correspondence whenever an overpayment occurs.

Claimants are encouraged to view their collectable balance by logging in to their claimant account and selecting “Manage Debt” in their menu bar and then “View Overpayment History.”

If and when overpayments occur due to fraud, the balance must be repaid in full and cannot be offset by future benefits.

To avoid overpayments, the department encourages claimants to read through all correspondence, respond back to the department with requested documents in a timely manner, and accurately report earnings as they are earned.

If an overpayment occurs, NMDWS sends out an initial notice and determination, along with information on appeal rights. Each month, correspondence is sent to the claimant that shows balance due, payments made, and any updated criteria until the balance has been paid in full.

The following are some of the most frequent causes of overpayment:

- Failing to report gross earnings or other deductible income correctly. Claimants must report their earnings before deductions;
- Continuing to receive Unemployment Insurance benefits after returning to work. Earnings must be reported in the week they are earned, NOT when they are received;
- Failing to report all earnings from work while claiming benefits or failing to provide any other information that could affect the claim;
- Being reinstated in a job with retroactive pay or back pay award after a grievance hearing;
- Being paid Unemployment Insurance benefits and later being disqualified because the claimant was deemed not eligible.

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