

Overpayments

The establishment and collection of overpayments is part of the Division of Employment Security's (DES') efforts to prevent fraud and waste in an employer-funded (as is the case with Regular unemployment) or a federally funded unemployment program, as well as to ensure that benefits are available to those who are eligible for them.

An overpayment occurs when a person is paid unemployment insurance benefits they are not entitled to receive, even if an honest mistake occurred that was not their fault. The establishment of an overpayment happens after a person begins receiving benefits if new or additional information is received that changes the initial determination of benefits.

Individuals are notified of the overpayment as soon as possible after it is determined. The notice lists the reason for the overpayment, the section of law that covers the overpayment, and the weeks overpaid. The notice also includes instructions for filing an appeal if the individual believes that the overpayment decision is incorrect.

You Can Avoid Overpayments by:

- Providing complete and accurate information to the DES when you file your claim and weekly requests for payment.
- Actively looking for work.
- Accurately reporting that you have worked during the week.
- Reporting all wages earned for each week you request payment.
- Reporting wages when they are earned, even if you have not yet been paid.
- Reporting gross wages (amount earned before taxes and other deductions).
- Reporting training, vacation, holiday, or WARN pay.
- Reporting the correct last employer.
- Ensuring accuracy when self-certifying information.
- Accurately reporting your availability and ability to work.
- Responding to DES correspondence to ensure the accuracy of new hire information.

Non-fraud vs. Fraud Overpayments

Some overpayments are the results of honest mistakes by the individual or the agency.

Overpayments are categorized as fraud and non-fraud.

A non-fraud overpayment occurs if an individual receives benefits they were not eligible to receive, but the DES finds that the individual is not at fault or did not intentionally give false information or withhold information to receive benefits.

Examples of these types of overpayments include:

- When a determination of benefits is reversed on appeal.
- When more information is received after an initial determination of benefits that changes a person's eligibility. For instance, if there is a correction to a person's work history or wages after the initial application.
- Agency error

A fraud overpayment occurs when an individual makes a false statement, gives incorrect information, or withholds information to receive benefits. Examples include:

- When a person returns to work or continues to work while collecting unemployment benefits and does not report their work and earnings.
- Imposter claims resulting from identity theft.

Repaying an Overpayment

By law, overpayments must be repaid to the DES. Repayment may be made by credit card, debit card, ACH debit, check, or money order. To avoid collections, the individual must repay the overpayment balance in full or, may enter into a payment plan agreement with the DES by contacting the Benefit Payment Control Unit at 573-751-4058, option 1.

If you do not voluntarily repay an amount that you were overpaid through no fault of your own, then the DES may recover the amount owed by recouping any UI benefits you may become eligible for in the future until the overpayment has been completely repaid.

If you do not voluntarily repay an amount overpaid to you because of your intentional nondisclosure or misrepresentation of material facts, the DES may establish judicial liens on your property, garnish your wages, and intercept your federal and state income tax returns and lottery winnings. If you deliberately misrepresent facts to claim UI benefits, this is considered fraud, and you may also face canceled benefits, fines, or prison.