Advocating for Workers in UI Overpayment Proceedings

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Workshop: Forging a Fair and Balanced State Response to UI Overpayments

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Non-Fraud Overpayments

- Confusion related to reporting wages from part-time or temp work
- Confusion related to work search/availability requirements
- Reversals of benefit awards on appeal
- Late employer/third-party appeals
- Miscalculation/adjustments to benefit amount due to severance, pension, back pay award
Strategy: Challenge fraud determinations, require agencies to prove intent

- Severe consequences if honest mistake is mischaracterized as fraud: administrative and criminal penalties, more aggressive recoupment, no waiver

Strategy: Seek waivers, hold agency accountable for failure to discharge its duties

- Errors, miscalculations

- Agency staff failure to follow up when claimant discloses existence of severance, pension, back pay

- Delay in decision reversing on appeal caused overpayment to grow
Strategy: Seek waivers, hold agency accountable for failure to discharge its duties

Overpayment due to agency failure to clearly communicate requirements

- Did agency staff properly/adequately respond to claimant questions?

- Did the agency’s staff communications / agency publications comply with ADA, Title VII LEP obligations?

- Are the agency’s claim questions and public information causing confusion?
Strategy: Hold employers/third-party agents accountable when they fail to provide timely, complete and accurate information

- Shift cost of erroneously paid benefits to non-participating employers

- Employers/third party agents should not get credit for incomplete, incorrect or boilerplate submissions
Strategy: Hold employers/third-party agents accountable when they fail to provide timely, complete and accurate information

- Whenever the employer... fails to appear at the hearing or fails to timely submit a written response in a manner prescribed by the administrator, such employer’s proportionate share of benefits paid the claimant prior to the issuance of a decision by a referee... shall be charged against such employer’s account and the claimant shall not be charged with an overpayment. C.G.S. 31-241(a)