

CARES Act Overpayments and Waivers

Vermont's Unemployment Insurance Division is required to identify and recover CARES Act benefits that were overpaid to claimants. This page has information about what to do if you are or have been notified that you were overpaid CARES Act benefits such as Pandemic Unemployment Assistance (PUA), Pandemic Emergency Unemployment Compensation (PEUC), or Federal Pandemic Unemployment Compensation (FPUC), or if you are eligible to request a waiver of these overpaid benefits.

If you were overpaid benefits, you can:

- Make arrangements to repay the overpayment, or
- Request a waiver of the overpaid benefits, or
- Appeal the decision that created the overpayment within thirty (30) days of the mail date listed on the overpayment determination; or
- Appeal and submit a request for a waiver of overpaid benefits at the same time.

What happens if you receive an overpayment of CARES Act benefits?

An overpayment, or improper payment occurs if you are paid benefit payments and it is later determined that you were not eligible to receive them. Even if the overpayment is not your fault, you will be required to repay the amount of benefits that you received unless you apply for and are approved for a waiver.

Notice of overpayment

If you are overpaid benefits, you will receive a "Determination". The notice will explain the following:

- Reasoning and findings for the overpayment
- Number of weeks you were overpaid
- Amount of the overpayment
- Any possible penalties
- Appeal rights associated with the determination

What can cause an overpayment of CARES Act benefits?

An overpayment can be caused by many things:

- We were unable to verify you were attached to the labor force prior to applying for PUA benefits
- You received benefits from regular unemployment at the same time you received PUA benefits
- You received benefits during period you worked and failed to report your earnings

- You received benefits during a period of time in which you should have been filing in another state or another program
- You reported gross wages on your PUA application as a self-employed individual instead of reporting net wages
- We were unable to verify your identity
- You didn't understand the program eligibility requirements

You failed to meet the program eligibility requirement

Filing an appeal

If you disagree with the determination that you are ineligible for some or all of the benefits you received and were overpaid as a result of the ineligible determination, or that the amount of the overpayment is incorrect, you can file an appeal within 30 days of the *Notice of Determination* being issued. To file an appeal, you must follow the instructions included with the determination notice. If you file an appeal, no collection actions will be taken until after the appeal has been decided.

Options to repay an overpayment

You can pay your overpayment by sending a check by mail to:

Vermont Department of Labor

PO Box 1502

Brattleboro, VT 05302-1502

Right to request an overpayment waiver

If you have an overpayment of CARES Act benefits, you may complete a Request for a Waiver of Overpayment application ([add hyper link](#)) asking VDOL to forgive the overpayment amount. If a waiver is granted, you will not have to repay the benefits you received.

VDOL has authority to waive an overpayment if the overpayment was not your fault and such repayment would be contrary to equity and good conscience.

If the overpayment was not your fault and any of the following apply, you may be eligible for a waiver.

- Your income is below 185% of the federal poverty level
- You used the money for things that were not ordinary expenses, like paying off a debt; **or**
- You gave up other money (such as welfare payments) because you got unemployment benefits; **or**
- You receive certain income-eligible benefits such as SNAP, TANF, LIHEAP, Medicare, SSI, or SSDI.

What happens if I am determined eligible for a waiver of overpaid CARES Act benefits?

If it is determined that you are eligible for a waiver, you will be sent a written notice called a determination. Additionally, any money that was previously collected on a CARES Act overpayment later determined to be eligible for a waiver of recovery, will be refunded to you.

I received a determination denying my request for a waiver. What are my options?

If you received a determination denying your request for a waiver and wish to appeal that decision, follow the appeals instructions listed on the bottom of the determination. If you do not file an appeal, we encourage you to contact us to discuss what payment arrangements are available to you. To make payment arrangements, or for more information on our collections process, please call the Program Integrity Unit at 802-828-4333, Monday through Friday, from 7:45 a.m. to 4:30 p.m.